

Positive Behaviour Policy

Summary

This Positive Behaviour policy applies to all employees and consists of the following sections to proactively address workplace bullying, discrimination, and harassment with the view to stop unreasonable behaviour before it escalates to cause psychological harm. The following sections are designed to specifically address workplace bullying resulting from interpersonal conflict, predatory harassment, and unreasonable expectations at work. This policy is intended to proactively create a psychological safety culture supported by a positive behaviour policy to eliminate the risk to health and safety before it requires regulatory intervention. This policy is intended to be supplemented by employee and management training and skills development together with a positive behaviour employment agreement.

Workplace Bullying Action



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Workplace Bullying Policy

Guidance: The following policy outlines the minimum behaviour required to comply with relevant legal obligations. This section is governed by state and federal legislation, and it is important that they be continually kept up to date with legal changes. This is not an exhaustive list of unreasonable behaviours, and they are designed to supplement Standard HR policies and procedures that are relevant within your organisation, including but not limited to this Positive Behaviour Policy.

Purpose

This policy affirms the organisation's belief in eliminating psychosocial harm through workplace bullying from all employees. This policy clarifies the minimum standards of unreasonable behaviour prohibited under workplace relations laws and may result in legal and disciplinary action.

Principles

Our commitment is to provide a safe and healthy workplace free from bullying. Workers are protected by this policy whether they feel bullied by a supervisor, another worker, client, contractor, or member of the public. The organisation will treat reports of workplace bullying seriously and respond promptly, impartially, and confidentially.

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.

Policy

Expected workplace behaviours:

- 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, and
- be fair and honest in their dealings with others.

This policy applies to behaviours that occur:

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

Legally Enforceable Workplace Bullying

Legally enforceable workplace bullying under workplace relations law is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time. Single incidents of unreasonable behaviour can also present a breach of the work, health and safety law, duty to eliminate or at least minimise the risk of psychological injury and will not be tolerated.

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.

Reasonable management action taken by managers or supervisors to direct and control the way work is carried out may be excluded as workplace bullying under workplace relations law if the action is carried out in a lawful and reasonable way, taking the particular circumstances into account. Action taken by managers or supervisors should be properly documented to ensure it is applied in a fair and reasonable way and there is no breach of the work, health and safety law, duty to eliminate or at least minimise the risk of psychological injury or perceived to be constructive unfair dismissal.

Workplace bullying under work health and safety law can be eliminated or at least minimised through compliance with the Managing Psychosocial Hazards at Work Code of Practice including personal conflict escalation, discrimination and poor job

design including excessive targets, withholding resources, task or role ambiguity, exposure to unsafe environments and oppressive or negligent leadership. The code of practice is legally enforceable under work health and safety law as evidence of what risks are known about psychosocial hazards and need to be controlled and monitored to eliminate workplace bullying before it happens.

Action

What can you do?

If you feel you are experiencing or witnessing workplace bullying and are not comfortable dealing with the problem yourself, or your attempts to do so have not been successful, you should raise the issue promptly either with your supervisor, health and safety representative or another manager within the organisation. If you are a member of the union, you may also raise any issues with your delegate. If you witness unreasonable behaviour, you should bring the matter to the attention of your manager as a matter of urgency.

How will we respond?

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

- 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.
- If issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. Both sides will be able to state their case, and relevant information will be collected and considered before a decision is made.
- 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.
- There will be no victimisation of the person making the report or helping to resolve it.

Consequences of breaching this policy

Appropriate disciplinary action may be taken against a person who is found to have breached this policy. The action taken will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology
- one or more parties agreeing to participate in counselling or training
- a verbal or written reprimand, or
- transfer, demotion, or dismissal of the person engaging in the bullying behaviour.

If an investigation finds workplace bullying has not occurred or cannot be substantiated, the organisation may still take appropriate action to address any workplace issues leading to the bullying report.