

Purpose and Scope

90.1 NBC FM is committed to ensuring that staff/volunteer work in an environment where people are treated with mutual respect. It is important for a productive and harmonious workplace that staff/volunteers are aware of the impact of their behaviour on others.

Bullying in the workplace is inappropriate and unacceptable behaviour. Staff/volunteer found to have either committed or condoned such behaviour in the workplace will be subject to disciplinary action which may include the termination of employment.

Policy

90.1 NBC FM will not tolerate bullying under any circumstances and will:

- Promote appropriate standards of behaviour at all times
- Treat complaints of bullying in a sensitive, fair, timely and confident manner
- Implement training and awareness raising strategies to ensure all employees/volunteers know their rights and responsibilities
- Provide an effective procedure for complaints of bullying to be addressed
- Encourage the reporting of behaviour which breaches the bullying policy
- Ensure protection from victimisation or reprisals for persons reporting bullying

What is bullying?

Workplace bullying is repeated, unreasonable behaviour directed toward an employee/volunteer or group of employees/volunteers that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. Behaviour can include an individual’s or group’s actions or practices that victimise, humiliate, undermine or threaten.

Bullying usually occurs inside a workplace, for example, one employee/volunteer may bully another employee/volunteer or a group of employees/volunteers may bully an individual. However, customers and contractors may also bully employees/volunteers. Bullying may also amount to unlawful discrimination.

What are examples of bullying?

The following types of behaviour where directed towards an individual and repeated or occurring as part of a pattern of behaviour, could be considered to be bullying:

- Demeaning language or verbal abuse
- Threats, physical or verbal intimidation
- Outbursts of anger or aggression
- Excluding or isolating employees/volunteers
- “Ganging up” on an employee/volunteer
- Psychological harassment or intimidation
- Giving employees/volunteers impossible assignments
- Deliberately changing work rosters to inconvenience particular

The above list is not exhaustive. Other types of behaviour may also constitute bullying.

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What isn't bullying?

Reasonable management actions carried out in a fair and reasonable manner are **not** bullying.

For example, actions could include:

- Setting performance goals, standards and deadlines
- Allocating work to an employee/volunteer
- Rostering and allocating work hours
- Deciding not to select an employee/volunteer for promotion
- Informing an employee/volunteer about unsatisfactory work performance
- Informing an employee/volunteer about inappropriate behaviour
- Implementing organisational changes
- Performance management processes
- Constructive feedback
- Downsizing
- Requesting information from a worker/volunteer regarding incidents, injury or return to work plans and programs

Responsibilities

All employees/volunteers have a legal responsibility to care for their own health and safety and that of co-workers, therefore they must not engage in acts which constitute bullying behaviour. In addition, employees/volunteers are required to follow instructions given by their supervisor/manager relating to the prevention of workplace injuries and illnesses. This applies to measures to prevent workplace bullying which includes monitoring the work environment to ensure acceptable standards of conduct are observed at all times.

Therefore, all staff/volunteers are responsible for promoting this policy by ensuring:

- You treat other staff/volunteers with respect and courtesy
- Comply with the Workplace Bullying Procedure and Policy
- Incidents of bullying are reported to the station manager or supervisor
- You fully participate in any investigation into an incident of bullying and maintain confidentiality

Procedure

What can I do if I believe I am being bullied?

Employees/volunteers may deal with bullying either by resolving the issues themselves by discussing the problem with the person involved or by seeking assistance from the **Station Manager and/or Supervisor**.

It is important that you do not ignore circumstances where you feel you are being bullied, thinking it will go away. Ignoring the behaviour could be wrongly interpreted as approval by the person causing the bullying.

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Below is a summary of the steps that can be taken to address individual concerns and who to contact:

- If you can, try to resolve the problem yourself with the person(s) involved as soon as possible. You may find that they didn't mean to do what they did.
- If you are unsure of how to handle the problem yourself, or you just want to talk about the problem with someone and get more information about what you can do, talk to the Station Manager and/or Supervisor
- The Station Manager will be advised of the bullying complaint. The Station Manager may seek external advice and assistance from persons such as independent mediators or investigators.

If you do make a complaint about bullying, you are responsible for ensuring that you:

- Make the complaint honestly and in good faith
- Provide all the facts relevant to the complaint
- Co-operate with the investigation and resolution processes

90.1 NBC FM may not assist you to deal with a complaint of bullying where:

- The complaint has been satisfactorily dealt with or resolved previously (unless another bullying incident has occurred since)
- The complaint is made anonymously without sufficient detail being provided so as to allow investigation or resolution of the matter
- The complaint is frivolous, vexatious or malicious, for example where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution. (Note: Depending on the circumstances, these types of complaints could lead to disciplinary action including dismissal action being taken against the person making the complaint)
- The complaint does not constitute bullying as defined by this policy

If you observe an incident in which another employee/volunteer is being bullied, bring it to the attention the Station Manager and/or Supervisor.

If a complaint of bullying has been made about you, you are responsible for ensuring that you:

- Co-operate with the investigation and resolution processes
- Provide a written or verbal response to the complaint which has been made
- Provide all relevant facts to the person conducting the investigation

Confidentiality

Anyone involved in a complaint of bullying or its investigation must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution or have a 'need to know.' In particular, it is important that staff/volunteers who either make a complaint or may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.

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Management Responsibility

If an employee/volunteer brings an allegation of bullying to your attention:

DO NOT

- Ignore the complaint
- Tell the employee/volunteer making the complaint to sort it out themselves
- Make a judgement about whether the complaint is true or not
- Say that the employee/volunteer should put up with the bullying
- Talk to anyone about the issue except those involved in the investigation and resolution of the complaint
- Prejudge the merits of the complaint

DO

- Behave consistently with the Workplace Bullying Policy
- Resolve the complaint as quickly as possible
- Be sympathetic, sensitive and serious; the complaint is obviously serious to the person making it
- Enquire into the matter within 2 working days and attempt to resolve it as soon as possible.
- Take preventative measures in the workplace

Manager/Supervisor Action Steps

1. Notify the Station Manager immediately
2. Document the complaint using [10.01 Incident Reporting and Investigation Form](#)
3. In discussion with the Station Manager, determine who should investigate and if possible, mediate the complaint

Investigation and Mediation

- Investigation of the complaint of bullying must commence within **2 working days** of receipt of the complaint
- With the Station Manager to determine who the appropriate person to investigate the complaint
- The investigator must be someone who is impartial, suitably qualified and is competent to conduct investigations. This person may need to be sourced from outside the organisation
- The investigator must speak to the parties involved and all witnesses (if any). The investigator must report on whether or not the complaint has been substantiated and the proposed action to be taken in response
- The investigator must document all findings and outcomes on the Incident Reporting and Investigation Form, keeping detailed notes of conversations including messages left
- Keep the complainant and the person against whom allegations were made, informed of progress. This should be done in the form of written memos
- Mediation should be the first consideration in resolving a bullying complaint. This form of dispute resolution is appropriate only if the person making the complaint agrees
- The appropriate action, based on the findings of the investigation, must be undertaken promptly. Such action made include:

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- An apology
- Changes to work practices
- Disciplinary action
- Training
- Notes placed in personnel file

Investigators discussion with the complainant

1. Determine whether an interpreter is required
2. The complainant may bring a support person with them
3. Arrange an appropriate venue to meet with the complainant. The venue should be private and free of interruptions and whenever possible put the complainant at ease. The venue must be conducive to maintaining confidentiality
4. Allocate enough time to discuss the complaint in full
5. Explain how the investigation process is conducted and the possible outcomes
6. Advise the complainant that the matters discussed are confidential and the complainant must only discuss the issue with those persons investigating the complaint or who are formally supporting them through the process
7. Using the Incident Reporting and Investigation Form, obtain a broad outline of the complaint, followed by a detailed description of what is alleged to have happened, when it is alleged to have happened (including dates and times), where it is alleged to have happened and by whom. Obtain and record all relevant facts
8. Ask the complainant whether there are any witnesses or other evidence that supports their version of events. Record the names of any witnesses to the alleged bullying and obtain copies of any documentation provided to support the allegations. Advise the complainant that witnesses will be interviewed and that the complainant should not speak to the witnesses about the issues
9. Explain any other action that will be taken e.g. speaking to the alleged bully
10. Ask the complainant what they want done in regard to the alleged bullying. It is at this point that mediation should be offered as a means of resolving the complaint. If mediation is accepted, the mediation should be arranged to occur as soon as possible
11. Counselling should be offered to the complainant. If accepted, this may be arranged through the Employee Assistance Program provider
12. Advise the complainant when they can expect to be advised of an outcome to their complaint

Investigator’s discussion with the person about whom the complaint is made

1. Determine whether an interpreter is required
2. The respondent may bring a support person with them
3. Arrange an appropriate venue to meet with the respondent. The venue should be private and free of interruptions and wherever possible put the respondent at ease. The venue must be conducive to maintaining confidentiality
4. Allocate enough time to discuss the allegation(s) in full
5. Explain to the respondent your role in the investigation of the complaint against them and that it is important that their version of events is obtained

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6. Advise the respondent that the matters discussed are confidential and that the respondent must only discuss the issue with those persons investigating the complaint or who are formally supporting them through the process
7. Explain to the respondent exactly what it is that they have been accused of saying or doing, including names, dates, times and locations
8. Provide the respondent with a written memo stating the allegations
9. Ask the person to respond, either verbally or in writing to the allegations
10. Using the Incident Reporting and Investigation Form, take notes of the respondent's version of events. Obtain and record all relevant facts
11. Ask the respondent whether there are any witnesses or other evidence that supports their version of events. Record the names of any witnesses and obtain copies of any documentation. Advise the respondent that witnesses will be interviewed and that the respondent should not speak to the witnesses about the issues
12. If the allegations are denied, ask the respondent if they can think of a reason why these allegations have been made
13. Ask the respondent what they believe may resolve the matter
14. Inform the respondent that they must not victimise or bother the complainant in any way. Doing so will result in immediate action against them, e.g. being stood down pending the outcome of the investigation
15. Counselling should be offered to the respondent. If accepted, this may be arranged through the Employee Assistance Program provider
16. Advise the respondent when they can expect to be advised of an outcome of the investigation

The Outcome

- Determine whether or not the allegations are substantiated or whether there is insufficient evidence or information to make a conclusion. Record in writing your conclusions and the reason for them
- If the alleged bullying is substantiated, there may be a basis for disciplinary action against the person responsible. If termination of employment is appropriate, this must comply with **unfair dismissal laws**
- If the allegations of bullying are unsubstantiated, ensure that there is no action taken against the person whom the complaint was made and that no notes about the complaint are retained in their personnel file
- If there is insufficient information to make a determination in regard to an allegation of bullying, the report notes should be kept with the Station Manager and no action is to be taken against either party
- Advise the complainant and the person about whom the complaint was made of the investigation findings and actions. If the allegation is substantiated, action will include a written record of the investigation being placed in the perpetrators personnel file.
- Provide a written summary to the Station Manager/Chairman
- The Station Manager will store all bullying complaints files securely and confidentially

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Further Information

- Preventing and responding to bullying at work (Fair Work)
- How WorkSafe/WorkCover/Safe Work Australia apply the law in relation to employing or engaging suitably qualified persons to provide health and safety advice
- Work Health and Safety Act 2011
- Sex Discrimination Act
- Race Discrimination Act
- Disability Discrimination Act
- Equal Opportunity for Women in the Workforce Act
- Human Rights and Equal Opportunity Commission Act
- Workplace Relations Act
- Crimes Act

Date: _____ / _____ / _____

Paul McGrath
Station Manager

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