

CREANDSEL PTY LTD

PREVENTION OF WORKPLACE BULLYING POLICY

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PART 1 - RATIONALE & PURPOSE

1.1. Creandsel Pty Ltd (“Creandsel”) is committed to ensuring a healthy and safe workplace that is free from workplace bullying and will not tolerate workplace bullying.

1.2. Creandsel Pty Ltd expects people to:

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

1.3. This policy applies to behaviours that occur:

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

PART 2 - WORKPLACE BULLYING

2.1 Workplace bullying is defined as “**repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety**”.

Examples:

- *Abusive, insulting or offensive language or comments;*
- *Unjustified criticism or complaints;*
- *Constant ridicule and being put down;*
- *Deliberately excluding someone from workplace activities;*
- *Withholding information that is vital for effective work performance;*
- *Setting unreasonable timelines or constantly changing deadlines;*
- *Setting tasks that are 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;*
- *Changing work arrangements such as rosters and leave to deliberately inconvenience a worker or workers.*

2.2 Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

2.3 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.

2.4 If workplace bullying behaviour involves violence, for example, physical assault or the threat of physical assault, it should be reported to the police.

PART 3 - WHAT IS NOT WORKPLACE BULLYING?

3.1 Managerial Actions - Reasonable management actions taken in a reasonable way which do not constitute workplace bullying include:

- a) performance management processes, such as setting reasonable performance goals, standards and deadlines or informing an employee about unsatisfactory work performance in accordance with workplace policies or systems;
- b) rostering and allocating work hours where the requirements are reasonable;
- c) transferring a worker for operational reasons;
- d) a decision not to provide a promotion where a reasonable process is followed;
- e) informing a worker about unsatisfactory work performance in an honest, fair and constructive way;

- f) informing a worker about inappropriate behaviour in an objective and confidential way;
- g) implementing organisational changes or restructuring.
- h) Discrimination and Sexual Harassment
- i) Unreasonable behaviour may involve discrimination or sexual harassment which in isolation is not considered to be bullying.
- j) Discrimination occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people. For example, it would be discriminatory not to hire someone or promote a woman because she is pregnant or may become pregnant.
- k) Sexual harassment is associated with unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature.
- l) Discrimination and sexual harassment in employment is unlawful and will not be tolerated.
- m) It is possible for a person to be bullied, discriminated against and sexually harassed at the same time.
- n) Creandsel Pty Ltd has an additional policy in relation to discrimination and sexual harassment and encourages employees to refer to that policy and/or make complaints in accordance with that policy where warranted.

3.2 Workplace Conflict

- a) Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety.

PART 4 - COMPLAINTS PROCEDURE

4.1 How to make a complaint

- a) Whilst Creandsel encourages individuals who believe that they are being bullied to firmly and promptly notify the offender that his/her behaviour is unwelcome, Creandsel also recognises that power and status disparities between an alleged bully and a target may make such a confrontation impossible. In the event that such informal, direct communication is ineffective or impossible, the following steps should be taken in reporting a complaint of workplace bullying.
- b) If an Employee has any doubts as to whether or not the conduct complained of amounts to workplace bullying, the Employee should make the complaint and have the matter dealt with pursuant to the following complaints procedure.
- c) The Employee has the right to bring a complaint to Management if they are being bullied.
- d) Creandsel will treat bullying complaints seriously and sympathetically. All complaints will be handled by Creandsel in a prompt and confidential manner.

4.2 Keep a record of the conduct or behaviour

- a) An accurate record of the objectionable behaviour or misconduct is needed to resolve a formal complaint of workplace bullying.
- b) Employees who believe that they have been or are currently being bullied should maintain a record of objectionable conduct, in order to prepare effectively and substantiate their allegations.

c) Whilst Creandsel encourages employees to keep written notes in order to accurately record offensive conduct or behaviour, Creandsel would like to highlight to all employees that, in the event that legal action is taken, the complainant's written notes might not be considered privileged or confidential information.

4.3 **What does Management do?**

- a) Management will listen to the Employee's complaint seriously and sympathetically.
- b) Management will be impartial and will not pre-judge the Employee's complaint.
- c) The Employee may bring a support person to the interview.
- d) If the Employee has difficulties with English, Management will arrange for someone to interpret for the Employee from the first interview.
- e) Management will listen to the Employee's grievance, and it may be that more than one interview is necessary.
- f) During the course of the interview, Management will take accurate notes of what is said, (provided that the Employee gives permission for Management to record the interview).
- g) Management will, upon completion of the interview, go over the details of the complaint with the Employee.
- h) Management will ask for the Employee's permission to proceed with the matter, and will require the Employee to sign the notes of the interview as a true and correct record of what was said.
- i) Management will investigate the Employee's claim promptly and confidentially.

4.4 **What investigations will be carried out?**

- a) All complaints will be investigated impartially and action will be taken by Creandsel to ensure that the conduct does not continue. Every endeavour will be taken to ensure that no complainant or witness is victimised in any way as a result of a complaint having been made, regardless of the outcome of the complaint.
- b) Management will:
 - ii) interview the person who is the subject of the complaint (alleged bully);
 - iii) put the Employee's allegations to the person and advise that Creandsel intends to make a full inquiry;
 - iv) give the person the opportunity to respond fully to the Employee's allegations;
 - v) take statements from witnesses to the incident, whilst endeavouring to keep their involvement in the investigation to the minimum necessary to establish the facts.

4.5 **What happens when the investigations are completed?**

Once the investigation has been completed, Management will:

- a) make a finding as to whether or not there has in fact been workplace bullying;
- b) where necessary, enforce a course of action to ensure that immediate and appropriate steps are taken to prevent the behaviour from happening again.

4.6 **What happens if the complaint is substantiated?**

a) Disciplinary action will be taken against a person who bullies a person or who victimises a person who has made a complaint or is a witness to a complaint. This may involve termination of the person's employment.

b) Complaints of alleged bullying found to be malicious, frivolous or vexatious may make the complainant liable for disciplinary action.

4.7 **What happens if the complaint is not substantiated?**

a) If the outcome is that the complaint is not substantiated, Management will explain the reasons for their findings to the parties involved.

b) Management may still take appropriate action to address any workplace issues leading to the complaint.

4.8 **What about formal legal proceedings?**

a) The above procedures apply to internal complaints of workplace bullying. Different procedures apply if a formal charge or civil lawsuit is filed, or where a complaint is made to the relevant legislative tribunal. If an Employee lodges or receives such a charge or complaint, the Employee is required to forward it to Creandsel immediately and must take all reasonable steps to assist Creandsel to deal with the matter, including co-operating with any internal investigations or procedures.

PART 5 - RESPONSIBILITIES OF MANAGEMENT AND WORKERS

5.1 Creandsel Pty Ltd requires all workers to behave responsibly by complying with this policy, to not tolerate unacceptable behaviour, to maintain privacy during investigations and to immediately report incidents of workplace bullying to management.

5.2 Managers and supervisors must also ensure that workers are not exposed to workplace bullying. Management are required to demonstrate appropriate behaviour, promote the workplace bullying prevention policy, treat complaints seriously and ensure where a person lodges or is witness to a complaint, that this person is not victimised.

PART 6 - REVIEW OF POLICY

6.1 This policy and the actions outlined above will be reviewed annually, unless required earlier because of changes to the risk profile of the workplace or relevant legislation. If necessary, further changes and actions may be introduced to ensure that workplace bullying is prevented and controlled.

6.2 Review conducted 4.8.2016 by Jennifer Hall

PART 7 - COMMITMENT

7.1 Creandsel Pty Ltd will make every effort to ensure that all employees are familiar with the policy and know that any complaint received will be thoroughly investigated and appropriately resolved.

ACKNOWLEDGMENT

I, of hereby
acknowledge that I have read and understood the **Prevention of Workplace Bullying** policy and
understand and agree that I will comply with this policy.

SIGNED:

DATED:/...../.....

SIGNED:

NAME:
(Parent/Guardian)

DATED:/...../.....

Related Documents:
CPOM.501 Employment Policy
CPOM.003 Employee Privacy Policy
CPOM.509 Sexual Harassment and Discrimination Policy