WORKPLACE BULLYING

POLICY NUMBER: NDIS STAFF 10

INTENT

The purpose of this policy is to promote a safe, respectful, and inclusive working environment by preventing and responding to workplace bullying. Real Living Options Association Inc. is committed to upholding the dignity and wellbeing of all employees, volunteers, contractors, and Participants by fostering a culture of zero tolerance toward bullying and harassment in any form.

DEFINITION

A workplace is any location where someone performs their job duties for an employer or themselves, which can be a traditional office, a factory, a home office, or a mobile worksite.

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 involve 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.*

POLICY STATEMENTS

Real Living Options Association inc. does not tolerate harassment, bullying, or discrimination by or towards any person, including staff, participants, families or visitors.

Workplace bullying is a risk to health and safety. 'Health' is defined in the WHS Act as both physical and psychological health. Failure to take steps to manage the risk of workplace bullying can result in a breach of Work Health and Safety (WHS) laws.

Real Living Options Association Inc. will treat all reports of workplace bullying seriously and will respond promptly, impartially and confidentially.

Employees and Volunteers are protected by this policy whether they feel bullied by a supervisor, another employee, a volunteer, a Participant, a Representative/Nominee, a contractor or a member of the public.

Real Living Options Association Inc. 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 Participants and/or their Representative/Nominee.
- at work-related events, for example at staff training and work-related social functions.
- on social media where workers interact with colleagues or Participants and their actions may affect them either directly or indirectly.

PROCEDURES

What is workplace bullying?

- 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.
- Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated.
- Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:
    - abusive, insulting, or offensive language or comments
    - aggressive and intimidating conduct
    - belittling or humiliating comments
    - victimisation
    - practical jokes or initiation
    - unjustified criticism or complaints
    - deliberately excluding someone from work-related activities
    - withholding information that is vital for effective work performance
    - setting unreasonable timelines or constantly changing deadlines
    - setting tasks that are unreasonably below or beyond a person's skill level
    - denying access to information, supervision, consultation or resources to the detriment of the worker
    - spreading misinformation or malicious rumours, and changing work arrangements
    - abusing position or power

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.
- What is reasonable would be determined by an objective test through a court of law. However, a court could consider the following examples as reasonable management action:
    - setting realistic and achievable performance goals, standards and deadlines
    - fair and appropriate rostering and allocation of working hours.
    - transferring a worker to another area or role for operational reasons.
    - deciding not to select a worker for a promotion where a fair and transparent process is followed.
    - informing a worker about unsatisfactory work performance in an honest, fair and constructive way informing a worker about unreasonable behaviour in an objective and confidential way.
    - implementing Service changes or restructuring, taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

Workplace Conflict

- Differences of opinion and disagreements are generally not workplace bullying. People can have differences or disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. Some people may also take offence at action taken by management, but that does not mean that the management action in itself was unreasonable. However, in some cases conflict that is not managed may escalate to the point where it becomes workplace bullying.

What can employees and volunteers do?

- If employees or volunteers feel they are being bullied and are not comfortable dealing with the problem themselves, or their attempts to do so have not been successful, they should raise the issue either with the General Manager, Support Manager, HR and WHS Officer or a member of the Management Committee.
- If employees or volunteers witness unreasonable behaviour, they should bring the matter to the attention of the General Manager or Support Manager or HR and WHS Officer as a matter of urgency.

How will the Service respond?

If workplace bullying or unreasonable behaviour is reported or observed, Real Living Options Association Inc. will take the following actions:

- The General Manager, Support Manager or HR and WHS Officer where relevant will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
- 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.
- 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.
- 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.

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
- dismissal of the person engaging in the bullying behaviour.

If bullying has not been substantiated

If the investigation finds bullying has not occurred or cannot be substantiated, Real Living Options Association Inc. may still take appropriate action to address any workplace issues leading to the report.

DELEGATIONS

Management Committee

- Familiarise themselves with the Workplace Bullying Policy
- Respond to any formal complaints of bullying

General Manager

- Report any formal complaints of bullying to the Management Committee

Support Manager/HR and WHS Officer

- Report any formal complaints of bullying to the General manager
- Lead by example and promote respectful workplace behaviour
- Monitor workplace culture and respond to early warning signs
- Act promptly on reports of bullying
- Ensure all workers understand this policy through induction and ongoing training

All Staff and Volunteers

- It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from bullying.
- Treat colleagues, Participants, and others with respect
- Speak up if they experience or witness bullying
- Participate in investigations respectfully if required
- Comply with all relevant policies and codes of conduct

RELATED DOCUMENTATION

Code of Conduct Document
Complaints Form
Incident Report
Feedback Forms

REFERENCES

Fair Work Act 2009 (Cth)
Work, Health and Safety Act 2011 (Cth)
NDIS Code of Conduct
Safe Work Australia 'Guide for Preventing and Responding to Workplace Bullying' May 2016
Social, Community, Home Care and Disability Services Industry Award 2010 – Section 9 Dispute Resolution

AMENDMENTS/REVIEWS

22/03/2018, 28/07/2022, 06/11/2025