

# Bullying and Harassment in the workplace

## POLICY AND PROCEDURE

### 1. Purpose

To support a safe and healthy working environment for all Subee employees in which all employees are treated fairly, with dignity and respect.

### 2. Scope

- 2.1. This policy applies to interactions between staff and key personnel of all levels and between staff and clients, where the client is the alleged bully. For information relating to bullying in this instance where the staff member is the alleged bully refer to the Abuse and Neglect Policy.
- 2.2. This Policy covers all employees of Subee Pty Ltd (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of Subee Pty Ltd (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively 'workplace participants').
- 2.3. This Policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions. This Policy does not form part of any employee's contract of employment. Nor does it form part of any contract for service.

2.4. The responsibility to prevent workplace bullying, harassment and discrimination is covered in the Work Health and Safety (WHS) Act by the duty to provide a healthy and safe working environment and safe systems of work.

2.5. The policy extends to social media networks and platforms when it can be reasonably implied that two people know each other primarily or as a result of a workplace context.

### 3. Responsibility and Authority

- 3.1. All managers and supervisors are responsible for actively intervening to prevent and stop any bullying behaviour that is occurring whether or not a complaint is received.
- 3.2. Under the Work Health and Safety Act 2011 employees are tasked with taking reasonable care of their own health and safety while at work and to ensure their acts or omissions do not adversely affect the health and safety of other workers in the workplace.
- 3.3. All employees are responsible for knowing and following this procedure.

### 4. Definitions

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- 4.1. Workplace bullying is repeated, unreasonable behaviour by an individual or group of individuals, directed towards a worker or a group of workers that creates a risk to health, safety and wellbeing. 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 — i.e. a pattern is being established from a series of events).
- 4.3. 'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, interprets as victimising, humiliating, undermining or threatening another person, regardless of what the intention of the behaviour is.
- 4.4. 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.
- 4.4.1. Direct bullying:
- Abusive, insulting or offensive language or comments
  - Spreading misinformation or malicious rumours
  - Behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming
  - Displaying offensive material
  - Inappropriate comments about a person's appearance, lifestyle, their family, or sexual preferences
  - Teasing or regularly making someone the brunt of pranks or practical jokes
  - Interfering with a person's personal property or work equipment, or
  - Harmful or offensive initiation practices.
- 4.4.2. Indirect bullying:
- Unreasonably overloading a person with work, or not providing enough work
  - Setting timeframes that are difficult to achieve, or constantly changing them
  - Setting tasks that are unreasonably below, or above, a person's skill level
  - Deliberately excluding or isolating a person from normal workplace activities or in the course of normal workplace activities

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- Withholding information that is necessary for effective work performance
- Deliberately denying access to resources or workplace benefit and entitlements, for example training, leave etc.
- Deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers
- Cyber bullying/social media – cyber bullying is bullying that takes place using electronic technology including social media of any kind, emails and text, and can include posting of offensive comments online or posting of another employee's personal details in image or text.

4.4.3. Under this policy there is no distinction between the method of bullying in terms of repercussion.

4.4.4. Bullying is not normally considered to be:

- Reasonable requests for information about job workload to support operational needs of Subee.
- A single incident of unreasonable behaviour. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

4.4.4.1. Reasonable action taken by a manager in making decisions about poor performance, taking disciplinary action, and directing and controlling the way work is carried out.

*Examples include:*

- Setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience
- Allocating work fairly
- Fairly rostering and allocating working hours
- Transferring a workplace participant for legitimate and explained operational reasons
- Deciding not to select a workplace participant for promotion, following a fair and documented process
- Informing a workplace participant about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- Informing a workplace participant about inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructuring, and performance management processes.

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### 5. Procedure

- 5.1. If a workplace participant feels that they have been bullied, they should not ignore it.
- 5.2. Any bullying issue should be brought to your manager's attention as soon as possible.
- 5.3. 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.
- 5.4. 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 HR or team leader. If these people are the alleged perpetrator, then the matter should be reported to another staff member they feel comfortable with or Business Owner/CFO/Clinical Team Leader.
- 5.5. If at any time, a workplace participant is unsure about how to handle a situation they should contact anyone from the senior management team for support and guidance.

### 6. Reporting: Informal complaint procedure

In addition, refer to Subee Personal Grievance Policy and Subee Feedback and Complaints Management Policy.

- 6.1. 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. HR will determine which process to follow. The possible options include, but are not limited to, the senior management team:
  - 6.1.1. Discussing the issue with the person against whom the complaint is made; and/or
  - 6.1.2. Facilitating a meeting between the parties in an attempt to resolve the issue and move forward.
  - 6.1.3. The informal complaint procedure is more suited to less serious allegations that if founded, may not warrant disciplinary action being taken.

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### 7. Reporting: Formal complaint procedure

- 7.1. 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 Subee Pty Ltd or by an external investigator appointed by Subee Pty Ltd.
- 7.2. 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, Subee Pty Ltd or the external investigator will make recommendations about what actions should be taken to resolve the complaint and any appropriate disciplinary action.
- 7.3. If Company considers it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during the period of an investigation. Subee Pty Ltd may also provide alternative duties or work during the investigation period. Generally, workplace

participants will be paid their normal pay during any such period.

- 7.4. In handling bullying complaints, Subee Pty Ltd will adopt the following principles:
- Take all complaints seriously
  - Act promptly.
  - Will not victimise any person who makes a complaint, any person accused of bullying, or any witnesses and will direct other workplace participants not to victimise any person involved in a complaint.
  - Support all parties and be impartial.
- 7.7 Communicate the investigation or complaint process to all parties involved, including estimating length of time for resolution.
- 7.8 Maintain confidentiality — Subee Pty Ltd 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 Subee Pty Ltd's senior managers. It will also be necessary to speak to those against whom the complaint has been made in order to afford fairness.
- 7.9 All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges

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the complaint. Spreading rumours or gossip may expose the workplace participant responsible to a defamation claim.

7.10 Act appropriately – if a complaint is made and it appears that bullying has occurred, Subee Pty Ltd will endeavour to take appropriate action in relation to the complaint.

7.11 Keep records – A record of all meetings and interviews stating who was present, what was said and agreed outcomes will be maintained and stored securely with access limited only to relevant stakeholders.

## 8 Possible outcomes

8.1 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 other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter

between the affected workplace participant and Subee Pty Ltd.

8.2 Subee Pty Ltd may take a range of disciplinary action. Examples include, but are not limited to:

- Providing training to assist in addressing the problems underpinning the complaint;
- Monitoring to ensure that there are no further problems;
- Implementing a new policy;
- Mentoring and support from senior management.
- Requiring an apology or an undertaking that certain behaviour stop;
- Changing work arrangements;
- Transferring to another work area;
- Issuing a written warning (this can be a first or final warning depending on the circumstances);
- Dismissal.

## 9 Managers and supervisors must:

- 9.1 Ensure that they do not bully workplace participants, clients or customers
- 9.2 Ensure that they do not aid, abet or encourage other persons to engage in bullying behaviour

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- 9.3 Ensure all workplace participants who report to them are aware and understand this policy and their responsibility to comply with it
- 9.4 Ensure that all workplace participants who report to them understand that any bullying in any form is unacceptable and will not be tolerated by Subee Pty Ltd
- 9.5 Act promptly and appropriately if they observe bullying behaviours
- 9.6 Ensure that all workplace participants who report to them understand that they should report any bullying behaviour
- 9.7 Ensure all workplace participants who report to them are aware and understand the complaint procedures
- 9.8 Act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the senior management team as soon as possible.
- 9.9 Complete appropriate training including Ausmed Bullying & Harassment in the Workplace eLearning module within first month of employment.
- 9.10 Understand and comply with this policy
- 9.11 Sign the workplace participant acknowledgement to this policy if in a bullying and harassment incident
- 9.12 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
- 9.13 Ensure they do not aid, abet or encourage other persons to engage in bullying behaviour
- 9.14 Follow Subee Pty Ltd's complaint procedure if they experience bullying
- 9.15 Report any bullying they see occurring to others in the workplace in accordance with this policy
- 9.16 Maintain confidentiality if they are involved in the incident which has been reported.
- 9.17 Complete any designated training employer requests.

### 10 Breach of policy

- 10.1 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 Subee Pty Ltd terminated or not renewed.

### 8. All workplace participants must:

- 9.10 Understand and comply with this policy

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- 10.2 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.
- 11 Any employee found to be engaging in any type of discrimination or unfair treatment towards a person who has raised a bullying claim may be liable to criminal penalties under the WHS Act and/or disciplinary action.
- 12 This policy is a complete code for Subee in managing and resolving Workplace Bullying complaints. It in no way limits a staff member's rights, including their access to a state-based WorkCover Authority, the Fairwork Commission or the Fairwork Ombudsman.

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