Bullying Prevention and Management Policy

Policy Code: CG1052

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Purpose

To affirm the University’s commitment to providing and maintaining a healthy and safe environment free from bullying, violence or threats of violence.

Scope

This policy applies to all persons at the University who meet the definition of a worker, as defined by the Fair Work Act 2009, in situations related to their employment or other activities at the University.

This policy also applies to workers, and other members of the University engaged in activities reasonably connected with the University. Such activities may extend beyond University premises. For example, use of social media, field trips or excursions organised by the University, staff functions both during and after working hours and staff attending conferences.

Definitions

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<tr>
<th>Term</th>
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| Bullying: | As defined by the Fair Work Act 2009 bullying is:  
  "repeated, unreasonable behaviours directed towards a worker or a group of Workers that creates a risk to health and safety". |
  Examples of workplace bullying may include but are not limited to:  
  • Abusive, insulting or offensive language;  
  • Behaviour or language that frightens, humiliates, belittles or degrades;  
  • Teasing or regularly making someone the brunt of practical jokes;  
  • Spreading gossip, rumours and/or innuendo. |
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| Workplace bullying | May also take more subtle or covert behaviours including:  
  • Deliberately excluding or isolating a person from normal workplace activities;  
  • Tampering with personal effect or work equipment;  
  • Intimidating someone through inappropriate personal comments, belittling opinions or unjustified criticisms;  
  • Overloading a person with work;  
  • Setting timelines that are difficult to achieve or constantly changing deadlines;  
  • Setting tasks that are unreasonable or beyond a person's ability;  
  • Deliberately isolating a person or ignoring them;  
  • Deliberately denying access to information relevant to the person's duties. |

| Fair Work Commission (FWC) | The Fair Work Commission is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions relating to:  
  • the safety net of minimum wages and employment conditions;  
  • enterprise bargaining;  
  • industrial action;  
  • dispute resolution;  
  • termination of employment; and  
  • other workplace matters. |

| Supervisor | A Worker who has designated responsibility for managing and/or overseeing the performance and workplace behavior of other Workers.  
   
   If the complaint is against the Worker's immediate Supervisor that person's one-up Supervisor will deemed to be the Supervisor for the purposes of this procedure. |

| Senior Management | The Vice-Chancellor, Deputy Vice-Chancellors and Chief Operating Officer. |

| Violence or threats of violence | Violence and aggression is defined as any incident where a member of the University is abused, threatened or assaulted in circumstances arising out of, or in the course of, their employment or other activities at the University.  
   
   Within this definition:  
   • Threat means a statement or behaviour that causes a person or a third party to believe they are in danger of being physically attacked. It may involve an actual or implied threat to safety, health or wellbeing; and  
   • Physical attack means the direct or indirect application of force by a person to the body of, or clothing or equipment worn by, another person, where that application creates a risk to health and safety. |
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<tr>
<td>Term</td>
<td>Neither intent nor ability to carry out the threat is relevant. The key issue is that the behaviour creates a risk to health and safety.</td>
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<td>Examples of occupational violence and aggression include, but are not limited to, verbal, physical or psychological abuse, punching,</td>
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<td>scratching, biting, grabbing, pushing, threats, stalking, attack with a weapon, throwing objects/furniture, sexual harassment or assault,</td>
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<td>and any form of indecent physical contact.</td>
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<td>Occupational violence need only be a single incident or circumstance.</td>
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<td>Other Members of the University:</td>
<td>Members of the Council; members of any board, committee or other body established by or constituted under the University Statutes and Regulations; members of the Professoriate, visiting teaching or research staff and Academic Associates appointed under the University Statutes and Regulations.</td>
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<td>Repetition:</td>
<td>Refers to the persistent nature of the behaviour, not the specific form the behaviour takes. Behaviour is considered “repeated” if an established and consistent pattern can be identified over a period of time.</td>
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<td>Reasonable Management Action:</td>
<td>Reasonable management action can include but is not limited to:</td>
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<td>• Setting reasonable performance goals, standards and deadline in consultation with workers and after considering their respective skills and experience;</td>
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<td>• Allocating work to a worker in a transparent way;</td>
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<td>• Fairly rostering and allocating working hours;</td>
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<td>• Transferring a worker for legitimate and explained operational reasons;</td>
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<td>• Deciding not to select a worker for promotion, following a fair and documented process;</td>
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<td>• Informing a worker about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements;</td>
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<td>• Informing a worker about inappropriate behavior in an objective and confidential way;</td>
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<td>• Implementing organisational changes or restructuring; and</td>
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<td>• Performance management processes.</td>
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<td>Staff Member (Worker):</td>
<td>Any person who is an employee of the University at the time of the alleged incident(s). This includes full-time, part-time, sessional or casual staff.</td>
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<td>Unreasonable Behaviour:</td>
<td>Refers to behaviour that a reasonable person, having regard to all the circumstances, would expect to humiliate, intimidate, undermine or threaten. In this context, the hypothetical reasonable person does not require total knowledge of every aspect of the situation – rather this person knows as much as the alleged bully could reasonably be expected to know.</td>
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<td>Worker:</td>
<td>A worker, as defined by FWC is:</td>
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<td>Term</td>
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<td>An individual who performs work in any capacity including but not limited to:</td>
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<td>• An employee;</td>
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<td>• A contractors;</td>
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<td>• A sub-contractor;</td>
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<td>• An out-worker;</td>
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<td>• An apprentice;</td>
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<td>• A trainee;</td>
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<td>• A student gaining work experience; and</td>
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<td>• A volunteer.</td>
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**Policy Statement**

Workplace bullying, violence or threats of violence are totally unacceptable at the University.

All workers and other members of the University are expected to treat each other with respect. All workers and other members of the University are required to comply with the standards expressed in the Staff Code of Conduct Policy. Bullying leads to individual distress and organisational disruption. It can cause physical and psychological harm.

Reasonable management action, carried out in a fair way is not bullying. Supervisors have a right to direct the way work is carried out and to monitor and give feedback on performance, giving due consideration to the manner in which this is done.

The University encourages the early reporting of any allegations of bullying, violence and/or threats of violence and is committed to implementing a prevention program which will include the following measures:

- creating awareness of this Policy and Procedure;
- providing ongoing online and workshop-based training programs for all staff;
- informing, instructing and training for supervisors;
- encouraging reporting; and
- fair and timely procedures for managing incidents of bullying violence or threats of violence.

In some circumstances, the seriousness of allegations or information provided may place the University under a legal obligation to investigate beyond that which the worker intends or wishes, in which case the University may initiate a complaint or progress a complaint of its own volition.

**Responsibility**

Workers and other members of the University:

- must comply with relevant policies or guidelines that address expected standards of behaviour at the University;
- must participate in training and information sessions about preventing bullying within the University;
- are responsible for their own behaviour and must not participate in or encourage bullying;
- who believe they are being bullied, or who are aware of or witness bullying within the University should report it promptly in accordance with the Procedure;
- will face disciplinary action if allegations are proven they participated in or encouraged bullying.
The Director, Human Resources has overall responsibility for the operation of this policy in relation to workers and other members of the University.

The Chief Operating Officer as nominee of the Vice-Chancellor has overall responsibility for the implementation and review of this Policy.

**Legislative Context**

- Commonwealth Fair Work Act 2009
- Commonwealth Age Discrimination Act 2004;

**Associated Documents**

- Staff Code of Conduct
- Social Media Guidelines
- Bullying Prevention and Management Procedure
- Discriminatory and Sexual Harassment Complaint Procedure.
- Protected Disclosures Procedure.
- Staff Grievance Policy and Procedure.
- Equal Opportunity and Valuing Diversity Policy.
- Monash University Enterprise Agreement (Academic and Professional Staff) 2009
- Monash University Enterprise Agreement (Trades and Services Staff – Building and Metal Trades Staff) 2009
- Monash University Enterprise Agreement (Trades and Services Staff – Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005
- University Collective Agreement - Academic and General Staff Employees.
- Victorian TAFE Teaching Staff Multi-Business Agreement (MBA) 2009.