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## **Bullying and Harassment Procedure**

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### **Step 1 Identifying the Hazard**

- Consider the work required and work procedures, to determine if there are factors in the workplace that make it more likely that bullying can occur
- Focus on the systems of work rather than on the individuals
- Conduct a survey of employees on the issues of workplace bullying
- Monitor patterns of absenteeism, sick leave, staff turnover, grievances, injury reports and other such records to establish any regular patterns or sudden unexplained changes
- Monitor deterioration in workplace relationships between employees, clients, or managers
- Monitor feedback from exit interviews of feedback given directly from management or any other external party.

### **Step 2 Controlling the Risk Factors**

- Establishing expectations of appropriate behaviour and the consequence for failing to comply
- Developing a Complaints Handling and Investigation procedure
- Providing information and awareness for employees on workplace bullying
- Ensuring that managers are aware of the responsibilities they have to assist the employer in complying with their obligations
- Providing clear job descriptions that include an outline of specific roles and responsibilities for each position in the workplace
- Keeping information relating to productivity, absenteeism, grievances, work related injuries, customer complaints, disciplinary actions and so on.

### **Step 3 Evaluation and Review**

- This involves the ongoing review and evaluation of the specific strategies and plans that have been implemented into a workplace to prevent and control workplace bullying
- The evaluation and review process should ensure that the strategies implemented are effective in preventing or minimizing incidents of workplace bullying within the workplace
- If the strategies have not been effective, it is important that further analysis of the situation occurs in order to determine how the employer can rectify the situation

### **Complaint Resolution Process**

It is important that all employees are made aware that a procedure exists in the event that they experience bullying behaviour at work. It is useful to provide a number of resolution options to employees that range from taking action personally, to lodging either an informal or formal complaint.

#### **1. Personal Options**

- An employee may choose to speak to the perpetrator directly. They should be advised to keep a record of that conversation.
- Employees can be advised that information and advice can be sought from the following:
  - OHS Representative
  - Manager
  - Professional Counselor

#### **2. Informal Resolution Process**

No investigation or disciplinary action need be taken as a result of an informal complaint. Rather, a no-blame, conciliatory approach should be used to assist the individuals in reaching an outcome that will ensure appropriate conduct in the future. The main focus is to return the individuals to productive work without further interruption. No records resulting from this action should be kept after resolution of the issue.

**Conciliation** is a confidential process that only involves the conciliator and the affected employees. The purpose of conciliation is to provide a quick response to an incident by an impartial, suitably skilled person. A manager or another person in the workplace may conciliate the matter if it is appropriate for them to do so; otherwise professional intervention should be sought. It is important that the employee can trust and respect the conciliator.

If the informal resolution process fails to provide an agreed outcome then the employee should be told that they could pursue a formal complaint leading to investigation.

#### **3. Formal Investigation Process**

- The investigation procedures will adhere to natural justice principles and ensure fairness for all concerned;
- An investigation will occur as soon as possible after the complaint is received;
- An impartial person who can carry out the investigation without hindrance will conduct the investigation.
- The following steps should be followed:

4. **Lodging the complaint** - Ensure that the complainant knows how and to whom they should lodge their complaint. For example the complaint should be in writing with specific allegations including dates, times, and names of any witnesses.
5. **Initial Response** - Arrange for an appropriate senior manager to meet separately with both parties as soon as possible and explain the formal process and their rights and responsibilities. This might include:
  - a. The expected timetable for resolution of the complaint;
  - b. How the complaint will be investigated, for example, interviews with the complainant, the alleged bully and witnesses;
  - c. Who will receive copies of any statements or records of interview if obtained;
  - d. Who can be present at interviews;
  - e. Whether parties can refuse to participate;
  - f. What interim measure will be taken to ensure the safety and welfare of the complainant during the investigation
6. **Appointment of an Investigator** - Arrange for an independent investigator to investigate the complaint. Ensure the investigator understands their role, the rights of the alleged bully and what the expected outcomes may be. Either party should have the right to challenge the independence and impartiality of the investigator, providing they present reasonable grounds to do so.
7. **The Investigation** – The investigator should contact the alleged bully in writing and notify them about the details of the complaint, interview time, process and their rights (including their right to have a representative present), timeframe for the investigation, requirement for confidentiality and the possible consequences.

The investigator should then interview the alleged bully. If they admit to the behaviour, the matter can be referred back to the employer for appropriate action. This may include disciplinary procedures or referral to support services, for example anger management counseling.

If the alleged bully disputes the allegation, further investigation should be carried out in an attempt to determine the facts. This will include meeting with the complainant and available witnesses.

8. **Findings** - The investigator should provide the employer with a written report on the findings of the investigation. The employer should then meet with both parties individually to explain to them the findings of the investigation as well as notifying

them in writing. If the allegation cannot be substantiated, this does not necessarily mean the bullying did not occur. Employers need to identify what can be done to assist the individuals to return to a working relationship.

This may involve mediation, counseling, and redressing other organizational issues that may have contributed to the circumstances of the complaint. This may include possible disciplinary action against the complainant if their complaint is proven to be unwarranted or vexatious. If the allegation is substantiated, you need to determine what is appropriate action, including disciplinary action against the bully such as requiring the bully to provide an apology and assurance that the behavior will not occur again, a formal warning, counseling, transfer to another work area, suspension from work or as a final resort, dismissal.

9. **Appeal** – If they consider it warranted, the parties involved can appeal against the decision made. Such an appeal would require a written lodgment of a request for appeal and the appeal would be managed by a manager senior to the manager who made the original decision.
10. **Advice to Seek Counseling and/or Rehabilitation** – Advice on how to access should be provided for: The complainant, to assist him or her to find coping strategies to deal with the alleged bully whilst the matter is being resolved; The alleged bully to enable him or her to recognize and change their behavior; and/or any affected work team member.
11. **Review** - Ensure the resolutions and continuing wellbeing are reviewed with the complainant and alleged bully for a period of time following resolution to ensure actions to stop the bullying have been effective.

## References

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