



BULLYING AND HARASSMENT POLICY AND PROCEDURES

Bullying and Harassment			
Applies to: Management Committee, all staff, volunteers with delegated authority			
Specific responsibility: Board of Directors, Manager, WHS Coordinator, First Aid Officers			
Reviewing and approving this policy			
Frequency		Person responsible	Approval
3 years		Station Coordinator	Committee
Policy review and version tracking			
Review	Date Approved	Approved By	Next Review Due
1	15/11/2021	Committee	July 22
2			
3			

Context: This is the Bullying and Harassment Policy	
Legislation, clinical guidelines or other requirements	• Work Health and Safety Act 2011 (ACT) • Work Health and Safety Regulations 2011 (ACT) • Fair Work Act 2009 (Cth) • Racial Discrimination Act 1975 (Cth) • Sex Discrimination Act 1984 (Cth) • Human Rights and Equal Opportunity Commission Act 1986 (Cth) • Disability Discrimination Act 1992 (Cth) • Human Rights Act 2004 (ACT) • Privacy Act 1988 (Cth)
Related Policies	• Work Health and Safety Policy and Procedures • Complaints and Grievances Policy and Procedures •
Resources	•

INTRODUCTION AND SCOPE

1RPH is committed to promoting a fair, safe and healthy working environment in which everyone is treated with dignity and respect and in which no individual or group feels bullied, threatened or intimidated. Bullying or harassment in any form is unacceptable behaviour and will not be permitted or condoned.

We recognise that bullying and harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by detracting from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

1RPH recognises its obligation to eliminate and prevent all forms of bullying and harassment, including sexual violence (including harassment, and assault). Our commitment is embodied in our efforts to eliminate and prevent all forms of harassment in the workplace.



DEFINITIONS

Harassment: is any unwanted physical, verbal or non-verbal conduct based on grounds of age, disability, gender identity, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

A single incident of unwanted or offensive behaviour can amount to harassment. Harassment can take many forms and individuals may not always realise that their behaviour constitutes harassment. Examples of harassment include:

- insensitive jokes and pranks;
- lewd or abusive comments about appearance;
- deliberate exclusion from conversations;
- displaying abusive or offensive writing or material;
- unwelcome touching; and
- abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of harassment

Bullying: is repeated, offensive, abusive, intimidating, insulting or unreasonable behaviour directed towards an individual or a group, which makes the recipient(s) feel threatened, humiliated or vulnerable. Note single incidents of bullying will not be tolerated.

Bullying can occur in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips.

Bullying can be a form of harassment and can cause an individual to suffer negative physical and mental effects.

Bullying can take the form of physical, verbal and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

- abusive, insulting or offensive language or comments;
- unjustified criticism or complaints;
- physical or emotional threats;
- deliberate exclusion from workplace activities; the spreading of misinformation or malicious rumours; and the denial of access to information, supervision or resources such that it has a detrimental impact on the individual or group.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of bullying.

Sexual harassment: means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about your private life



- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Behaviour that is based on mutual attraction, friendship, consent and respect is not sexual harassment. It is important however to ensure that conduct within workplaces and work environments meets professional standards.

POLICY STATEMENT

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ROLES AND RESPONSIBILITIES

Position	Task/Delegation
Management Committee	• Ensure policies and procedures are up to date and are implemented • Ensure the policy is applied fairly and consistently across the workplace.
Employees	• Lead by example by demonstrating respectful and non discriminatory behaviour to everyone in the workplace. • Ensure the policy is applied fairly and consistently across the workplace. • To respond to complaints in a respectful manner that takes the issue seriously
Volunteers	• To demonstrate respectful and no discriminatory behaviour in the workplace

IDENTIFYING AND RESPONDING TO BULLYING AND HARASSMENT

1RPH encourages any worker who feels they have been subject to bullying or harassment to take immediate action.

If a worker feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

Alternatively, or in addition, they may report the behaviour in accordance with the bullying and harassment procedures. Once a report is made the organisation has the right to determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of bullying or harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified about the nature of the complaint under the rules of natural justice.



Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No worker will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of harassment or bullying, or against any worker who has been alleged to be a harasser.

All workers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

All employees and volunteers related to the complaint have the right to access Employee Assistance Services and will be advised how to access this if required.

Managers or Supervisors have the right to seek advice on the management of the complaint from the board of directors or external professional advisors.

Managers or Supervisors who are subject of any sexual harassment complaint shall not participate in any investigation or handling of the matter.

SUPPORTING POLICIES AND PROCEDURES

All workers will be made aware of their responsibilities and have a role in creating a safe workplace for everyone. The Manager will, as appropriate develop and implement discrete policies and procedures to provide guidance to workers and management regarding eliminating bullying and harassment in the workplace, and responding to any incidents in the workplace

AWARENESS AND TRAINING

General requirements

The organisation will ensure that all workers are aware of our obligations around no tolerance of bullying and harassment in the workplace. This includes supporting workers to understand their responsibilities as bystanders who witness behaviour that is not in accordance with the organisation's expectations around a zero tolerance of bullying and harassment. Other requirements will include:

- Creating awareness of these issues in staff, volunteer and student induction
- contractor engagement
- regular internal training and where necessary external training

REPORTING AND RECORD KEEPING

The Manager will put in place policies and procedures for reporting and record keeping to ensure that the organisation's responses to any allegations of bullying and harassment are appropriately documented.

AUTHORISATION

Management Committee

Approved: 15 November 2021



PROCEDURES

Informal complaint

1RPH recognises that complaints of bullying, harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for workers to raise the issue through our normal grievance procedure. In these circumstances workers are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for the worker) as a confidential helper.

If a worker is the victim of minor bullying or harassment, they should if at all possible make it clear to the bully or harasser on an informal basis that their behaviour is unwelcome and ask the individual to stop. If a worker feels unable to do this verbally then they should hand a written request to the individual, and your confidential helper can assist you in this.

Formal complaint

Where the informal approach fails or if the bullying or harassment is more serious, the worker should bring the matter to the attention of management as a formal written complaint and again the worker's confidential helper can assist you in this. If possible, the victim should keep notes of the bullying or harassment so that the written complaint can include:

- the name of the alleged bully or harasser;
- the nature of the alleged incident of bullying or harassment;
- the dates and times when the alleged incident of bullying or harassment occurred;
- the names of any witnesses; and
- any action already taken to stop the alleged bullying or harassment.

On receipt of a formal complaint, the Manager or appropriate officer will take action to separate the complainant from the alleged bully or harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged bully or harasser to another work area or suspension with contractual pay until the matter has been resolved. T

The person dealing with the complaint will invite the person who has made the complaint to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The complainant has the right to be accompanied at such a meeting by a confidential helper or another work colleague of their choice and the complainant must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

Following an investigation concerning a bullying or harassment complaint (irrespective of the findings), the Manager will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all employees and volunteers of their obligations and responsibilities in relation to providing a workplace free from bullying

On conclusion of the investigation which will normally be within ten working days of the meeting with the complainant, a report of the findings and of the investigator's decision will be sent, in writing, to parties involved in the complaint.

Action following an investigation

If the report concludes that the allegation is well founded, the bully or harasser will be liable to disciplinary action in accordance with 1RPH's disciplinary and disciplinary dismissal procedure. On



the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling;
- Disciplinary action against the harasser (e.g. suspension (of volunteer duties and/or from the party), probation, dismissal, initiation of expulsion proceedings);
- Official warnings that are noted in their personnel file on the party's member and volunteer databases;
- Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- Formal apologies and undertaking that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- Reimbursing any costs associated with the harassment;
- Re-crediting any leave taken as a result of the harassment
- Access to Employee Assistance Services.

Outcomes will depend upon factors such as:

- The severity and frequency of the harassment;
- The weight of the evidence;
- The wishes of the person who was harassed;
- Whether the harasser could have been expected to know that such behaviour was a breach of policy;
- The level of contrition;
- Any conciliation or restorative justice process;
- Whether there have been any prior incidents or warnings.

The Manager will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews.

Record Keeping

Records are to be kept and filed in a confidential and secure place. If no confidential area is available, these notes may be sealed and kept with relevant personnel files (Under no circumstances will records be placed on the complainant's personnel file). These will be maintained, unopened, in a confidential filing system.

AUTHORISATION

Management Committee

Approved: 15 November 2021