

# Workplace Bullying Prevention Policy

## 1. Our commitment

WEA Sydney is committed to providing a safe and healthy workplace free from bullying.

Workers and other people in our workplace are protected by this policy if they feel bullied by anyone else in our workplace. Workers in our workplace include members of WEA's staff, WEA's tutors, other contractors and library volunteers. Other people in our workplace include WEA's students and members of the public.

WEA Sydney will treat reports of workplace bullying seriously. We will respond promptly, impartially and confidentially.

This policy will be available to all workers including WEA tutors. New workers will be given a copy of this policy at their induction. Managers and supervisors will remind workers of the policy from time to time.

## 2. Expected workplace behaviours

Under work health and safety laws workers and other people in our workplace must take reasonable care that they do not adversely affect the health and safety of others.

WEA Sydney expects people to:

- behave in a responsible and professional manner
- treat others in the workplace with courtesy and respect
- listen and respond appropriately to the views and concerns of others
- be fair and honest in their dealings with others.

This policy applies to behaviours that occur:

- in connection with work, even if it occurs outside normal working hours
- during work activities, for example when dealing with students or other clients
- at work-related events, for example at conferences and work-related social functions
- on social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly.

## 3. What is workplace bullying?

Workplace bullying is defined as *repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety*. Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time. Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

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.

Single incidents of unreasonable behaviour can also present a risk to health and safety and, if proven, will result in appropriate disciplinary action similar to disciplinary action for workplace bullying.

#### **4. What is NOT workplace bullying?**

Reasonable management action taken by managers or supervisors to direct and control the way work is carried out is not considered to be workplace bullying if the action is taken in a reasonable and lawful way.

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.

#### **5. What can you do?**

If you feel you are being bullied and are not comfortable dealing with the problem yourself, or your attempts to do so have not been successful, you should raise the issue with the executive director of WEA Sydney, another WEA manager or your supervisor. You may also raise the issue with the current President of WEA Sydney by requesting a meeting (via this email address: [president@weasydney.nsw.edu.au](mailto:president@weasydney.nsw.edu.au)), if the relevant WEA staff are not available, under the following circumstances:

- (i) if the complaint involves the executive director
- (ii) if your manager or the executive director is not available
- (iii) if you feel that your complaint has not been properly dealt with.

The President will have the right to meet and assess this complaint with one other nominated WEA Sydney director.

If you are a member of a union, you may raise any issues with your delegate.

If you witness unreasonable behaviour you should bring the matter to the attention of the executive director of WEA Sydney, another WEA manager or your supervisor as a matter of urgency.

#### **6. How will we respond?**

If workplace bullying or unreasonable behaviour is reported (see point 5 above) or observed, we will take the following steps:

1. The responsible manager will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
2. If issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.
3. All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
4. There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith will result in disciplinary action.
5. Notice of the complaint and its resolution will be listed in WEA Sydney's Workplace Incident Management Register.

## **7. Consequences of breaching this policy**

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 reprimand
- transfer, demotion or dismissal of the person engaging in the bullying behaviour.

Actions which appear to be breaches of the criminal law, such as an alleged assault, may be referred to NSW Police for investigation.

## **8. If bullying has not been substantiated**

If the investigation finds bullying has not occurred or cannot be substantiated, WEA Sydney may still take appropriate action to address any workplace issues which led to the report.

## **9. Review date**

This policy will be reviewed at least biennially after its date of adoption by WEA Sydney in consultation with its workers through the WEA Sydney Health and Safety committee. The policy may also be reviewed by WEA Sydney in consultation with its workers in response to legislative change.

## 10. Further resources

### **Safe Work Australia**

Employers have a duty to ensure the health and safety of their workers, which includes the prevention of workplace bullying. Safe Work Australia's [Guide for preventing and responding to workplace bullying](#) outlines what workplace bullying is and how to prevent it. The *Guide* sets out appropriate procedures for investigating alleged breaches and responding appropriately.

For workers, Safe Work Australia's [Dealing with workplace bullying – a worker's guide](#) helps you know if bullying is occurring and how it may be resolved. It's a useful guide if you believe you are experiencing or witnessing workplace bullying, or if you have had a bullying report made against you.

Safe Work Australia also lists [frequently asked questions about workplace bullying](#) on its website. Download the three documents above as PDF files from the links above, or follow the links from the following web page: <http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/guide-workplace-bullying>.

**National Guidance Material** by Safe Work Australia produced, in June 2018, the document *Work-related psychological health and safety: a systematic approach to meeting your duties*. <https://www.safeworkaustralia.gov.au/doc/work-related-psychological-health-and-safety-systematic-approach-meeting-your-duties>.

### **SafeWork NSW**

The main SafeWork NSW web page on workplace bullying is at: <http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/bullying/workplace-bullying>

The web page contains links to the three publications listed under the Safe Work Australia heading above. It also has links to related web pages on the SafeWork NSW website.

### **The Fair Work Commission**

The Fair Work Commission has jurisdiction only over workplace bullying which occurs principally in a Territory (such as the Australian Capital Territory or the Northern Territory) or a Commonwealth place (defined in section 52 (1) of the Australian Constitution as "the seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes"). However, the Fair Work Commission has a useful anti-bullying web page at: <https://www.fwc.gov.au/disputes-at-work/anti-bullying>

The Fair Work Commission's useful *Guide – Anti-bullying* can be downloaded as a PDF file from the web page above.

### **NSW Legislation**

Work health and safety in New South Wales workplaces is governed by:  
*Work Health and Safety Act 2011*  
*Work Health and Safety Regulation 2017*.