

Anti-Bullying and Harrassment Policy



Purpose: To outline the Greens NSW approach to addressing any instance of workplace bullying or harassment.

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Contents

Purpose	2
Scope	2
Definitions	2
Policy	4
References	4

Purpose

The Greens NSW regards the dignity and autonomy of all people as a core value of the organisation. Bullying behaviour is based on the misuse of power in human relationships and negates the dignity and autonomy of persons harmed.

The Greens NSW regards the health and safety of its employees, volunteers, visitors and other office users as a primary responsibility in its role as an employer. The Greens NSW, its Office Bearers and delegates are fully committed to eliminating, as far as possible, all forms of bullying and harassment in the workplace and in its relationships with its office users through a culture of openness, support, and accountability.

Scope

This policy applies to Office Bearers, employees and volunteers. **Bullying behaviour by members is addressed under the Constitution of The Greens NSW.**

Definitions

Workplace bullying can occur between:

- Two or more employees/volunteers/Office Bearers
- Manager(s) and employees(s)/volunteer(s)/Office Bearers
- Employees/volunteers/Office Bearers and other persons at the workplace (apprentices, students, visitors and other office users).

Bullying can occur at any level of the organisation, can be experienced by any person of any gender and may involve a co-worker, a volunteer, supervisor, service provider, office user or visitor. Workplace bullying and or harassment is defined in the *Fair Work Act 2009 (cth)* (the FW Act) as follows:

- **repeated unreasonable behaviour by an individual towards a worker which creates a risk to health and safety.**
- Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse.

Formerly accepted behaviour may be found to be bullying when it continues after a request from the recipient for the behaviour to stop, or at the point where it becomes intimidating, offensive or humiliating to another person.

Similarly, the exercise of a supervisor's legitimate authority at work through reasonable management action such as the direction and control of work responsibilities, the monitoring of workflow, and giving appropriate feedback on performance including underperformance, is not bullying insofar as the supervisor's actions are intended to assist employees to improve their tasks, their work performance, or the standard of their expected behaviour. If an employee has perceived performance problems, however, these should be identified and dealt with in a constructive way that is neither humiliating nor threatening.

The FW Act identifies that bullying occurs when:

- a person or a group of people repeatedly behaves unreasonably towards a worker or a group of workers at work
- AND
- the behaviour creates a risk to health and safety.

Bullying **does not include reasonable management action** carried out in a reasonable manner.

Bullying behaviour may involve any of the following types of behaviour:

- aggressive or intimidating conduct
- belittling or humiliating comments
- spreading malicious rumours
- teasing, practical jokes or 'initiation ceremonies'
- exclusion from work-related events
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- displaying offensive material
- pressure to behave in an inappropriate manner.

However, this behaviour must be repeated and unreasonable and must create a risk to health and safety in order for it to be bullying.

"Unreasonable behaviour" is behaviour that is offensive, humiliating, intimidating, degrading or threatening. It includes, but is not limited to,

- Verbal abuse
- Initiation pranks
- Excluding or isolating employees
- Giving a person the majority of an unpleasant or meaningless task
- Humiliation through sarcasm, or belittling someone's opinions
- Constant criticism or insults
- Spreading misinformation or malicious rumours
- Deliberately setting work routines or procedures to inconvenience certain employees
- Displaying written or pictorial material which may degrade or offend certain employees.

“Bullying” is repeated, unreasonable behaviour directed towards a person or group of persons. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

“Repeated ... behaviour” refers to the nature of the behaviour, not the specific form of that behaviour. “Repeated unreasonable behaviour” may thus be a pattern of diverse incidents.

There are bound to be occasional differences of opinion, conflicts and problems in every workplace. Only when the treatment of another person is unreasonable, offensive or is a risk to health or safety does workplace bullying exist.

Policy

The Greens NSW does not tolerate bullying or harassment by any employee, member, volunteer or office visitor. Wherever possible, victims of bullying will be supported.

Where allegations of bullying or harassment are substantiated following an investigation, the respondent will be dealt with according to the relevant Enterprise Agreement clauses applicable to the nature of the incident. If considered appropriate, respondents may be offered a second opportunity to be determined in a case-by-case basis, with counselling and assistance offered with the express outcome being that bullying or harassing behaviour is not repeated. But for repeat or serious incidents, if substantiated following an investigation then, dismissal or as applicable expulsion may result.

In the event of a complaint of bullying or harassment, it is the objective of this policy and associated procedure to enable normal working relationships to resume, and to ensure that the bullying behaviour or harassment, if substantiated, is appropriately managed and ceases immediately.

Bullying or harassment that directly inflicts physical pain, harm, or humiliation to another person amounts to assault and should be referred immediately to local police.

References

[Anti-bullying benchbook | Fair Work Commission \(fwc.gov.au\)](https://www.fwc.gov.au/documents/benchbooks/anti-bullying-benchbook.pdf) <https://www.fwc.gov.au/documents/benchbooks/anti-bullying-benchbook.pdf> [FWC website accessed 11 April 2023]