



# Workplace Bullying

## POLICY



### RATIONALE

Port Melbourne Primary School is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. Bullying is a risk to the health and safety of the workplace. It is unacceptable and will not be tolerated by Port Melbourne Primary School.

This policy outlines Port Melbourne Primary School's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying while at work. It also details the legal responsibilities of Port Melbourne Primary School and employees in relation to preventing bullying in the workplace.

### AIMS

Port Melbourne Primary School aims to create:

- A workplace free from bullying or harassment.
- A workplace that is built on mutual respect and collegiality.
- A safe and healthy work environment.

### IMPLEMENTATION

#### 1. SCOPE

- 1.1 This policy covers all employees and workers of Port Melbourne Primary School (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of Port Melbourne Primary School (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively "**workplace participants**").
- 1.2 This Policy extends to all functions and places that are work related, for example, work lunches, conferences, school events and staff functions. This Policy does not form part of any employee's contract of employment. Nor does it form part of any contract for service.

#### 2. LEGAL RESPONSIBILITIES

- 2.1 Everyone at the workplace has a legal responsibility to prevent bullying from occurring.
- 2.2 Under relevant health and safety legislation (the "Legislation") Port Melbourne Primary School has the primary duty to eliminate or minimise, as far as reasonable practicable, the risks to health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying. This policy will assist insert name comply with its legal responsibilities.
- 2.3 Workplace participants are also required under the Legislation to take reasonable care for their own health and safety, as well as that of others at Port Melbourne Primary School's workplace.

All workplace participants must also comply with any reasonable instruction given by the Port Melbourne Primary School Principal or their delegate.

### 3. EXPECTED WORKPLACE BEHAVIOURS

Under work health and safety laws workers and other people at our workplace must take reasonable care that they do not adversely affect the health and safety of others.

Port Melbourne Primary School 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.

### 4. WHAT IS WORKPLACE BULLYING?

- 4.1 **Workplace bullying** is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.
- 4.2 **‘Repeated behaviour’** refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities – ie. a pattern is being established from a series of events).
- 4.3 **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.
- 4.4 Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated.

### 5. EXAMPLES OF WORKPLACE BULLYING

- 5.1 Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying:-

#### Direct bullying:

- (a) abusive, insulting or offensive language
- (b) spreading misinformation or malicious rumours
- (c) behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming
- (d) displaying offensive material
- (e) inappropriate comments about a person’s appearance, lifestyle, their family or sexual preferences
- (f) teasing or regularly making someone the brunt of pranks or practical jokes
- (g) interfering with a person’s personal property or work equipment, or
- (h) harmful or offensive initiation practices.

Indirect bullying:

- (i) unreasonably overloading a person with work, or not providing enough work
- (j) setting timeframes that are difficult to achieve, or constantly changing them
- (k) setting tasks that are unreasonably below, or above, a person's skill level
- (l) deliberately excluding or isolating a person from normal work activities
- (m) withholding information that is necessary for effective work performance
- (n) deliberately denying access to resources or workplace benefit and entitlements, for example training, leave
- (o) deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers

5.2 The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and therefore unacceptable to Port Melbourne Primary School.

5.3 A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

5.4 A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person actually have that effect.

5.5 Bullying in the workplace is harmful not only to the target of the behaviour but damages insert name's culture and reputation. It is unacceptable and will not be tolerated.

## **6. WHAT DOES NOT CONSTITUTE WORKPLACE BULLYING?**

6.1 Managing staff does not constitute bullying, if it is done in a reasonable and lawful manner. Managers have the right, and are obliged to, manage their staff. This includes directing the way in which work is performed, undertaking performance reviews, providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management practices include:

- (a) setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience
- (b) allocating work fairly
- (c) fairly rostering and allocating working hours
- (d) transferring a workplace participant for legitimate and explained operational reasons
- (e) deciding not to select a workplace participant for promotion, following a fair and documented process
- (f) informing a workplace participant about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- (g) informing a workplace participant about inappropriate behaviour in an objective and confidential way

- (h) implementing organisational changes or restructuring, and
- (i) performance management processes.

## **7. HOW WE WILL RESPOND**

If workplace bullying or unreasonable behaviour is reported or observed we will take the following steps:

- 7.1 The responsible supervisor or manager will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
- 7.2 If issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, Conduct and Ethics Branch of DET will be contacted and a formal investigation implemented. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.
- 7.3 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.
- 7.4 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.

## **8. WHAT ARE SOME OF THE ENVIRONMENTAL FACTORS WHICH MAY LEAD TO BULLYING?**

- 8.1 Bullying can result from a number of different factors in a workplace, from the general culture to poor management skills. Some risk factors which make bullying more likely to occur are:
  - (a) Organisational change - i.e. significant change in the workplace that may lead to job insecurity for example, restructure and redundancy, introduction of technology, change in management.
  - (b) The culture – insert name’s values, views and beliefs can either expressly or implicitly encourage bullying behaviours, for example, when a company promotes aggressive behaviour as a means of ensuring its workers are performing their roles, or adopts a culture in which it is acceptable to ignore such behaviours.
  - (c) Negative leadership styles – such as strict, autocratic management styles, which do not allow for flexibility or involvement by employees; or passive, ‘laissez-faire’ management styles which are characterized by a tendency to avoid decisions, inadequate supervision and little guidance to workers.
  - (d) Inappropriate systems of work – this includes excessive workloads, unreasonable timeframes, uncertainty about roles and how they should be performed, and lack of employee support.
  - (e) Poor work relationships –this can be characterized by poor communication between staff and management, or negative relationships with supervisors or colleagues, excessive criticism by manager and the exclusion or isolation of workers.
  - (f) Workforce characteristics – a company’s workforce can be made up groups of workers who may be at a higher risk of bullying because of certain characteristics: for example,

young workers, new workers, injured workers, workers in a minority group because of their race, disability, religion, gender or sexual preference.

## **9. COMPLAINT PROCEDURE**

- 9.1 If a workplace participant feels that they have been bullied, they should not ignore it.
- 9.2 Any bullying issue should be brought to Port Melbourne Primary School's attention as soon as possible. There are a number of options available to workplace participants.

## **10. CONFRONT THE ISSUE**

- 10.1 If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the bullying behaviour, explain that the behaviour is unwelcome and offensive and ask that it stop.
- 10.2 This is not a compulsory step. If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the worker should report the issue to the Principal. If the Principal is the alleged perpetrator, then the matter should be reported to the Principal's Line Manager or to DET regional office.
- 10.3 If at any time, a workplace participant is unsure about how to handle a situation they should contact the Principal or member of the Principal Class for support and guidance.

## **11. REPORT THE ISSUE**

- 11.1 There are two complaint procedures that can be used to resolve bullying complaints: informal and formal (detailed further below). The type of complaint procedure used depends on the nature of the complaint that is made. The aim is to ensure that workplace participants are able to return to a productive and harmonious working relationship as soon as possible.

## **12. INFORMAL COMPLAINT PROCEDURE**

- 12.1 Under the informal complaint procedure there are a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. The Manager or immediate supervisor will determine which process to follow. The possible options include, but are not limited to, the Manager or immediate supervisor:
  - (a) discussing the issue with the person against whom the complaint is made; and/or
  - (b) facilitating a meeting between the parties in an attempt to resolve the issue and move forward.
- 12.2 The informal complaint procedure is more suited to less serious allegations that if founded, may not warrant disciplinary action being taken.

## **13. FORMAL COMPLAINT PROCEDURE**

- 13.1 The formal complaint procedure involves the workplace participant making a written complaint and a formal investigation of that complaint. It is appropriate for more serious allegations, or if senior management are involved. Formal investigations may be conducted by

Port Melbourne Primary School's Principal in addition to advice and support from DET Conduct and Ethics branch.

- 13.2 An investigation generally 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 school Principal will make recommendations about what actions should be taken to resolve the complaint and any appropriate disciplinary action in accordance with DET regulations.

#### **14. DEALING WITH BULLYING COMPLAINTS**

- 14.1 In handling bullying complaints, Port Melbourne Primary School will adopt the following principles:

- (a) Take all complaints seriously
- (b) Act promptly
- (c) Not victimise any person who makes a complaint, any person accused of bullying, or any witnesses
- (d) Support all parties
- (e) Be impartial
- (f) Communicate the investigation or complaint process to all parties involved, including estimating length of time for resolution
- (g) Maintain confidentiality - Port Melbourne Primary School will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workers in order to determine what happened, to legal representatives or Port Melbourne Primary School's leadership team. It will also be necessary to speak to those against whom the complaint has been made in order to afford fairness. All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Spreading rumours or gossip may expose the workplace participant responsible to a defamation claim.
- (h) Act appropriately - if a complaint is made and it appears that bullying has occurred, Port Melbourne Primary School will endeavour to take appropriate action in relation to the complaint
- (i) Keep records – documentation is essential. A record of all meetings and interviews stating who was present and agreed outcomes should always be maintained.

#### **15. POSSIBLE OUTCOMES**

- 15.1 The possible outcomes of an investigation will depend on the nature of the complaint. Where an investigation results in a finding that a person has engaged in bullying behaviour, that person will be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and DET regulations. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in further disciplinary action at the regional level. Any disciplinary action is a confidential matter between the affected worker/s and Port Melbourne Primary School.

15.2 Port Melbourne Primary School may take a range of disciplinary action. Examples include, but are not limited to:

- (a) providing training to assist in addressing the problems underpinning the complaint
- (b) monitoring to ensure that there are no further problems
- (c) implementing a new policy
- (d) mentoring and support from the Principal Class and/or leadership team
- (e) requiring an apology or an undertaking that certain behaviour stop
- (f) changing work arrangements
- (g) transferring to another class/year level
- (h) issuing a written warning (this can be a first or final warning depending on the circumstances)
- (i) dismissal

## **16. MANAGEMENT'S ROLE**

16.1 Principal Class Officers and school leaders have a key role in the prevention of workplace bullying.

Principal Class Officers and school leaders must:

- (a) ensure that they do not bully employees, other managers or supervisors, clients or customers
- (b) ensure that they do not aid, abet or encourage other persons to engage in bullying behaviour
- (c) ensure all staff who report to them are aware and understand this policy and their responsibility to comply with it
- (d) ensure that all staff who report to them understand that any bullying in any form is unacceptable and will not be tolerated by insert name
- (e) act promptly and appropriately if they observe bullying behaviours
- (f) ensure that all staff who report to them understand that they should report any bullying behaviour
- (g) ensure all staff who report to them are aware and understand the complaint procedures
- (h) act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the Principal or a school leader as soon as possible.

## **17. WORKPLACE PARTICIPANT'S ROLE**

17.1 All workplace participants must:

- (a) understand and comply with this policy
- (b) sign the workplace participant acknowledgement to this policy

- (c) ensure they do not engage in any conduct which may constitute bullying towards other workplace participants, customers/clients or others with whom they come into contact through work
- (d) ensure they do not aid, abet or encourage other persons to engage in bullying behaviour
- (e) follow Port Melbourne Primary School's complaint procedure if they experience bullying
- (f) report any bullying they see occurring to others in the workplace in accordance with this policy
- (g) maintain confidentiality if they are involved in the incident complained of.

## **18. BREACH OF THIS POLICY**

- 18.1 Port Melbourne Primary School takes very seriously its commitment to providing a safe and healthy work environment, free from bullying. All workplace participants are required to comply with this policy.
- 18.2 If an employee breaches this policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with Port Melbourne Primary School terminated or not renewed.
- 18.3 If a person makes a false complaint, or a complaint in bad faith (e.g. making up a complaint to get someone else in trouble, or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

## **19. MORE INFORMATION**

- 19.1 If a workplace participant is unsure about any matter covered by this policy, or requires more information about workplace bullying they should seek the assistance of their manager, or of Manager or immediate supervisor. They may also wish to seek external advice from the relevant regulatory authority, such as WorkCover/WorkSafe/SafeWork.

## **EVALUATION**

This policy will be reviewed as part of the school's three-year review cycle.

Ratified by School Council: March 2018  
Review due: March 2021