

BULLYING & HARASSMENT PREVENTION POLICY

Purpose

The purpose of this policy is to ensure that all employees understand what will be regarded as bullying, are encouraged to report any bullying or harassment; know how complaints of bullying or harassment can be made and how claims will be treated by Transparency International Australia (TIA).

Scope

This policy applies to all TIA Board Members, employees, volunteers and interns.

This policy is not limited to the workplace or working hours, and will include all work-related events which includes, but is not limited to: lunches, functions (including work Christmas parties or similar celebrations), meetings, travel and conferences.

Definitions

Bullying

Bullying is repeated, unreasonable behaviour directed towards a person or a group of people that creates a risk to health and safety and is unlawful.

Repeated behaviour

The persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour

Behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of bullying may include (but are not limited to):

- a manager or supervisor using a management style that is harsh, involves shouting, constant criticism or humiliation of an employee or group of employees in private or in front of their peers;
- an employee being treated less favourably by another employee or group of employees in the workplace, including, but not limited to, bullying or intimidation; forcing an employee to participate in an 'initiation' process; the playing of practical jokes or forcing an employee to undertake demeaning tasks;
- sniggering or gossiping behind someone's back;
- laughing at someone in the workplace which is intended to make them feel uncomfortable or distressed;
- a manager setting unreasonable timelines or constantly changing deadlines for an employee to meet, or setting tasks that are unreasonably below or beyond a person's skill level; and/or
- continuously and deliberately excluding someone from workplace activities, training and opportunities for advancement and professional development including ignoring them and keeping them isolated from relevant communications and information about work issues.

Bullying behaviour is **not**: fair and reasonable management action taken in order to counsel an employee for instances of underperformance; investigating complaints made against employees; discipline for misconduct; and other work directions in line with business needs.

Harassment

Harassment is treating someone less favourably than another person or group because of a particular protected attribute as defined in the TIA Equal Opportunity and Anti-Discrimination Policy. For behaviour to be harassment it must:

- be unwelcome; and
- result in the victim feeling offended, humiliated or intimidated, in circumstances where it is reasonable that they felt this way; and

- have occurred as a result of one of the protected attributes listed in the TIA Equal Opportunity and Anti-Discrimination policy.

Harassment can occur as a single act or as a series of incidents.

Behaviour can constitute harassment even if it was not intended to offend or harm. For example, it can constitute harassment if a person overhears a conversation or sees something on another person's computer screen, if what they overheard or saw offends them.

Some examples of harassment include:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails or text messages;
- displaying racially offensive or pornographic posters or screen savers;
- making derogatory comments or taunts about a person's disability, or
- asking intrusive questions about someone's personal life, including his or her sex life.

Victimisation

Occurs when a person performs or threatens to carry out an act to the detriment of another person because that person has:

- made, or proposes to make, a complaint;
- provided, or proposes to provide, documentation to assist in an investigation of a complaint; attended, or proposes to attend, an investigation as a witness to an incident;
- reasonably asserted his/her rights under this Policy.

Principles

TIA is committed to providing a workplace which is free from bullying and harassment. TIA aims to ensure all those participating in the workplace are treated with respect, dignity and fairness with an aim of creating an environment which promotes positive working relationships. Any confirmed instances of bullying, discrimination, harassment and occupational violence will result in disciplinary action.

Responsibilities

All staff

In line with TIA's commitment to creating a safe working environment and one which strives to create positive working relationships, all those covered by this policy are expected to observe the following minimum standards of behaviour, including:

- being polite and courteous to others;
- being respectful of the differences between people, their circumstances and their opinions;
- ensuring they do not engage in any bullying or harassing behaviour(s) towards others in, or connected with, the workplace which includes customers, clients, supervisors and other managers;
- ensuring they do not assist, or encourage others in the workplace, or in connection with the workplace, to engage in bullying or harassment of any type;
- adhering to the complaint procedure referred to in this policy if they experience any bullying behaviour(s) or harassment personally;
- reporting any bullying behaviour(s) or harassment they see happening to others in the workplace, or connected with the workplace in line with the complaint procedure in this policy; and
- keeping information confidential if involved in any investigation of bullying.

These standards of conduct are intended to operate in addition to, and in conjunction with, TIA's Code of Conduct.

Managers

Managers are responsible for role-modelling behaviour that fosters a safe and healthy working

environment free from bullying behaviours, discrimination and harassment.

Managers who receive reports of alleged bullying or harassment must respond in accordance with the relevant Notification and Investigation of Serious Misconduct Guidelines for Managers. Managers may be required to investigate allegations of bullying or harassment in line with the investigation procedures specified in this policy, supplemented by the Notification and Investigation of Serious Misconduct Guidelines for Managers

Practice

Breach of Policy

All those individuals covered by this policy are expected to adhere to the standards of behaviour contained herein at all times. Any employee who is found to have breached this policy will be disciplined accordingly, which may lead up to, and include termination of employment in line with the Disciplinary and Termination of Employment policies. If a contractor of TIA is found to have breached this policy, their contract stands to be terminated, or may not be renewed in the future.

Complaints

All individuals covered by this policy who believe that they have been subject to actions or words that may constitute bullying or harassment should act as soon as possible by informing their supervisor or a trusted manager within the TIA team. Those individuals who believe they have witnessed or have been alerted to bullying behaviour by another individual in the workplace are encouraged to report the incident(s) to a manager.

Investigation

Where a written complaint has been lodged, a formal investigation procedure will commence immediately. Formal investigations may be conducted by a Senior Manager of TIA or an independent body/person who is appointed by TIA.

Regardless of whether the investigation is carried out by a TIA employee, or by an independent body/person, the investigator will aim to follow the procedure set out below:

- clarify details of what took place, when, where, and who was involved and ensure that all necessary information is obtained;
- identify the outcome the complainant is seeking;
- discuss with the complainant their legal rights, including lodging a formal complaint with the relevant state or federal tribunal;
- discuss the complaint made with the person/s accused of bullying; and
- make a determination as to whether the alleged behaviour occurred and if it constituted bullying.
- identify and document next steps and an agreed timeframe

If TIA feels it is appropriate in the interests of health and safety of employees concerned, and/or the efficiency of the investigation process, employees may be requested to refrain from attending work for a period of time whilst the investigation is underway. Alternatively, employees may be given different duties or work to perform while the investigation is being conducted. Employees who are requested to do either of these will be paid at their normal rate of pay during this period.

Where it becomes apparent that the complaint made related to conduct which constitutes misconduct or otherwise warrants disciplinary action, the manager is to refer to the Disciplinary Policy for further action and resolution.

Confidentiality and support

Employees who make a complaint of bullying or harassment will be supported and protected from victimisation as a result of making a complaint. Similarly, the employee against whom the allegation is made will be provided with protection and support. Both parties will be kept informed of progress and the outcome of the investigation. Information regarding any disciplinary action arising from a complaint will remain strictly confidential, except where required to disclose information by law or obligation under another TIA policy.

Related documents & resources

This policy has been written to comply with national and state laws including the Fair Work Act (2009), Fair Work Amendment Act (2013), Australian Human Rights Commission Act (1986), Sex Discrimination Act (1984), Disability Discrimination Act (1992), Racial Discrimination Act (1975), Occupational Health and Safety Act (2004) Vic, and the Occupational Health and Safety Regulations (2017) Vic, and Crimes Act (1958). Any changes to these Acts may override the definitions and practice outlined in this policy.

This policy should be read in conjunction with:

- Code of Conduct
- Equal Opportunity and Anti-Discrimination Policy
- Workplace Health and Safety Policy
- Whistleblower Protection Policy
- Complaints Policy
- Notification and Investigation of Serious Misconduct Guidelines for Managers
- Grievance Procedure
- The relevant terms and conditions of the relevant contract, specifically disciplinary and termination clauses.

The following external resources may also be helpful:

Worksafe Victoria

<http://www.worksafe.vic.gov.au/pages/safety-and-prevention/health-and-safety-topics/workplace-bullying>

Australian Human Rights Commission

<https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/workplace-discrimination-harassment-and-bullying>

Fair Work Ombudsman

<https://www.fairwork.gov.au>

About this Policy

This Policy is to be reviewed as needed and at least every 2 years.

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