

Q298

BULLYING and HARRASSMENT POLICY

Policy context: This policy relates to

Legislation or other requirements

Fair Work Act 2009 (Cth)
Human Rights and Equal Opportunity
Commission Act 1986 (Cth)
Work Health and Safety Act 2012 (SA)
Work Health and Safety Regulations 2012 (SA)
Equal Opportunity Act 1984 (SA)

Contractual obligations

Employment contracts

Policy Statement

Enhanced Lifestyles (EL) and Lifestyle Assistance and Accommodation Service (LAAS) is committed to providing a safe work environment free from bullying and harassment. This includes ensuring that staff are aware of what constitutes bullying and harassment. In addition, staff are required to be aware of their responsibility in preventing and responding to instances of bullying and harassment.

EL and LAAS will respond to matters involving bullying and harassment with professionalism, impartiality and confidentiality.

This policy responds to State and Commonwealth legislation. This policy also reflects the values of EL and LAAS to provide a safe and respectful work environment for staff and customers.

Compliance with this policy is a condition of employment for all persons engaged to provide services on behalf of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service.

This document complies with NDIS 2018, section 2.7 Human Resources Management.

This document is readily available to all Customers/Clients and employees of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service including The Boards.

Definitions

Bullying: Any behaviour that is repeated, systematic and directed towards an employee or group of employees that creates a risk to health and safety. It includes behaviour that could be expected to victimise, intimidate, humiliate, degrade, undermine or threaten.

Repeated refers to the persistent or ongoing nature of the behaviour and can refer to a range of different types of behaviour over time.

Systematic refers to having, showing or involving a method or plan. Whether behaviour is systematic or not will depend on an analysis of the circumstances of each individual case with the general guideline in mind.

Harassment: Behaviour which makes people feel offended, afraid or humiliated and in the circumstances, it is reasonable to feel that way.

Victimisation: Treating a person or people unfairly for complaining or for helping others to complain.

Sexual harassment: Sexualised behaviour which causes offence, fear or humiliation and in the circumstances, it is reasonable to feel that way. Both men and women can sexually harass or be harassed. Sexual harassment is determined from the point of view of the person feeling harassed. Sexual harassment can be:

- unwelcome touching or kissing
- unwelcome / inappropriate comments or jokes
- leering or staring
- sexual pictures, objects, emails, text messages or literature
- direct or implied propositions, or repeated requests for dates
- questions about sexual activity.

Mutual attraction or friendship with consent is not sexual harassment.

Workplace conflict: Any type of dispute or disagreement in the workplace can be defined as a workplace conflict. A conflict does not necessarily constitute bullying if it does not meet the definition of bullying outlined in this policy. When conflict is at a low level and is task based, it does not always pose a risk to health and safety. However, conflict may escalate to the point where it meets the definition of bullying, if not adequately managed.

Bullying

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Bullying is a psychological hazard. The risks of bullying need to be managed as for any other workplace hazard.

Bullying behaviour can be exhibited by anyone within the workplace including a manager, a peer or a subordinate. Customers can also exhibit bullying behaviour.

Bullying behaviour can include:

- physical or verbal abuse / put-downs
- spreading gossip
- exclusion
- unreasonably criticising someone's work
- assigning too much or inappropriate work
- denying reasonable opportunities or access to information
- intruding on a person's space by pestering, spying or tampering with their personal effects or work equipment
- intimidating a person through inappropriate personal comments, belittling opinions or unjustified criticism
- setting timelines that are very difficult to achieve, or constantly changing deadlines
- setting tasks that are unreasonably beyond a person's ability
- unfair treatment in relation to accessing workplace entitlements, such as leave

What is not considered to be workplace bullying?

Reasonable management action taken in a reasonable way, including:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours where the requirements are reasonable
- deciding not to select a worker for promotion where a reasonable process is followed and documented
- informing a worker about unsatisfactory work performance when undertaken in accordance with workplace policies or agreements such as performance appraisal and performance management guidelines
- informing a worker about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- termination of employment.

Rights and Responsibilities

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All employees of EL and LAAS have rights to be protected from bullying and harassment, as defined within Work Health and Safety, Equal Opportunity and Anti-Discrimination Acts. Associated with these rights are responsibilities to:

- take all reasonable steps to prevent bullying, harassment, and victimisation
- respond quickly and with integrity to any complaints
- support people who have been bullied or harassed.

Documentation

Documents related to this policy	
Related documents	Q224 Employee Code of Conduct Policy and Agreement Q261 Performance Appraisal and Review Policy Q260 Disciplinary Procedures Policy P260 Disciplinary Procedures