

## BULLYING POLICY

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Drafted by	Fraser Baxter	Approved by	08.09.2020
		Committee Of	
		Management on	
Responsible person	Secretary	Scheduled review date	07.09.2021

### Introduction

Brain Injury Matters believes that all people should work in an environment free from bullying.

Brain Injury Matters understands that workplace bullying is a threat to the health and wellbeing of its employees and volunteers.

Accordingly, Brain Injury Matters is committed to eliminating, so far as is reasonably practicable, all forms of workplace bullying by maintaining a culture of openness, support, and accountability.

### Purpose

The purpose of this document is to communicate that Brain Injury Matters does not tolerate any form of workplace bullying and to set out the process which is to be followed should any instances of workplace bullying be reported.

### Definitions

**“Bullying”** is repeated and unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

**“Repeated behaviour”** refers to the persistent nature of the behavior and can involve a range of behaviours over time.

**“Unreasonable behaviour”** is behaviour that a reasonable person, having considered the circumstances would see as unreasonable, including behavior that is victimising, humiliating, intimidating or threatening.

Examples of behavior, whether intentional or unintentional, that may be considered to 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

- unjustified criticism or complaints
- 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 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
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

Workplace bullying can be carried out in a variety of ways including through email, text or social media channels.

Workplace bullying can occur between workers (sideways), between volunteers (sideways), from managers/committee of management members to workers/volunteers (downwards), or workers/volunteers to managers/committee of management members (upwards).

Reasonable management action is not considered to be workplace bullying if it is carried out lawfully and in a reasonable manner in the circumstances.

Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- deciding not to select a worker for promotion where a reasonable process is followed
- informing a worker/volunteer about unsatisfactory work performance in an honest, fair and constructive way
- taking disciplinary action, including suspension or terminating employment/revoking membership.

Differences of opinion and disagreements are generally not considered to be workplace bullying.

Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter (see below).

## **Policy**

Brain Injury Matters has a duty of care to provide a safe workplace, and ensure, so far as is reasonably practicable, that workers and volunteers are not exposed to health and safety risks.

Brain Injury Matters accepts and acts on its duty of care. Any reported allegations of workplace bullying will be promptly, thoroughly, and fairly investigated.

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

## **AUTHORISATION**



Virginia Giddings  
Executive Secretary  
Brain Injury Matters  
10/09/2020



## BULLYING PROCEDURES

Procedures number	1002	Version	1
Drafted by	Fraser Baxter	Approved by Committee of Management on Scheduled review date	08.09.2020
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### Responsibilities

It is the obligation and responsibility of every person to ensure that the workplace is free from bullying. The responsibility lies with every manager, employee, volunteer and committee of management member to ensure that bullying does not occur in the workplace.

All workers and volunteers have:

- an entitlement to work in a safe and healthy workplace and to be treated with dignity and respect
- an entitlement to make a complaint in respect of any bullying behaviour
- a responsibility to take reasonable care for their own health and safety
- a responsibility to ensure they do not promote or engage in bullying and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
- a responsibility to co-operate and comply with this policy and any other relevant policy.

It is the responsibility of all managers/committee of management members to ensure that:

- they understand, and are committed to, the right of all employees and volunteers to attend work and perform their duties without fear of being bullied in any form
- all reasonable steps to eliminate bullying are made so far as is reasonably practicable
- all applicable occupational health and safety legislation is observed
- all employees and volunteers are regularly educated and made aware of their obligations and responsibilities in relation to providing a workplace free from bullying
- they provide an environment which discourages bullying, and set an example by their own behaviour
- all complaints are treated seriously and confidentially
- they are as far as practicable aware of whether bullying is occurring, whether complaints are received or not, relying on such information as:

- sudden increases in absenteeism
  - unexplained requests for transfers
  - behavioural changes such as depression
  - sudden deterioration in work performance
- they take immediate and appropriate action if they become aware of any bullying or offensive behaviour
- any reported allegations of workplace bullying are promptly, thoroughly, and fairly investigated
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying
- ongoing support and guidance is provided to committee of management members, management, employees and volunteers in relation to the prevention of bullying
- this policy is displayed in the workplace and easily accessible to all workers and volunteers.

## Procedures

### Complaints Procedures

If an employee or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact their manager or committee of management member with whom they feel comfortable **and this person shall have 10 days to respond to the claimant.** The manager or committee of management member will provide support and ascertain the nature of the complaint.

### Informal Intervention

The manager/committee of management member will explain the rights and responsibilities of the employee or volunteer under the relevant policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the organisation's formal procedure should be followed.



## Formal Complaints Procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally (by a manager or committee of management member) or by an external investigator.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be stood down from work/volunteering or provided with alternative duties during an investigation in which case they will be paid their normal pay during any such period (as applicable).

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings as to whether bullying has occurred will be determined on the basis of the evidence, and on the balance of probabilities.

Records are to be kept and filed in a confidential and secure place. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling
- Disciplinary action (including termination of employment/removal from volunteer role)
- Official warning
- Formal apology and/or an undertaking that the behaviour will cease
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a bullying complaint (irrespective of the findings), the manager/committee of management member concerned will:

- consult with the parties involved to monitor the situation and their wellbeing; and

- educate and remind all employees and volunteers of their obligations and responsibilities in relation to providing a workplace free from bullying

## Procedures for Dealing with Criminal Conduct

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While Brain Injury Matters is committed to treat most complaints about bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Employees or volunteers should be advised of the option of police support or intervention. **It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant but will be dealt with internally in the first instance.**

## Appeals Procedure

Where adverse findings are reached, the person concerned can appeal. The appeal must be in writing and sent to the President of BIM within 5 working days of the decision being made. The President will consider content, consult with all parties and make a decision within 15 working days. This decision is final.

Any party (the victim or the accused if the allegations are not substantiated) to the process may require professional support to deal with the impact on them. The cost of this professional support (for example the Employee Assistance Program) will be borne by BIM for a reasonable amount of time.

## Authorisation



Virginia Giddings  
Executive Secretary  
Brain Injury Matters

10/09/2020