

BULLYING POLICY

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1 Purpose

The purpose of this document is to outline NIODA's position on bullying and to document the process that is to be followed should any instances of bullying be reported.

2 Scope / Application

This code of conduct applies to all board and committee members, staff, students and clients at NIODA.

3 Policy Statement

NIODA regards the dignity and autonomy of all people as a core value of the organisation. Bullying behaviour is based on the misuse of power in human relationships, and negates the dignity and autonomy of its victims.

NIODA regards the health and safety of its staff, volunteers, and students as a primary responsibility. Bullying can affect health and wellbeing.

NIODA is fully committed to eliminating, as far as possible, all forms of bullying in the workplace and in its relationships with its users through a culture of openness, support, and accountability.

The following outlines NIODA's responsibilities and procedures with respect to this policy

4 Definitions

"Unreasonable behaviour" is behaviour that is offensive, humiliating, intimidating, degrading or threatening. It includes, but is not limited to:

- Verbal abuse
- Initiation rituals
- Excluding or isolating employees
- Giving a person the majority of an unpleasant or meaningless task
- Humiliation through sarcasm, or belittling someone's opinions
- Constant criticism or insults
- Spreading misinformation or malicious rumours
- Deliberately setting work routines or procedures to inconvenience certain employees
- Displaying written or pictorial material which may degrade or offend certain employees

"Bullying" is repeated, unreasonable behaviour directed towards a person or group of persons. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

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“**Repeated ... behaviour**” refers to the nature of the behaviour, not the specific form of that behaviour. “Repeated unreasonable behaviour” may thus be a pattern of diverse incidents.

Bullying can occur at any level of the organisation, can be experienced by both men and women and may involve a co-worker, manager, Board member, service provider, student or client.

Formerly agreed behaviour may be found to be bullying when it continues after a request from the recipient for the behaviour to stop, or at the point it becomes intimidating, offensive or humiliating.

There are bound to be occasional differences of opinion, conflicts and problems in every workplace. Only when the treatment of another person is unreasonable, offensive or harmful does workplace bullying exist.

Bullying does not include reasonable management action carried out in a reasonable manner. The exercise of a manager’s legitimate authority at work through the direction and control of work responsibilities, the monitoring of workflow, and giving feedback on performance, is not bullying insofar as the manager’s actions are intended to assist staff to improve their tasks, their work performance, or the standard of their behaviour. If staff member or teacher has performance problems, however, these should be identified and dealt with in a constructive way that is neither humiliating nor threatening.

Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter (see below).

5 Responsibilities

NIODA has a duty of care to provide a safe workplace. NIODA accepts and acts on its duty of care. Any allegations of workplace bullying that are reported must be investigated.

All incidences of bullying will be dealt with promptly, thoroughly, and fairly.

Complaints will be treated in confidence, and where confidentiality cannot be guaranteed this will be clearly indicated to the complainant.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

It is the obligation and responsibility of every person to ensure that the workplace is free from bullying. The responsibility lies with every staff member, Board member and student to ensure that discrimination or victimisation does not occur.

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It is the responsibility of the CEO to ensure that:

- they understand, and are committed to, the right of all staff and students to attend work and perform their duties without fear of being bullied in any form
- all reasonable steps to eliminate bullying are made
- all applicable occupational health and safety legislation is observed
- all staff, students and Board members are regularly made aware of their obligations and responsibilities in relation to providing a workplace free from bullying
- they provide an environment which discourages bullying, and set an example by their own behaviour
- all complaints are treated seriously and confidentially
- they are as far as practicable aware of whether bullying is occurring, whether complaints are received or not, relying on such indices as
 - sudden increases in absenteeism
 - unexplained requests for transfers
 - unexpected behavioural changes
 - sudden deterioration in work performance
- they take immediate and appropriate corrective action if they become aware of any offensive action
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying
- ongoing support and guidance is provided to staff, students and Board members in relation to the prevention of bullying
- this policy is displayed on the website and is provided to staff, students and Board members at the beginning of their involvement with NIODA.

It is the responsibility of all staff, students and board or committee members to ensure that:

- they understand and are committed to the rights and entitlements of all staff, students and board or committee members to attend work and perform their duties without fear of bullying in any form
- they provide an environment which discourages bullying
- they immediately report any offensive action directed at themselves or others.

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6 Procedures

6.1.1 Complaints Procedures

Staff, students or board or committee members who believe they are the subject of bullying should take firm, positive and prompt action.

If deemed appropriate, the staff, student or board or committee member should make the perceived bully (or bullies) aware that they find their behaviour offensive, unwelcome and unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the staff, student or board or committee member feels unable to speak to the person(s) directly, they should contact the CEO. Alternatively, staff, student or board or committee member may contact a Board member they feel comfortable with. In this latter case the complaint will be then referred to a specially convened subcommittee of the Board for action who will follow policy as set out in this document. (If the latter is the case please read 'Board subcommittee' in place of 'CEO' in the following).

The CEO will provide support and ascertain the nature of the complaint and the wishes of the complainant. The complainant does not have to request a full formal investigation if they will be satisfied by less formal treatment of the issue.

6.1.2 Informal Intervention

The CEO will explain the staff member or student's rights and responsibilities under NIODA's policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the organisation's formal procedure should be followed.

6.1.3 Formal Complaints Procedure

Proceeding with a formal complaint requires the consent of the person complaining, particularly as witnesses may become involved. The formal procedure will be coordinated by the CEO.

The complaint should be clarified a step-by-step account of the incident obtained. In serious cases, more than one interview may be necessary.

All such interviews will be documented accurately, avoiding irrelevant information. This record will include parties involved, timing, location, and nature of conduct complained against.

Records are to be kept and filed in a confidential and secure place. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.

The CEO will organise an investigation, which in most cases will involve (but is not be limited to):

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- a private interview to ascertain the facts and to find what the complainant expects to happen as a result of making the complaint
- an interview with the alleged harasser(s) to ascertain their defence
- interviews with other staff or Board members or individuals who may be able to assist and
- examination of any relevant documents.

All relevant evidence should be considered by the person conducting the investigation. Such evidence may include:

- supporting (or contradictory) evidence provided by medical practitioners, counsellors, family members, friends, or co-workers
- personnel records
- records kept by the person claiming to have been bullied
- information on whether the evidence was presented by the parties in a credible and consistent manner and
- information on the absence of evidence where it should logically exist.

It may be necessary to provide affected staff/student/ board/committee member with alternative working arrangements to avoid further conflict while the bullying complaint is being investigated. The complainant may also require counselling to develop coping strategies for dealing with the situation while the problem is being resolved.

The person conducting the investigation should keep all affected parties informed and document all investigation actions and outcomes.

On completion of the investigation, the complainant and the CEO will determine a course of action to be taken.

Possible courses of action may include, but will not be limited to, any combination of the following:

- counselling
- disciplinary action against the bully or bullies (e.g. demotion, transfer, suspension, probation or dismissal)
- official warnings that are noted in the bully or bullies' personnel file
- if there is strong evidence that the complaint was vexatious or malicious, disciplinary action against the person who complained
- formal apologies and undertakings 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.

Determination of whether bullying has occurred will rest solely on the weight of the evidence. If it is determined that bullying has taken place then outcomes will depend upon factors such as:

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- the severity and frequency of the bullying
- the wishes of the person who was subjected to the offensive behaviours
- whether the bully could have been expected to know that such behaviour was a breach of policy
- the level of contrition shown by the bully
- whether there have been any prior incidents or warnings.

The CEO will advise all relevant parties of the outcome.

If the investigation determines that bullying has occurred, or that vexatious or malicious accusations have been made, the manager must place on file a summary of the complaint and the action taken. A copy may be placed in the respondent's personnel file in accordance with performance counselling procedures.

If there is insufficient proof to decide whether or not bullying has occurred, the CEO will:

- remind those involved of expected standards of conduct;
- conduct further training awareness raising sessions for staff and volunteers;
- monitor the situation carefully.

The CEO 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. If there has been any substantiated victimisation, appropriate disciplinary procedures will be followed.

6.1.4 Procedures for Dealing with Criminal Conduct

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While NIODA is committed to treat most complaints about bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Staff, students and Board and committee members should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

7 Publication

This policy is publicly available on the NIODA website <http://www.nioda.org.au/policies>.

8 Related Documents

Affirmative Action Policy

Equal Employment Opportunity Policy

Discrimination and Harassment Policy

Sexual Harassment Policy