



Policy Name:	Bullying Prevention Policy	Policy Number:	ELO-042
Date Approved:	21 st February, 2018	Approved By:	Management Committee
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1. Aim

Early Links is committed to providing a fair, harmonious and safe work environment free from discrimination and bullying (including sexual harassment). Discrimination and bullying (including sexual harassment) will not be tolerated in any form.

The purpose of this document is to outline Early Link’s attitude towards keeping our work environment safe and harmonious and outline approaches that Early Links will take in the cases of discrimination, bullying and sexual harassment.

The supporting systems and procedures will ensure that there are some guidelines and consistency around how we implement this policy.

2. Scope

This policy applies to all workers at Early Links, including employees, contractors/ subcontractors and their employees, labour hire employees engaged to work in the organisation, outworkers, apprentices, trainees, students on work experience and volunteers.

3. Policy

3.1 Key Principles

- Everyone has a right to be treated with respect
- Everyone has a right to “due process” i.e. the person against whom an allegation of bullying is made has the right to know what is alleged against them, the right to put their case in reply, the right for any decision to be made by an impartial decision maker, and the right to an appeal against a decision.
- Complaints will be treated in confidence and where confidentiality cannot be guaranteed this will be clearly indicated.
- All incidences of bullying will be dealt with promptly, thoroughly, fairly and confidentially
- Early Links has a duty under Work Health and Safety Legislation to provide a safe work place. Any incidences of workplace bullying that are reported must be investigated in order to comply with this duty of care. Early Links accepts and acts on its duty of care

- Making false or malicious complaints of bullying will also be regarded as serious misconduct, which if proven, may result in disciplinary action being taken.
- The Early Links Grievance process is designed to remove the risks of bullying behaviour at work by implementing a planned and systematic approach to the management of this workplace hazard. If workers are aware of workplace bullying, or feel that they are a victim of it, Early Links provides a number of options to deal with the issue.

3.2 Discrimination

It is unlawful to discriminate against a person in the workplace. Discrimination is disadvantaging someone in the workplace because of their race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political option, national extraction or social origin.

Discrimination can apply to all aspects of the employment relationship including recruitment or promotion, the provision of services to the families who access Early Links, or the promotion or advertising of services to the public.

3.3 Bullying

Bullying is a form of discrimination. Bullying occurs when a person or group of people **repeatedly** behaves unreasonably towards a worker or group of workers at work that also creates a **risk to their health and safety**.

Bullying behaviour may involve any of the following types of behaviour:

- Aggressive or intimidating conduct
- Belittling or humiliating comments
- Spreading malicious rumours
- Teasing, practical jokes or 'initiation ceremonies'
- Exclusion from work-related events
- Unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- Displaying offensive material
- Pressure to behave in an inappropriate manner

Bullying (intentional or unintentional) can occur face-to-face, over the phone, via social media, email, or instant messaging, or by using a mobile phone. Bullying can involve different forms of unreasonable behaviour, which can be obvious (direct) or subtle (indirect).

Some examples of **direct** bullying behaviour include:

- Use of abusive, insulting or offensive language
- Feedback or criticism that is delivered with yelling or screaming
- Inappropriate comments about a person's appearance, lifestyle, or their family

- Regularly making someone the brunt of pranks or practical jokes
- Interfering with a person's personal property or work equipment

Some examples of **indirect** bullying behaviour include:

- Deliberately and unreasonably overloading a person with work or not providing enough work (compared to another staff member in a comparable role)
- Deliberately setting timelines that are difficult to achieve or constantly changing deadlines
- Deliberately withholding information that is vital for effective work performance
- Deliberately denying access to information, consultation or resources
- Deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers, or
- Unfair treatment in relation to accessing workplace entitlements such as leave or training

It is important to note that legitimate comment on performance or work-related behaviour is **not** considered bullying. Managers and workers are therefore encouraged to provide transparent feedback in a constructive and respectful way that is sensitive to the needs and feelings of the other person. Examples of reasonable management include:

- Performance management processes
- Disciplinary action for misconduct
- Information about unsatisfactory work performance or inappropriate work behaviour
- Directing a worker to perform duties in keeping with their job
- Maintaining reasonable workplace goals and standards
- Implementing organisational change or restructuring
- Decisions based on reasonable grounds in relation to promotion, training opportunity, transfers, benefits or higher duties.

3.4 **Victimisation**

Workers who make a complaint of discrimination, bullying or harassment (including sexual harassment) will not suffer any victimisation from Early Links for making such a complaint. This also applies to workers who agree to be a witness in a complaint, or workers who may have had a complaint made against them. Any reports of individuals being victimised will be treated as a breach of this policy and the Code of Conduct.

3.5 **Sexual Harassment**

Sexual harassment is any unwelcome sexual attention. Sexual harassment is determined from the point of view of the person feeling harassed. It is how the behaviour is received, not how it is intended.

Sexual harassment behaviours include:

- Unwelcoming touching, physical familiarity or intimacy
- Sex-based insults, teasing or name calling
- Sexually suggestive jokes, comments or innuendos

- The display or distribution of sexual pictures, objects, emails, text messages or literature
- Intrusive questions about a person's sexuality or private life
- Sexual propositions or continued requests for dates when they are unwanted

Sexual harassment is behaviour not based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

3.6 Employee Support

Early Links will support any worker who wishes to raise a grievance in relation to a situation where they feel they are being bullied or harassed. The best way to resolve a bullying claim is in the workplace. The Early Links Grievance policy and related procedures will be followed to ensure this process is handled in a respectful, timely and fair manner.

Early intervention is important in resolving workplace issues in the first instance. Workers can gain support from their direct supervisor, Service Coordinator and/or Service Manager as soon as they identify they may be the subject of bullying.

Appropriate disciplinary action will be taken against a person who is found to have breached this policy. These measures will depend on the nature and circumstance of each breach and could include:

- A verbal or written apology
- One or more parties agreeing to participate in counselling or training
- A verbal or written warning
- Transfer, demotion or dismissal of the person engaging in the bullying behaviour

Early Links encourages workers to take proactive steps to stay well during a bullying complaint process. A bullying claim can affect people in a number of different ways. It is important to seek assistance when feeling anxious or depressed. Workers are able to access support through the Employee Assistance Program (please refer to the Employee Assistance Program Policy). Other options for support include a staff member's GP or Lifeline (**13 11 14**).

3.7 External Support

3.7.1 Fair Work Commission

Under the Fair Work Amendment Act 2013, a worker who reasonably believes they are being bullied may apply to the Fair Work Commission for an order to be put in place to stop the bullying – especially if the worker feels the Early Links grievance procedure has not resolved their bullying complaint. To be able to apply to the Commission, the worker must be:

- A current worker at the workplace
- Working in a workplace that is a constitutional corporation
- Experiencing **repeated** bullying at work

The Fair Work Commission then has the responsibility to act on the request and either make an order for the bullying to stop or other recommendations.

Information about applying to the Commission can be found at:

<https://www.fwc.gov.au/resolving-issues-disputes-and-dismissals/workplace-issues-disputes/anti-bullying>

3.7.2 Work Cover NSW

Workplace bullying is a psychological hazard and the risks need to be managed like any other hazard at the workplace. Staff can make a complaint to WorkCover about workplace bullying if the behaviour they have experienced meets the definition of bullying and the issue cannot be resolved at their workplace, for example the staff member:

- Has reported it to their workplace and there has been no action
- Has reported it to their workplace and the response was inadequate
- Is unable to report it in their workplace because there is no procedure or they are concerned for their health and safety.

For information on how and when to contact WorkCover, please call 13 10 50 or visit <http://www.workcover.nsw.gov.au/newlegislation2012/health-and-safety-topics/human-behaviour/Pages/bullying.aspx>

4. References

Fair Work Act 2009 (Fair Work Amendment Act 2013)

Privacy Act 1988

Australian Privacy Principles - Privacy Amendment (Enhancing Privacy Protection) Act 2012

Work Health and Safety Act 2011 (NSW)

Sex Discrimination Act 1984

Anti-Discrimination Act 1977

5. Persons Responsible

All workers are responsible for:

- Complying with this policy
- Promptly identifying and acting on concerns
- Respectfully letting others know if you perceive their behaviour to be offensive, and asking them to stop
- Apologising immediately to another worker if you do or say something (albeit unintentionally) that offends someone
- Recognising and respecting the boundaries set by others
- Being familiar with all aspects of this policy in order to prevent the occurrence of harassment, bullying or discrimination in the workplace
- Taking action if you experience harassment, bullying or discrimination in the workplace, or if you witness this happening to another worker

Supervisors and Managers are responsible for:

- Ensuring, actively facilitating and maintaining an environment where workers respect each other and communicate openly
- Monitoring the workplace to ensure that acceptable standards of behaviour are maintained in line with this policy

- Treating all grievances seriously and attending to them promptly
- Advocating the grievance process and supporting workers
- Referring a grievance to a different manager or the Management Committee if you identify a conflict of interest or do not feel that you are the best person to deal with the complaint or if the complaint is of a serious nature
- Acting as a role model and advocate for this policy within Early Links and modelling appropriate behaviour at all times
- Maintaining objectivity and observe principles of natural justice

Committee of Management are responsible for:

- Approval of this policy
- Dealing with any grievances about discrimination, bullying and harassment (including sexual harassment) at Committee meetings and agreeing on appropriate outcomes
- Implementation of this policy

6. Definitions

Committee of Management – the governing body of Early Links, comprised of elected or appointed members who jointly oversee the activities and legal responsibilities of the organisation

Bullying - is a form of discrimination. Bullying occurs when a person or group of people repeatedly behaves unreasonably towards a worker or group of workers at work that also creates a risk to their health and safety.

Discrimination - is disadvantaging someone in the workplace because of their race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political option, national extraction or social origin.

Family –refers to the parents/caregivers of the children or young people that receive support from Early Links

Early Links – all Early Links Incorporated services and programs

Manager – refers to the Service Manager or Service Coordinator, whichever is relevant in the context of the situation

Order - an order is a ruling made by a Commission Member after they have heard and determined a matter. Once an order has been made, anyone bound by that order must comply with it. Courts can impose substantial penalties on parties who fail to comply with orders. The focus of any orders the Commission may make must be to prevent further bullying. Actions that the Commission might consider ordering could include:

- requiring the individual or group of individuals to stop the specified behaviour
- regular monitoring of behaviours by an employer
- compliance with an employer's bullying policy
- the provision of information, additional support and training to workers
- review of the employer's bullying policy

Supervisor – refers to all senior staff who are responsible for supervising one or more staff members

Visitor – any person who is visiting an Early Links service who is not a staff member, client or family

Worker – anyone who is carrying out work, in any capacity, for Early Links. This includes employees, contractors/subcontractors and their employees, labour hire employees engaged to work in the organisation, outworkers, apprentices, trainees, students on work experience and volunteers

This Policy is to be read in conjunction with the following policies and procedures:

Fair Work Commission Anti-Bullying Guide
NSW Disability Services Standards – Standards 1, 4 & 6

Staff Grievance Policy	ELO-040
Staff Performance Support & Management Policy	ELO-090
Employee Assistance Program Policy	ELO-014

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