



BULLYING POLICY AND PROCEDURE

A.M.Y. Nominees Pty Ltd is committed to providing and maintaining a safe and healthy workplace for all workers (including contractors and volunteers) as well as clients, visitors and members of the public. Bullying in the workplace will not be tolerated, complaints will be treated seriously, confidentially and with respect.

PURPOSE

All complaints of bullying will be taken seriously by the management of Antakarinja Matu-Yankunytjatjara (AMY) – AMY Nominees and entities. This policy defines what workplace bullying is, the responsibilities of management and employees, what assistance is available and references appropriate procedures.

This Policy and the Procedures apply to bullying by or towards all workers in AMY Nominees entities, including contractors and volunteers.

The Workplace Grievance Complaint form should be used by employees for reporting instances of alleged bullying behaviour, except where otherwise specified. (Volunteers and Contractors may be requested to put any complaint in writing).

POLICY

AMY Nominees is committed to providing a safe environment that is free from inappropriate behaviour and will take all reasonable steps to prevent workplace bullying or harassment.

Workplace bullying can have a serious impact on the careers, health, safety and well-being of workers and will not be tolerated by AMY Nominees.

People are encouraged to report any incidents early to prevent an escalation of the situation and to facilitate a positive resolution.

Depending on the circumstances, if an employee is found to have bullied another they may face disciplinary action including termination of employment (Contractors or volunteers may face termination of services).

References

Work Health & Safety Act 2012 (SA)
Fair Work Act 2009 & Regulations (C'th)
Safe Work Australia – Guide for Preventing & Responding to Workplace Bullying May 2016

Definitions

Bullying occurs when:

- a person or a group of people **repeatedly** behaves unreasonably towards a worker or a group of workers at work

AND

- the behaviour creates **a risk to health and safety**.

Bullying **does not include reasonable management action** carried out in a reasonable manner.

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

- aggressive or intimidating conduct
- belittling or humiliating comments
- spreading malicious rumours
- teasing or practical jokes
- 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.

However, this behaviour must be repeated and unreasonable and must create a risk to health and safety in order for it to be bullying.

What is 'reasonable management action'?

Reasonable management action carried out in a reasonable manner does **not** constitute bullying.

Reasonable management action may include for example:

- performance management processes
- disciplinary action for misconduct
- informing a worker 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.

However, any reasonable management actions must be conducted in a reasonable manner. If not, they could still be bullying.

Support and Advice

AMY Nominees recognises that the experiences of being bullied or being accused of bullying are highly stressful and emotional. Through our Employee Assistance Program staff can access counselling services. This service is free, voluntary and confidential. Any employee can contact the counselling service without reporting to management. Details have been distributed to staff and will be made available to new staff on commencement. AMY Nominees will endeavour to assist those affected to access appropriate counselling services.

Reporting Workplace Bullying

If you are subjected to workplace bullying, and you are unable to resolve it comfortably with the perpetrator(s), you should report it to your Supervisor, using the Employee Grievance Policy and Procedures. If you are uncomfortable reporting it to the manager responsible for your area, it is acceptable to ask for assistance from another Supervisor or staff member or to seek the assistance of an outside support person, representative or adviser to report it. This applies throughout the process. If you are alleging that the bullying is being carried out by a Supervisor, it should be reported to the General Manager.

If you are a witness to behaviour that appears to be bullying, you should only report it if you reasonably believe that it breaches this policy. It may be more appropriate to offer support and assistance to the person affected to report it. If you are a witness, you may be required to co-operate with a workplace investigation.

Confidentiality

All staff involved with informal or formal complaints or allegations of bullying, whether making a complaint, being a witness or support person, being subject to a complaint or dealing with it on behalf of management should maintain confidentiality where practical so that:

- The privacy of individuals is respected.
- Working relationships can be maintained regardless of the outcome.

Confidentiality should be maintained as far as is reasonably practicable at all times throughout processes of investigation or resolution, and afterwards. Failure to maintain confidentiality under this policy may result in disciplinary action.

Responsibilities

General Manager

Take all reasonable steps to ensure that the work environment in all areas is free of bullying and unlawful harassment.

Oversighting the Workplace Bullying Policy, associated policies and procedures and delegating authority for management of allegations where necessary.

Allocating the resources to address and prevent workplace bullying.

Supervisors

Supervisors will usually be the first point of contact for complaints about workplace bullying and are responsible for addressing inappropriate behaviours on a day to day basis.

All Employees

All employees have a responsibility not to bully or participate in behaviour that bullies other workers.

Employees are encouraged to report any incidence of bullying by following this policy and appropriate procedures.

PROCEDURES

Procedures for Reporting and Investigating Complaints or Allegations of Workplace Bullying:

If a physical assault is alleged a report may be made to Police, which may also be subject to the wishes of the victim.

Employees have the right to apply to the Fair Work Commission for orders preventing further bullying and Safe Work SA also has jurisdiction to investigate and prosecute bullying as a breach of Work Health and Safety laws. However, employees are encouraged to follow the Employee Grievance Policy & Procedures in the first instance, which provide for informal and formal processes and resolutions.

Depending on the circumstances, an investigation may be carried out by a senior staff member that is not directly involved and/or an external person.

Name:	Bill Ryan	Position:	General Manager
Signature:	_____	Date:	22 June 2020
Review date:	30 June 2021		