Respect at Work (Prevention of Bullying) Policy

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In developing this policy the University had regard to the provisions of section 40B(1)(b) of the Human Rights Act 2004 (ACT).

PURPOSE:

The intent of this policy is to support the Charter of Conduct and Values in constructing a positive working environment, built on mutual respect and consistent with the University's values.
The Respect at Work (Prevention of Bullying) Policy affirms that:

- workplace bullying is not acceptable in the University;
- appropriate action will be taken against individuals engaging in workplace bullying; and
- all complaints of workplace bullying will be treated seriously, promptly and fairly with due regard to the principles of procedural fairness and confidentiality.

SCOPE:

This policy covers all workers at the University of Canberra who are engaged in University-related activity either on or off-campus. This includes employees, contractors, volunteers, and work experience students. Bullying by any member of the University community against another is prohibited. This policy will be regularly reviewed to ensure it complies with relevant legislation and the principles outlined in the Charter of Conduct and Values.

PRINCIPLE:

The following principles apply for the purpose of creating a positive work environment of respect and courtesy, consistent with the University's values and the Charter of Conduct and Values:

1. The University upholds a culture where diversity is respected and the contribution that people with diverse backgrounds, experience and skills make to the workplace is valued;
2. Each individual is unique and has the right to be treated with dignity, respect and courtesy and to work in a fair, safe and productive environment;

3. The University is committed to providing safe and healthy workplaces which are free from workplace bullying;

4. Reasonable management action taken in a reasonable way is not considered workplace bullying;

5. Fair and accessible mechanisms are available for staff to raise issues and make complaints;

6. Complaints and informal reports of bullying are to be treated seriously, promptly, confidentially and with adherence to the principles of procedural fairness (afforded to all parties to avoid unfair or disproportionate treatment to either complainants, respondents or witnesses);

7. Complaints should be resolved informally where practicable and appropriate;

8. All parties to a complaint will be informed of the outcome taking into consideration privacy, the nature of the complaint and the proportionality of information applicable to each party;

9. Every individual has the right to bring informal reports or formal complaints to an executive or manager; and

10. All stakeholders have a shared duty of care to provide a safe workplace free from bullying.

Self-Resolution

1. Self-resolution is encouraged in the first instance through informal mechanisms conducted with goodwill by the parties. Informal mechanisms should involve a minimal number of people and respect the confidentiality of all parties and are not about blaming or finding fault; they are about attempting to resolve the complaint. They are not, however, appropriate in all instances. In an informal resolution:
    - Focus is placed on inappropriate conduct rather than on personalities or individuals involved in the conduct;
    - All parties are encouraged to take responsibility for their own behaviour and discuss options for resolution;
    - A non-blaming approach is used and no disciplinary action needs to arise as a result; and
    - A focus on providing clarity around future behaviour and boundaries.

2. Informal mechanisms can include, but are not limited to, mediation between the parties.

Process

1. In circumstances where informal mechanisms and self-resolution are unsuccessful, or where allegations are so serious that the less formal approaches are inappropriate, more formal procedures may be utilised.

2. Where a formal process becomes necessary to resolve an issue that arises under this policy, the parties will utilise the procedure outlined in Schedule 5 of the *University of Canberra Enterprise Agreement*. While Schedule 5 is utilised for the resolution of bullying issues, this policy does not form part of the Agreement. The civil standard (see Definitions 6.2) will be utilised for all investigations and processes undertaken in accordance with this policy.

3. In instances where the employee is also a student of the University, consideration must be given by the complainant and/or Human Resources as to whether the complaint is best handled under this policy or the Student Grievance Resolution Policy. Where doubt remains, the Chief Executive, People and Diversity will confer with the Dean of Students.

4. In some circumstances it may be appropriate to deal with the complaint under both the student and the worker processes concurrently.

Implementation

1. This policy, along with the Charter of Conduct and Values, will be implemented through training,

communication and awareness-raising.

2. The policy will be monitored and reviewed on a regular basis.

RESPONSIBILITIES:

The following table provides a high-level summary of key roles and responsibilities in relation to this policy.

WHO	RESPONSIBILITIES
All Workers	To understand and comply with the policy. All workers at the University of Canberra must: • uphold the Charter of Conduct and Values at the University of Canberra and treat all workers with respect; • uphold and familiarise themselves with the Respect at Work (Bullying) Policy; • understand their own behaviour and how it may be perceived and impact on others at work; • offer support to anyone who is being bullied and if possible let them know where they can obtain help and advice; • where appropriate, talk directly to the person engaging in the inappropriate work behaviour, to try to resolve the matter informally in the first instance; • raise concerns as early as possible about potential workplace bullying issues; • raise their concerns with their supervisor or any other senior manager or executive or raise their concern with their manager or supervisor or relevant human resources contact; • raise complaints in good faith, and will ensure that such complaints are neither frivolous or vexatious in nature; and • participate in the complaint resolution process in good faith and will maintain confidentiality.
Managers	Implementation of this policy in their area of responsibility.
Chief Executive People and Diversity (or delegate)	Owner and final decision-maker of this policy.

LEGISLATION:

This policy is governed by the:

- *Fair Work Act 2009* (Cth);
- *Work Health and Safety Act 2011* (ACT);
- *Safety, Rehabilitation and Compensation Act 1988* (Cth);

- *Disability Discrimination Act 1992* (Cth);
- *Sex Discrimination Act 1984* (Cth);
- *Age Discrimination Act 2004* (Cth);
- *Racial Discrimination Act 1975* (Cth);
- *Australian Human Rights Commission Act 1986* (Cth);
- *Discrimination Act 1991* (ACT); and
- *Human Rights Act 2004* (ACT).

SUPPORTING INFORMATION:

Related Documents

- Charter of Conduct and Values
- Human Rights and Discrimination Policy

DEFINITIONS:

Terms	Definitions
Bullying	Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, that a reasonable person would regard as undermining the individual's right to dignity through victimising, harming, humiliating, intimidating or threatening a person or persons which therefore creates a risk to health and safety. Examples of behaviour 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.

Civil Standard of Proof	In civil proceedings, the standard of proof is held when the contested facts are *proved on the balance of probabilities*. By this standard, a fact is proved to be true if its existence is more probable than not.
Complaint	A grievance by a person(s) about inappropriate conduct by another person(s), including discrimination, harassment or bullying. On occasion more than one employee is aggrieved by the same or related actions that may constitute workplace bullying. If those employees choose to act as a group on this matter, such a group complaint is an acceptable form of complaint and will be dealt with as a group complaint.
Complainant	The party who makes a complaint
Discrimination	Discrimination is when a person is treated less favourably than another person because of certain attributes (direct discrimination) such as some cultural and biological features such as sex, sexuality, transsexuality, relationship status, status as a parent or carer, pregnancy, breastfeeding, race, religious or political conviction, disability, membership or non-membership of an association or organisation of employers or employees, age, profession, trade, occupation or calling, or association with a person who has an attribute listed here. Discrimination also may occur when a requirement that is the same for everyone has an unfair effect on some people because of a certain attribute (indirect discrimination).
Harassment	Workplace harassment includes offensive, belittling or threatening behaviour toward an individual or group of employees.
Inappropriate work behavior	Includes discrimination, harassment, sexual harassment, bullying, vilification and victimisation.
Mobbing	Bullying behaviour where the perpetrator is a group of people rather than an individual.
Procedural fairness	Procedural fairness is concerned with the procedures used by a decision-maker and/or investigator, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision or investigating a complaint. Procedural fairness ensures that all parties are provided an opportunity to respond to any complaint and/or evidence considered; that the investigator must be unbiased; and any findings reached are supported by the evidence.

Reasonable management action	Examples of reasonable management action includes but is not limited to: • setting reasonable performance goals, standards and deadlines; • rostering and allocating working hours where the requirements are reasonable; • transferring a worker for operational reasons; • deciding not to select a worker for promotion where a reasonable process is followed; • informing a worker about unsatisfactory work performance in an honest, fair and constructive way; • informing a worker about inappropriate behaviour in an objective and confidential way; • differences of opinion or other disagreements; • implementing organisational changes or restructuring; • taking disciplinary action, including suspension or terminating employment, where grounds exist to do so.
Respondent	The party against whom the complaint is made.
Repeated Behavior	Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
Unreasonable behaviour	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.
Victimisation	Victimisation occurs when a person does or threatens to do something that will be detrimental to another person because they have lodged a complaint, are considering lodging a complaint or they are or will be involved in the complaint resolution process. Victimisation usually involves retaliation or retribution
Vilification	Vilification is behaviour that happens in the workplace that incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, sexuality, transsexuality, HIV/AIDS status, or other personal characteristic.
Worker	A person is a *worker* if they carry out work in any capacity at the University of Canberra, including; an employee; contractor or subcontractor; an employee of a contractor, subcontractor or labour hire company; a student gaining work experience; or a volunteer.