

Qld Greens Guide - Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures

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The Queensland Greens recognise the right of every employee and volunteer to be able to attend work, participate in the Greens and to perform their duties without being subjected to bullying.

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1. Introduction

- 1.1 The Queensland Greens recognise the right of every employee and volunteer to be able to attend work, participate in the Greens and to perform their duties without being subjected to bullying. It is the obligation and responsibility of every member and employee of the party to ensure that the workplace, and party activities, are free from bullying.
- 1.2 The Queensland Greens recognise that bullying behaviour limits the ability of people to participate fully in their workplaces, in organisations and in our democracy, and can have serious negative effects both on the health and wellbeing of the person targeted by the behaviour, and on the culture and morale of the organisation.
- 1.3 The Queensland Greens has a zero tolerance policy towards bullying within the party and is fully committed to eliminating bullying in the workplace and in the party. This procedure is designed to help us all achieve that aim.
- 1.4 The Queensland Greens has a mandatory reporting policy regarding bullying within the party and all incidents must be reported as soon as possible after they occur.

2. Purpose and Scope

- 2.1 The purpose of this document is to outline The Queensland Greens' position on bullying, and to stipulate the reporting processes available to any member, volunteer or employee of the Queensland Greens who experiences bullying.
- 2.2 This procedure does not supplant or in any way affect any person's right or obligation to report illegal behaviour such as assault to the police, and processes under this procedure are not intended to replace a criminal investigation should one occur. (Also refer to [section 12.](#))
- 2.3 This procedure has specific application to the conduct of events and activities for which The Queensland Greens has responsibility, and is available to support individual members and volunteers of the party across the state.
- 2.4 This procedure is intended to apply to all Queensland Greens-related contexts including (but not limited to) any work-related context, work functions, business trips, online communications, conferences, meetings, social and volunteer events organised by the Queensland Greens.

3. Definitions

- 3.1 **Bullying** behaviour is a repeated and unreasonable pattern of behaviour directed towards a person that makes the target feel victimised or afraid, and creates a risk to health, safety and well-being of the target. Bullying behaviour comprises repeated bad behaviour PLUS a reasonable expectation and/or evidence of an outcome of harm, threat or damage to a victim. Refer to [APPENDIX 1 - Identifying Bullying Behaviour.](#)

- Bullying is not simply bad behaviour, even though bad behaviour is a necessary part of bullying. Bullying is not a conflict between people (like having a fight or disagreement, even a heated disagreement) and nor is it disliking someone, even though people can bully each other because of conflict or dislike. The difference between bullying and bad behaviour is outlined in [APPENDIX 1 - Identifying Bullying Behaviour](#).
 - Bullying can occur in a variety of settings including but not limited to:
 - face to face encounters,
 - on the telephone, and
 - online.
- 3.2 **Bad behaviour:** any behaviour which doesn't meet the standards expected by the Queensland Greens under our Four Pillars and outlined in the Queensland Greens Constitution and By-laws (especially the Code of Ethics and the Safe Meeting Procedure).
- 3.3 **Complainant:** the person who is making a complaint of bullying. Most commonly, the Complainant is the person alleging having experienced bullying, who may make use of the processes as detailed in this procedure. The Complainant may also be a witness to bullying or a concerned third party who is seeking to make use of the processes in this procedure.
- 3.4 **Respondent:** the person alleged to have bullied.
- 3.5 **Incident:** the time, place and details of the alleged bullying.
- 3.6 **Incident Report:** the formal notification made by the Complainant to the party about alleged bullying by a member, representative or volunteer of the Queensland Greens engaged in party activities (refer to [APPENDIX 3 - Report Form \[Incident Report\]](#)).
- 3.7 **Independent Assessment:** the assessment of an incident report (and any accompanying evidence) against this procedure, carried out by a professional investigator who is independent of the party (i.e. arm's-length) and skilled at determining whether bullying appears to have occurred.
- 3.8 **Independent Investigation:** the investigation of an incident carried out by a professional investigator who is independent of the party (i.e. arm's-length) and skilled at determining whether bullying has occurred.
- 3.9 **Formal Complaint:** a written summary of the particulars of the complaint and any accompanying evidence (including an independent investigation report if relevant) which is submitted to the Constitution & Arbitration Committee for decision as to whether bullying has occurred, and imposition of appropriate remedial action if bullying has been determined to have occurred.
- 3.10 **Remedial Action:** any action taken by the Constitution & Arbitration Committee if it formally rules that bullying has occurred.
- 3.11 **Notification Letter:** the letter issued by the Queensland Greens to a Respondent when an Incident Report has been received about their behaviour.
- 3.12 **Update Letter:** the letter issued by the Queensland Greens to a Complainant to formally notify of the outcome of the assessment of their Incident Report.

- 3.13 **Particulars:** particulars are the material facts of the case which go towards making or defending an action.
- 3.14 **CAC:** Constitution and Arbitration Committee.
- 3.15 **IAT:** Intake Assessment Team. A sub-committee of the Management Committee comprising the State Convenor, State Secretary, and Membership Convenor (and any other members of the Management Committee seconded to the team).
- 3.16 **MRWG:** Mediation and Resolution Working Group.

4. Principles

- 4.1 The Queensland Greens has a zero tolerance policy towards bullying under all circumstances.
- 4.2 The Queensland Greens has a responsibility to manage incidents of bullying. Refer to [APPENDIX 2 - Party Responsibility and Responses to Bullying Incidents](#).
- 4.3 The Queensland Greens Code of Ethics stipulates mandatory reporting of all incidents of bullying occurring during Greens events or activities.
- 4.4 It is the responsibility of all members of the party to treat any incident seriously and with sensitivity, with the objective of creating a safe environment for all members, staff, volunteers and supporters.
- 4.5 Any complaints of bullying will be treated seriously, confidentially and promptly with sensitivity.
- 4.6 Members who victimise, intimidate or retaliate against a Complainant or a Respondent may be subject to remedial action.
- 4.7 Members who fail to respond to a report or complaint of bullying in accordance with this procedure may be subject to remedial action.
- 4.8 Members who fail to follow the processes outlined in the procedure may be subject to remedial action.
- 4.9 All Complainants have the right to seek the assistance of the relevant tribunal or statutory body to assist them in the resolution of a complaint e.g. Anti-Discrimination Commission of Queensland.

5. Mandatory Incident Reporting

- 5.1 The Queensland Greens Code of Ethics stipulates that all incidents of bullying must be mandatorily reported to the responsible party office bearer(s).
- 5.2 If a Complainant feels safe to do so, they have the choice to report the incident to the party via the dedicated online form. Refer to [APPENDIX 3 - Report Form \[Incident Report\]](#).

- 5.3 If the Complainant does not feel safe to report using the dedicated online form, they have the choice to report the incident to a party office bearer of their choice, who is then required to report the incident via the dedicated online form.
- 5.4 Any party member who witnesses or becomes aware of an incident of bullying occurring during Greens events or activities must report the incident in accordance with the above directions.
- 5.5 The Queensland Greens Complaints Management Processes comprise several streams, and members are asked to ensure they are utilising the relevant stream for their complaint. Refer to [APPENDIX 7 - Queensland Greens Complaints Processes Summary](#) and [section 6.4](#).

6. Incident Report Management

- 6.1 Incident reports received by the party will be forwarded to the Intake Assessment Team (IAT).
- 6.2 The IAT is authorised by Management Committee to make decisions as set out in this procedure. If the IAT wishes to deviate from the procedure in any respect, permission must be sought from Management Committee to do so.
- 6.3 A de-identified summary of all Incident Reports received will be included in the State Secretary's regular reports to the Management Committee.
- 6.4 If a Complainant has used the bullying incident report form for a complaint which belongs in another stream of the Qld Greens Complaints Management Process, the IAT may refer the incident report to the correct reporting channel. In such an instance this procedure is by-passed and the incident report is handled under the relevant complaints management processes.
- 6.5 If a Complainant has chosen to refer the Incident Report to CAC directly under By Law 1.5 *Complaints made to Constitution and Arbitration Committee*, this procedure is by-passed and the incident report is handled under the processes outlined that by-law, although the incident will still be added to the State Secretary's confidential files.
- 6.6 If a Complainant does not refer the Incident Report to CAC themselves as a Formal Complaint, the processes outlined in this procedure will apply (subject to conditions outlined in [section 8](#)).
- 6.7 Management of incident reports naming non-members:
 - It is noted that legal advice to the Queensland Greens indicates that the party (via a Management Committee decision) at all times has the right to exclude non-members from party premises, activities and events without the need for any hearing or process and without any reason.
 - The Queensland Greens has a zero tolerance policy when it comes to bullying, and for this reason if the party receives a credible report of bullying, as defined in this procedure, naming a non-member as the Respondent, this procedure will not apply.
 - In such cases, the IAT will seek approval of the Management Committee to take the necessary action to exclude the non-member from Queensland Greens activities, including but not limited to marking the record of the non-member in the Greens

database as 'do not contact' and communicating the non-member's exclusion from all future party activities to the relevant party and/or branch office bearers and/or campaign team.

- In the event that the incident report indicates possible criminal conduct, the IAT may develop a case report for submission to the CAC with a request to permanently proscribe the non-member from joining the Queensland Greens.

7. Initial Incident Report Assessment

- 7.1 All Incident Reports (refer to [APPENDIX 3 - Report Form \[Incident Report\]](#)) of bullying will be acknowledged and initially assessed by the Intake Assessment Team (IAT) against the definition of bullying as outlined in [section 3](#) and [APPENDIX 1 - Identifying Bullying Behaviour](#).
- 7.2 If a member of the IAT is closely associated with the complainant or respondent, the conflicted person will recuse themselves from the assessment process and the IAT may second another member of the Management Committee to assist. If more than one member of the IAT is conflicted, the Incident Report will be assessed by the full Management Committee (less conflicted IAT members).
- 7.3 If the Respondent or Complainant is one of the following:
- Qld Greens State Director
 - Qld Greens elected representative
 - Employee of a Qld Greens elected representative
 - Qld Greens Office Bearer elected at Qld Greens AGM (i.e. Management Committee, Constitution and Arbitration Committee, Parliamentary Liaison Committee, and Queensland Campaign Committee Secretary and Treasurer)

then the initial assessment will be undertaken by:

- the Management Committee reviewing the case details in a de-identified form, unless the Respondent or Complainant is a member of that committee; in which case
- an independent assessor (an external service provider qualified to carry out the initial assessment on behalf of the Queensland Greens in order to determine if the reported behaviour appears to meet the definition of bullying as outlined in [section 3](#)).

Notwithstanding the involvement in a report of persons holding the above roles, if the report appears to be vexatious, malicious, frivolous or otherwise insubstantive, the IAT will provide a de-identified copy of the report to the Management Committee, seek the approval of the Management Committee to dismiss the report and, if approved, follow the steps laid out in [section 8.4](#). In the event that more than 3 members of the Management Committee are closely associated with the complainant or respondent, the CAC will be asked to take the place of the Management Committee to determine if the report can be dismissed.

If the initial assessment confirms that the behaviour described in the report did appear to meet the definition of Bullying as defined in [section 3](#) then the steps outlined in [section 8.1](#) will be undertaken.

At the IAT's request, the Management Committee may approve expenditure for an independent assessor to be retained in other cases where warranted by the circumstances.

Funds for independent assessments will come from the overall Queensland Greens Budget and be approved by Management Committee as per other expenditure approvals.

8. Report Handling

8.1 If the initial assessment indicates that the behaviour outlined in the report and supporting evidence appears to meet the definition of Bullying as defined in [section 3](#), or appears to constitute a serious breach of the Queensland Greens Code of Ethics, the following steps will be taken:

- The Complainant will be informed by the State Secretary (refer [APPENDIX 5 - Complainant Update Letter](#) scenario 1).
- The Complainant's authorisation to refer the matter to the CAC must be sought, especially important if "preferred next step" as indicated on the incident report form was either:
 - I just want this incident report to be held on file for the moment; or
 - I am not sure - perhaps I should talk to someone about my options,

(refer [APPENDIX 5 - Complainant Update Letter](#) scenario 1).

If the Complainant does not authorise the referral, the case will not be referred but the following steps will be taken:

- The IAT will report to the Management Committee providing a de-identified summary of the reported behaviours and the assessment against the procedure, and whether any other reports are on file naming the same Respondent;
- The Management Committee will consider whether there are any operational measures that can be adopted to minimise the potential safety risk posed by the Respondent (without imposing remedial measures, which are the purview of the CAC);
- Unless it poses a risk of further harm to the Complainant, the Respondent will be provided with a Notification Letter (refer [APPENDIX 4 - Respondent Notification Letter](#) scenario 3). To mitigate the risk of harm, the Complainant must be asked to approve the Notification Letter (including the section customised to the case);
- The report and assessment details will be held on file and will be re-assessed in the event of any future reports naming the Respondent.
- If the matter is authorised for referral to the CAC, the Respondent will not receive any correspondence from the IAT, since the CAC procedure becomes the relevant process and the CAC will inform the Respondent.
- If the matter is authorised for referral to the CAC, the IAT will ask the Complainant to provide any additional details and evidence (beyond that already provided with the

Incident Report) in a format suitable to be provided to the CAC as a formal complaint. The IAT will ask the Complainant if there are witnesses to the incident, and if the Complainant has not already requested witness statements from those witnesses, the IAT may request the witnesses to provide a statement and any available evidence in a format suitable to be provided to the CAC to support the formal complaint. The IAT will confirm that any witnesses so approached agree to their statement and evidence being provided to the CAC in support of the complaint.

- The IAT can assist with the compilation of evidence into a Formal Complaint, including assisting with assembling witness statements, but has neither expertise nor capacity to undertake investigations and gather evidence.
- The State Secretary will refer the matter formally to the Constitution and Arbitration Committee as a Formal Complaint (subject to authorisation as above).

8.2 If the initial assessment indicates that the behaviour described in the report constitutes bad behaviour (as defined by **evidence** provided by the Complainant of at least one of the overt or covert behaviours listed in [APPENDIX 1 - Identifying Bullying Behaviour](#)) but does **not** meet the definition of Bullying as defined in [section 3](#), the following steps will be taken:

- The Respondent will be provided with a Notification Letter (refer [APPENDIX 4 - Respondent Notification Letter](#) scenario 2).
- The Complainant will be informed that a Notification Letter has been issued (refer [APPENDIX 5 - Complainant Update Letter](#) scenario 2).
- The Incident Report, Notification Letter and Complainant Update Letter will be kept on file confidentially and securely by the State Secretary.
- Further Incident Reports involving the same Complainants or Respondents may trigger a review by the IAT of whether the original Incident Report should be re-assessed.

8.3 If the initial assessment indicates (1) that the behaviour described in the report does not conform to the conditions outlined in either [section 8.1](#) or [section 8.2](#) but is indicative of interpersonal conflict or similar interpersonal issues, or (2) if there is no evidence of the alleged bad behaviour, the following steps will be taken:

- The Complainant will be informed by the State Secretary (refer [APPENDIX 5 - Complainant Update Letter](#) scenario 3 & 4).
- The Incident Report will be kept securely on file in case of further related incidents.
- The Complainant will be recommended to seek the support of the Mediation and Resolution Working Group (MRWG), or referred to another party body, committee or office bearer, as appropriate for the details of the report.

In addition, if the IAT considers that while evidence of bad behaviour may be absent, the allegations indicate that bullying or bad behaviour may be occurring, the IAT will request the Complainant to:

- provide any evidence they may have, or
- provide the name of a witness of whom the IAT will request a report, or
- provide an update if there is further behaviour of concern, and

the IAT will keep the report on file for re-assessment if further evidence is received.

- 8.4 If the initial assessment indicates that the report may be vexatious, malicious, frivolous or otherwise insubstantive, the following steps will be taken:
- The IAT will provide a de-identified summary report to the Management Committee and seek the approval of the Management Committee to dismiss the report.
 - If the Management Committee declines to approve the IAT's recommendation to dismiss the report, the initial assessment will be undertaken independently by the Constitution and Arbitration Committee.
 - If the Management Committee approves the IAT's recommendation to dismiss the report, the Complainant will be informed by the State Secretary (refer [APPENDIX 5 - Complainant Update Letter](#) scenario 3 & 4) and the Incident Report will be kept securely on file in case of further vexatious, malicious, frivolous or insubstantive reports.
 - The IAT may lodge a formal complaint against the Complainant for submission of a vexatious, malicious or frivolous report.
- 8.5 Where the incident is criminal, very severe, or clearly severely impactful to the victim, the victim will be offered access to the Australian Greens EAP (Employee Assistance Program, a counselling service). It is the Complainant's decision to report an incident to the police. Refer to [Procedures for Dealing with Criminal Conduct](#) for more information.

9. Process for Formal Complaints

- 9.1 Formal Complaints are complaints that have been referred under [section 8.1](#) to the CAC for assessment and determination. (Note that incident reports that are assessed under [section 8.2](#), [section 8.3](#) or [section 8.4](#), do not constitute 'complaints', as the nominated respondent in these instances has not been assessed as having a bullying allegation to answer.) The CAC will handle formal complaints according to the standard complaint-handling procedures set out in By-Law 1.5 *Complaints Made to the CAC*.
- 9.2 Every effort will be made to maintain the anonymity of the Complainant, however it is acknowledged that anonymity cannot be guaranteed once the matter is the subject of a formal complaint.
- 9.3 A confidential and secure record will be kept of all Incident Reports, investigation findings and outcomes made as part of the Formal Complaint process.

10. Incident Report Assessment Timing and Communication

- 10.1 The Initial Assessment of an Incident Report should be made within 14 days of receipt, regardless of when the incident occurred, subject to availability of the IAT.
- 10.2 If an external investigation is required under [section 7.3](#) the Management Committee will refer the matter to an independent investigator and an investigation should be commenced within 14 days of the referral, subject to availability of the provider. The independent investigator will be instructed to complete the investigation, and issue findings, within 30 days of the investigation's commencement.

- 10.3 Timeframes for the management of a Formal Complaint by the CAC are laid out in By-law 1.5 – *Complaints Made to the Constitution and Arbitration Committee*.
- 10.4 While only the CAC has the power to stand down Queensland Greens from any roles or duties, it is the expectation of the Queensland Greens that the Respondent should voluntarily stand aside from any duties (paid or voluntary) with the Queensland Greens during the conduct of an external investigation. For Queensland Greens employees, this may mean taking leave with pay. For employees of elected representatives (who are not Queensland Greens employees), this means standing aside from any party-related duties while continuing to work for the elected representative.
- 10.5 While it is noted that only the Party Room may make decisions around MP portfolios, it is also the expectation of the Queensland Greens that an elected representative who is a Respondent in a Formal Complaint process undergoing external investigation will stand aside from portfolio responsibilities while the investigation is ongoing.
- 10.6 At any point during an investigation, and before the report is handed down, should the Constitution and Arbitration Committee reasonably believe it to be necessary to ensure the safety of the Complainant or any other person, they may request that the Respondent stand down from duties or party activities, or take any steps seen to be necessary, insofar as they are empowered to do so.

11. Remedial Action

- 11.1 The Party's response to incidents of bullying is summarised in [APPENDIX 2 - Party Responsibility and Responses to Bullying Incidents](#).
- 11.3 The outcome for members and staff who are found to have committed bullying may include the following:
- For party members:
 - actions in accordance with By-law 1.5 *Complaints Made to the Constitution and Arbitration Committee*
 - For party or parliamentary staff:
 - probation (recommended to the State Director or elected representative);
 - dismissal (recommended to the State Director or elected representative).
 - For volunteers - refer to [section 6.7](#).
 - For employees of the Queensland Greens who are Complainants, any leave taken as a result of the bullying will be credited.

Refer to [APPENDIX 2 - Party Responsibility and Responses to Bullying Incidents](#) and also By-law 1.5 – *Complaints Made to the Constitution and Arbitration Committee*.

12. Procedures for Dealing with Criminal Conduct

- 12.1 Some conduct may be criminal in nature (e.g. assault, stalking, threats to harm).
- 12.2 It is acknowledged that the Queensland Greens will be unable to adequately resolve or remedy matters of a criminal nature for a Complainant internally and will support the Complainant to take the matter to the police.

- 12.3 It is recognised that there may be some community expectations that the party would mandatorily report any suspected criminal behaviour to the police. However, the Queensland Greens model of complaints management is victim-centric as much as is consistent with the safety of our members, volunteers, staff, elected representatives and the community at large. Reporting of suspected criminal behaviour to the police without the consent of the Complainant can be harmful and traumatising to them. Therefore under this procedure it is not the duty of the Queensland Greens to report such matters to the police on behalf of the Complainant unless the conduct falls within mandatory reporting requirements under Queensland law, or the safety of others is considered to be at grave risk.
- 12.4 Where the Complainant reports the matter to the police, the Queensland Greens will cooperate fully with the police (including any requests to suspend or pause internal processes until the conclusion of the police investigation).
- 12.5 The Queensland Greens will also be required to organisationally resolve all Incident Reports involving a crime through the complaint process in order to fulfil the duty of care obligations towards staff, members, volunteers and the general public.
- 12.6 This complaint process will not replace the need for a police investigation into the incident as it will only enable the party to apply internal organisational action against a Respondent.

13. Procedures for Responding to Complaints of Victimisation

- 13.1 The Queensland Greens are committed to eliminating bullying within our party. Part of meeting this goal requires ensuring that victims of bullying can make complaints without being further victimised.
- 13.2 As such, the victimisation, intimidation or retaliation against any person who complains of conduct which falls within this procedure (whether or not that complaint resulted in a finding that the offending behaviour had occurred), or has been accused of conduct which falls within this procedure but not had the report referred to the CAC under [section 8.1](#), is prohibited.
- 13.3 The IAT will submit a formal complaint against anyone it has reason to believe has victimised, intimidated or retaliated against either a Complainant or Respondent.

14. Taking All Reasonable Steps

- 14.1 The Queensland Greens acknowledges the legal, as well as moral, responsibility to take all reasonable steps to prevent bullying in the workplace and the party. As such, the party commits to the following:
- Circulation of this procedure to all offices, employees, office bearers and Convenors of branches, committees, working groups and member action groups within the party as well as ensuring the procedure is publicly available;
 - Formal training to be delivered to Party Office Bearers, Staff and Committee Members to ensure the effective implementation of this procedure;

- The maintenance of an incident and complaints register for any incidents which occur within the party, and fall within the purview of this procedure.
- Annual review of the procedure taking into account any feedback received from Complainants, Respondents and Office Bearers.

APPENDIX 1 - Identifying Bullying Behaviour

It is recognised that individuals may feel they have experienced bullying when the behaviour concerned does not meet the definition as outlined in this Procedure. This Appendix is designed to assist the identification of bullying behaviour that falls under the jurisdiction of this Procedure.

Bullying is defined in [section 3](#). A breach of this procedure comprises repeated bad behaviour PLUS a reasonable expectation and/or evidence of an outcome of harm, threat or damage to a victim.

Bad Behaviour

Bad behaviour should be challenged by those experiencing or witnessing it, and if in breach of Queensland Greens Constitution or Code of Ethics may be subject of a complaint to the CAC. However, not all bad behaviour is bullying and not all incidents of bad behaviour create a victim. Bad behaviour can emerge in a number of circumstances, and while unacceptable and in need of management, may not actually constitute bullying. Typical circumstances where bad behaviour, without being bullying, may occur include:

- A person having poor judgement or being insensitive to someone's feelings
- An angry misunderstanding between two people
- A one-off act of spite or rudeness saying more about the person than the victim
- An ongoing animosity between individuals
- An explainable isolated incident of aggression or intimidation

It should be noted that:

- in a political party, networking or influencing around internal elections or decision making does not constitute bullying behaviour as it is a part of the everyday business of that type of organisation, and
- disappointment around personal ambition, decision making or policy outcomes does not constitute psychological harm.
- An employer giving reasonable feedback or engaging in appropriate performance management of an employee does not constitute bullying.

There are two classes of bad behaviour that can become bullying behaviour WHEN REPEATED AND RESULTING IN AN EXPECTATION OF OR ACTUAL HARM/THREAT/DAMAGE. These two classes of behaviour are overt and covert:

Overt, Obvious or Public Bad Behaviours include:		
• Abusing	• Harassing	• Playing jokes on
• Accusing	• Hazing	• Raging at
• Attacking	• Humiliating	• Being rude to
• Belittling	• Hurting	• Being sarcastic to
• Blaming	• Intimidating	• Scaring
• Criticising	• Mimicking	• Shouting at
• Demeaning	• Mocking	• Swearing at
• Disparaging	• Nagging	• Teasing
• Exploding at	• Name calling	• Threatening
• Gesturing at	• Picking on	• Vilifying

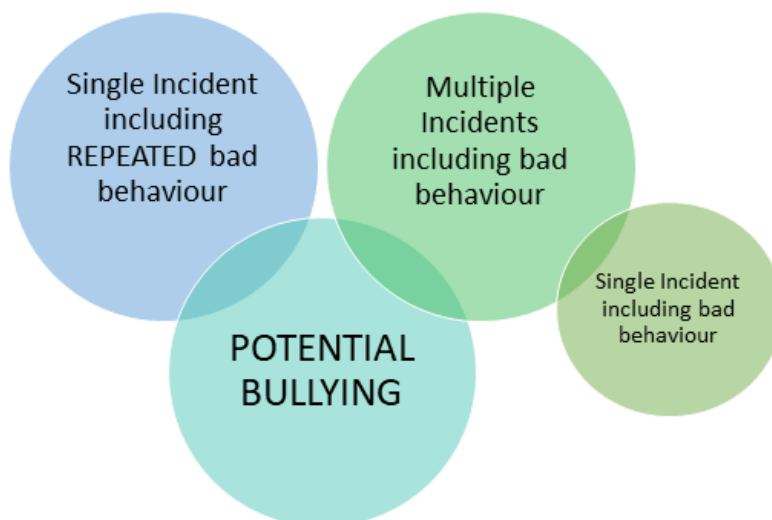
Covert, Manipulative or Subtle Bad Behaviours include:		
• Bad mouthing	• Guilt tripping	• Professionally excluding
• Being rude about	• Ignoring	• Setting up
• Being sarcastic about	• Insinuating something about	• Singling out
• Blackmailing	• Insulting	• Socially excluding
• Confusing	• Isolating	• Spreading malicious rumours about
• Creating a trap for	• Lying about	• Spreading misinformation about
• Disbelieving	• Lying to	• Stealing credit from
• Embarrassing	• Misrepresenting	• Sulking at
• Emotionally manipulating	• Negatively questioning	• Suppressing
• Failing to credit	• Oppressing	• Throwing looks at
• Feigning confusion about	• Overloading	• Tricking
• Feigning friendship towards	• Patronising	• Undervaluing
• Gossiping about	• Persistently questioning	

Differentiating Bad Behaviour from Bullying Behaviour

It can be difficult to identify the exact point in a discussion or interaction where something goes from benign or equal interactions or simple bad behaviour, to one of bullying behaviour. Bad behaviour can be identified as bullying behaviour if it displays two key characteristics:

The first characteristic is that there is an element of repetition - either:

- bad behaviour (of one or more types) repeated within a single incident over a series of interactions¹, or
- bad behaviour (of one or more types) repeated in a number of incidents that occur over time.



¹ e.g.: a single issue triggers an email chain where bad behaviour is demonstrated and repeated by the Respondent without obvious provocation by the Complainant

The second characteristic is that the behaviour makes the target feel victimised or afraid or inflicts deliberate psychological harm. This can be determined by:

- assessing the impact on the victim,
- examining the impact on witnesses and bystanders,
- gathering the evidence of psychological harm, threat or damage inflicted, and
- asking whether or not a reasonable person may have handled the matter differently.

Assessing the Impact on the Victim

Once it is clear there has been a repetition of bad behaviour by one person towards another, either in a single incident or over time, more criteria must be met in order to establish whether bullying behaviour has occurred. These criteria are as follows:

1. The inflicting of psychological harm, damage or threat to an individual that impacts one or more of the following:
 - A person's sense of self
 - A person's sense of wellbeing
 - A person's sense of belonging
 - A person's sense of future
 - A person's sense of psychological safety
 - A person's sense of physical safety
 - A person's social standing or reputation
 - A person's professional standing or reputation
2. A psychological impact from the bullying behaviour, manifested in a number of emotional ways including but not limited to the following:
 - Feeling embarrassed or shamed
 - Feeling on the end of an unprovoked attack
 - Feeling unfairly criticised
 - Feeling excluded or isolated
 - Feeling threatened or scared
 - Feeling emotionally unsafe
 - Feeling upset or hurt
 - Feeling afraid of further interactions
 - Feeling afraid of further attacks
 - Feeling unable to sleep or physically sick
 - Other
3. An adverse effect on bystanders and witnesses resulting from the bullying behaviour, often triggering a fight-or-flight response, and manifesting in one or more of the following ways:
 - The urge to defend or protect the alleged victim
 - The urge to report the incident formally
 - The urge to call out the behaviour in question as inappropriateor alternatively
 - A reluctance to get involved in case they become a target
 - Being afraid to speak up and concern about self
4. Finally the questions that need to be asked are whether there was a reasonable alternative way to behave that would have avoided the harm, damage or threat to the other person's wellbeing, and why wasn't it chosen?

APPENDIX 2 - Party Responsibility and Responses to Bullying Incidents

The Queensland Greens recognise the right of every employee and volunteer to be able to attend work, participate in the Greens and to perform their duties without being subjected to bullying.

According to Fair Work Australia “volunteers” are categorised as “workers” and are therefore entitled to the same protections as employees when it comes to ensuring a safe working environment.

It is the responsibility of the Party to create and maintain safe workspaces for volunteers and staff that are free from physical and psychological dangers and stresses including bullying. In managing situations where bullying may have occurred it is important to ensure that an alleged victim is not retraumatised by the process of investigation and determination, and that alleged perpetrators are not falsely accused. To this end the process must both be victim-centred and abide by the rules of procedural fairness.

If an incident meets the criteria of bullying (refer to [APPENDIX 1 - Identifying Bullying Behaviour](#)) then the Party needs to take the matter seriously as the victimisation of an individual is a serious workplace health and safety issue.

Standard mediation and conciliation is not appropriate in a situation where a person has bullied another person as it can often lead to the secondary victimisation of the individual.

It can be possible to embark on a restorative justice program which aims to heal, empower and teach the participants going forward. Such a program needs to be victim-centred and have the full cooperation of the perpetrator. However, such an approach is both time consuming and expensive as it requires expert facilitation and support. For an organisation like the Queensland Greens, remedial action which protects the current victim from further bullying and protects future victims from bullying is the most practicable outcome in bullying situations.

When is it not the responsibility of the Queensland Greens?

Any organisation is able to set a standard of behaviour it expects all members, volunteers and staff to adhere to, and all organisations are expected to create safe working spaces that protect individuals from harm, threat or damage. Applicable legislation specifically excludes social spaces from that protection. The lines can be blurry where social lives mingle with the work of the political party, and friendships and animosities can merge with professional relationships.

For the Queensland Greens, the assumption is that every space (in person or online) that is hosted by the organisation or its office bearers is required to be a safe space. Someone’s personal home, social gathering or online site cannot be held to the same standard and nor is the Party responsible for monitoring or managing those spaces. That said, cyberbullying cannot be tolerated and party members need to be mindful of setting a standard of personal behaviour towards others in all contexts.

APPENDIX 3 - Report Form [Incident Report]

The Qld Greens has a zero tolerance and mandatory reporting policy towards bullying.

If you have experienced or witnessed bullying (as defined in [section 3](#)) by a party member, staff member or volunteer of the Queensland Greens please use the following form to submit an Incident Report.

[BEHAVIOUR INCIDENT REPORT FORM](#)

APPENDIX 4 - Respondent Notification Letter

A-4.1 SCENARIO 1: When an Incident Report has been received and the incident has been referred to the CAC for formal assessment, no correspondence will be sent to the Respondent by the IAT and instead the CAC will take responsibility for informing the Respondent.

A-4.2 SCENARIO 2: When an Incident Report has been received, the incident has been initially assessed as not meeting the definition of bullying in line with [section 3](#) and [APPENDIX 1 - Identifying Bullying Behaviour](#), but evidence has been provided by the Complainant of at least one of the overt or covert behaviours listed in [APPENDIX 1 - Identifying Bullying Behaviour](#), Notification Letter Scenario 2 will be sent to the Respondent.

A-4.3 The wording for Scenario 2 will follow the following format:

Letter Scenario 2 (used where the incident has been initially assessed as not meeting the definition of bullying):

Dear [Name]

This letter is to inform you that you have been named as the Respondent in an Incident Report under the *Queensland Greens Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures*.

In accordance with the Queensland Greens Code of Ethics all cases where bullying has been perceived must be mandatorily reported. While an Incident Report which names you has been received under the mandatory reporting provisions, it has been determined at this stage that the evidence provided did not meet the definition of bullying as outlined in the above-named procedure. The allegation of bullying has not been substantiated and will not be treated as a case to be answered by you.

However, as a report was triggered, it is important that you give consideration to how things you do or say is perceived by and impacts others. **The incident that was reported related to [INSERT VERY BROAD AND DE-IDENTIFIED INFORMATION INDICATING THE GENERAL ISSUE THAT WAS REPORTED, BEING MINDFUL OF NOT IDENTIFYING THE COMPLAINANT OR CREATING FURTHER DIVISION - IF THIS IS NOT POSSIBLE, DELETE THIS SENTENCE].** In order to maintain confidentiality of the mandatory reporting process further details cannot be provided, but it is reiterated that the assessment of the evidence didn't meet the threshold of the definition of bullying and therefore there is no case for you to answer, and this notification is provided solely for the purpose of alerting you that **the above alleged behaviour / some perceived behaviour of yours [delete inappropriate option]** triggered a report.

You are requested by the Intake Assessment Team, on behalf of the Management Committee and the Queensland Greens, to read the attached Queensland Greens Code of Ethics and *Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures* in full, and to be mindful of any ways in which others may perceive things you do or say to be contrary to the expectations outlined in these documents.

Information in the Incident Report that is the subject of this letter is currently confidential and only known to the office bearers in the IAT (Intake Assessment Team, a sub-committee of the

Management Committee). The Incident Report will not be referred to again unless future Incident Reports are received.

SCENARIO 3: Notification Letter Scenario 3 will be sent to the Respondent when

- an Incident Report has been received and [section 7.3](#) applies (i.e. the Respondent or Complainant holds one of the named roles), and
- the initial assessment has been undertaken by an independent assessor who has found that there may have been bullying (in line with [section 3](#) and [APPENDIX 1 - Identifying Bullying Behaviour](#)), and
- the Complainant has declined to authorise referral of the complaint to the CAC in accordance with [section 8.1](#).

A-4.3 The wording for Scenario 3 will follow the following format. **NOTE:** For the safety of the Complainant, it is only appropriate for this notification to be sent to the Respondent if the Complainant approves the de-identified details.

Letter Scenario 3 (used where the incident has been externally assessed as possibly meeting the definition of bullying but the Complainant does not wish to refer the complaint to CAC):

Dear [Name]

This letter is to inform you that you have been named as the Respondent in an Incident Report under the *Queensland Greens Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures*.

In accordance with the Queensland Greens Code of Ethics all cases where bullying has been perceived must be mandatorily reported.

The mandatorily reported Incident Report has been assessed by an external assessor who found that your behaviour may have been in breach of the Queensland Greens Code of Ethics and/or *Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures*.

However, the Complainant does not wish to refer the matter to the Constitution and Arbitration Committee (CAC) as a formal complaint. The allegation of bullying therefore cannot be substantiated and will not be treated as a case to be answered by you.

However, as a report was triggered and moreover determined by an external assessor as possibly meeting the formal definition of bullying, it is important that you give consideration to how things you do or say is perceived by and impacts others. **The incident that was reported related to [INSERT VERY BROAD AND DE-IDENTIFIED INFORMATION INDICATING THE GENERAL ISSUE THAT WAS REPORTED, BEING MINDFUL OF NOT IDENTIFYING THE COMPLAINANT OR CREATING FURTHER DIVISION - SEEK APPROVAL OF THIS SENTENCE BY THE COMPLAINANT. IF APPROVAL IS NOT GRANTED, OR AN ACCEPTABLE ALTERNATIVE CANNOT BE AGREED, DELETE THIS SENTENCE].** In order to maintain confidentiality of the mandatory reporting process further details cannot be provided, but it is reiterated that a complaint is not being pursued and therefore there is no case for you to answer, and this notification is provided solely for the purpose of alerting you that **the above alleged behaviour / some perceived behaviour of yours [delete inappropriate option]** has been formally assessed as potentially being bullying.

You are requested by the Intake Assessment Team, on behalf of the Management Committee and the Queensland Greens, to read the attached Queensland Greens Code of Ethics and

Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures in full, and to be mindful of any ways in which others may perceive things you do or say to be contrary to the expectations outlined in these documents.

Information in the Incident Report that is the subject of this letter is currently confidential and only known to the office bearers in the IAT (Intake Assessment Team, a sub-committee of the Management Committee) and the professional external assessor. The Incident Report will not be referred to again unless future Incident Reports are received.

APPENDIX 5 - Complainant Update Letter

A-5.1 SCENARIO 1: In the event that the initial assessment of an Incident Report determines that the incident meets the definition of Bullying as defined in this procedure, the Incident Report will be referred to the Constitution and Arbitration Committee, and the Complainant will be informed of this outcome (Letter Scenario 1).

A-5.2 The wording for Scenario 1 will follow the following format:

Letter Scenario 1 (used where the incident has been referred to the Constitution and Arbitration Committee):

Dear [Name]

With reference to the Incident Report you submitted on [date] under the *Queensland Greens Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures*, the IAT has undertaken an initial assessment and considers that the definition of bullying as outlined in this procedure may have been met.

The IAT wishes to refer the details you provided as a formal bullying complaint to the Constitution and Arbitration Committee (CAC).

If referred, the CAC would assess this Formal Complaint in accordance with By-law 1.5 – *Complaints Made to the Constitution and Arbitration Committee* and notify you of the outcome. The CAC would be responsible for informing the Respondent.

The IAT requests you to inform us whether or not you authorise the referral of the complaint to the CAC for them to process it in accordance with By-law 1.5.

Information in the Incident Report is currently confidential regarding details of the incident, the name of the Complainant (you) and the name of the Respondent, and we remind you that it is your responsibility under the Qld Greens Code of Ethics to maintain this confidentiality. Maintaining confidentiality means that you can discuss the issues surrounding the incident with up to three nominated support person/s (being a person or people with whom you have relationships of support and mutual expectations of confidentiality), in addition to professionals engaged by you who have ethical duties of confidentiality (for example, medical professionals, lawyers, etc), members of the members of the IAT, Management Committee, MRWG and CAC, but not with anyone else. If you fail to maintain confidentiality, the IAT may lodge a formal complaint against you for the breach of confidentiality.

Please note that one of the functions of the Mediation and Resolution Working Group (MRWG) is to provide support to members who are involved in a formal CAC complaints process. Please get in touch with the MRWG (mrwg@qld.greens.org.au) if you would like to avail yourself of this support, noting that any members of the MRWG who are associated with the incident report or otherwise conflicted will recuse themselves.

A-5.3 SCENARIO 2: In the event that the initial assessment of an Incident Report determines that the incident does not meet the definition of Bullying as defined in this procedure, but evidence has been provided by the Complainant of at least one of the overt or covert behaviours listed in [APPENDIX 1 - Identifying Bullying Behaviour](#), the Incident Report will not be referred to the Constitution and Arbitration Committee, and the Complainant will be informed of this outcome (Letter Scenario 2).

A-5.4 The wording for Scenario 2 will follow the following format:

Letter Scenario 2 (used where the incident has been initially assessed as not meeting the definition of bullying but evidence of bad behaviour as defined in Appendix 1 has been provided):

Dear [Name]

With reference to the Incident Report you submitted on [date] under the *Queensland Greens Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures*, the details you provided have been assessed by the Intake Assessment Team against the definition of bullying as outlined in that procedure.

In this instance the IAT considers that the behaviour as shown in the provided evidence does not appear to meet the definition of bullying as outlined in this procedure.

However, in the event that there is a repeat of this or related incidents and/or evidence, you are encouraged to submit another Incident Report, as one of the key factors in identifying bullying behaviour is repetition.

[USE THESE PARAGRAPHS FOR CASES WHERE EVIDENCE OF BAD BEHAVIOUR HAS BEEN PROVIDED AND RESPONDENT LETTER VERSION 2 IS BEING ISSUED - otherwise delete]

The Respondent named in your Incident Report has been issued with a written notification drawing their attention to the Queensland Greens Code of Ethics, the *Queensland Greens Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures*.

The written notification also requests them to give consideration to their behaviour in context of the expectations outlined in these documents.

Please note that while the Intake Assessment Team can only make a formal complaint to the CAC on your behalf if the provided evidence meets the definition of bullying, you remain entitled to make your own formal complaint to the CAC regarding this matter should you wish to do so (refer By-law 1.5 – *Complaints Made to the Constitution and Arbitration Committee*).

The Incident Report, Notification Letter, and this letter will be kept on file confidentially and securely by the State Secretary. Information in the Incident Report is currently confidential regarding details of the incident, the name of the Complainant (you) and the name of the Respondent, and we remind you that it is your responsibility under the Qld Greens Code of Ethics to maintain this confidentiality. Confidentiality in the Party in relation to matters of this nature is an essential component of maintaining a harmonious environment and a safe place for all. In addition confidentiality is critical to achieving the Party's natural justice obligations. Maintaining confidentiality means that you can discuss the issues surrounding the incident with up to three nominated support person/s (being a person or people with whom you have relationships of support and mutual expectations of confidentiality), in addition to professionals engaged by you who have ethical duties of confidentiality (for example, medical professionals, lawyers, etc), members of the members of the IAT, Management Committee, MRWG and CAC, but not with anyone else. If you fail to maintain confidentiality, the IAT may lodge a formal complaint against

you for the breach of confidentiality. Submitting a formal complaint relating to this incident on your own behalf to the CAC does not constitute breach of confidentiality.

- A-5.5 SCENARIO 3: In the event that the initial assessment of an Incident Report determines that the incident meets neither the definition of Bullying nor bad behaviour as defined in this procedure, the Incident Report may be referred to the MRWG or another party committee or body as appropriate, and the Complainant will be informed of the outcome (Letter Scenario 3 & 4, below, with appropriate paragraph selected).
- A-5.6 SCENARIO 4: In the event that the initial assessment of an Incident Report determines that the report is vexatious, malicious, frivolous or otherwise insubstantive, the Complainant will be informed that the report has been dismissed (Letter Scenario 3 & 4, below, with appropriate paragraph selected).
- A-5.7 The wording for Scenario 3 & 4 will follow the following format:

Letter Scenario 3 & 4 (used where the incident has been initially assessed as not meeting the definition of bullying nor indicating bad behaviour under the procedure OR where the report has been dismissed as insubstantive):

Dear [Name]

With reference to the Incident Report you submitted on [date] under the *Queensland Greens Bullying and Behaviour Management: Mandatory Reporting and Zero Tolerance Procedures*, the details you provided have been assessed by the IAT against the definition of bullying as outlined in that procedure.

[USE THIS PARAGRAPH FOR CASES WHERE [SECTION 17.5](#) APPLIES]

In this instance it has been agreed by the IAT that the behaviour as described in the Incident Report and the evidence provided does not meet the criteria outlined in the procedure either to be classed as bad behaviour as defined by the procedure or meet the definition of bullying as outlined in the procedure.

OR

[USE THIS PARAGRAPH FOR CASES WHERE [SECTION 17.6](#) APPLIES]

In this instance it has been agreed by the IAT that the behaviour as described in the Incident Report and the evidence provided is not sufficiently substantive to warrant further action.

In matters which involve serious differences of opinion but not evidence of bullying/bad behaviour as defined in the procedure, we recommend that members seek the assistance of the Mediation and Resolution Working Group (mrwg@qld.greens.org.au) in informally resolving the dispute.

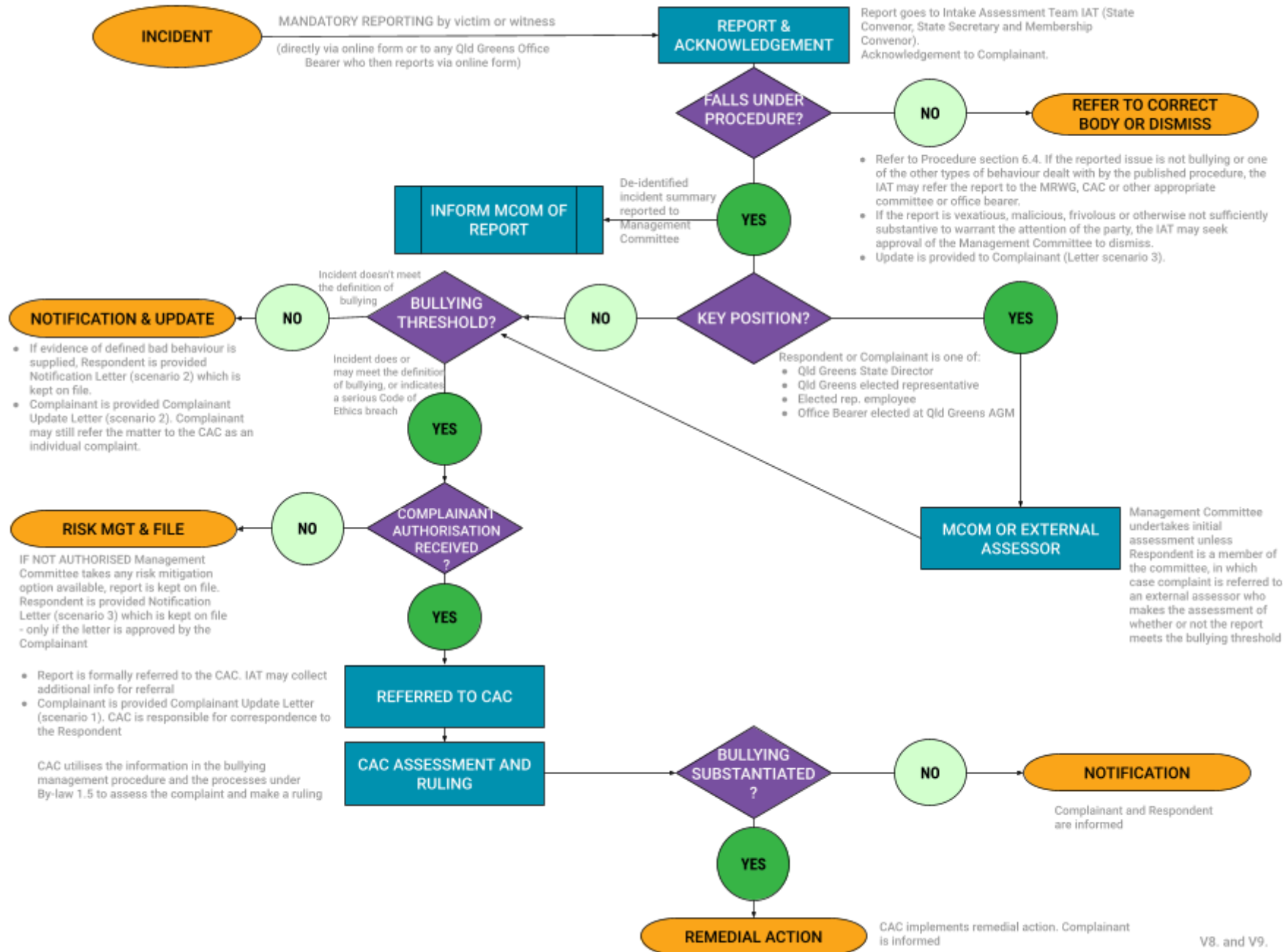
[IF THE REPORT WARRANTS REFERRAL TO ANOTHER PARTY COMMITTEE OR BODY, INSERT DETAILS HERE.]

Please note that while the Intake Assessment Team can only make a formal complaint to the CAC on your behalf if the reported behaviour meets the definition of bullying, you remain entitled to make your own formal complaint to the CAC regarding this matter should you wish to do so (refer By-law 1.5 – *Complaints Made to the Constitution and Arbitration Committee*).

The Incident Report and this letter will be kept on file confidentially and securely by the State Secretary. Information in the Incident Report is currently confidential regarding details of the

incident, the name of the Complainant (you) and the name of the Respondent, and we remind you that it is your responsibility under the Qld Greens Code of Ethics to maintain this confidentiality. Confidentiality in the Party in relation to matters of this nature is an essential component of maintaining a harmonious environment and a safe place for all. In addition confidentiality is critical to achieving the Party's natural justice obligations. Maintaining confidentiality means that you can discuss the issues surrounding the incident with up to three nominated support person/s (being a person or people with whom you have relationships of support and mutual expectations of confidentiality), in addition to professionals engaged by you who have ethical duties of confidentiality (for example, medical professionals, lawyers, etc), members of the members of the IAT, Management Committee, MRWG and CAC, but not with anyone else. If you fail to maintain confidentiality, the IAT may lodge a formal complaint against you for the breach of confidentiality. Submitting a formal complaint relating to this incident on your own behalf to the CAC does not constitute breach of confidentiality.

APPENDIX 6 - Qld Greens Bullying Management Procedure Process Map



APPENDIX 7 - Queensland Greens Complaints Processes Summary

Queensland Greens Complaints Processes Summary

Type of behaviour	Inappropriate Behaviour in QG-OMG	Member Disputes and Poor Behaviour	Breach of Constitution & By-laws	Bullying	Sexual Harassment or Assault
Description	<p>May include:</p> <ul style="list-style-type: none">- Breach of QG-OMG rules- Unacceptable language- Inappropriate tone- Harmful interactions	<p>May include:</p> <ul style="list-style-type: none">- Repeated bad behaviour- Unresolved disagreements- Need for mediation- Need for restorative processes	<p>Alleged breach of Qld Greens Constitution and Bylaws (including Code of Ethics), accompanied by evidence, or alleged breach of procedural fairness by a party body</p>	<p>Alleged bullying behaviour as defined in the Bullying and Behaviour Management Procedure, accompanied by evidence</p>	<p>Alleged behaviour as described in the Sexual Harassment, Intimidation and Assault Procedure</p>
Report to	<p>QG-OMG Moderators Group (discretionary report)</p> <p>Submission via email qg-omg-mods@qld.greens.org.au</p>	<p>Mediation and Resolution Working Group (discretionary report)</p> <p>Submission via online form https://bit.ly/2Gq8jkq</p>	<p>Constitution and Arbitration Committee (discretionary report)</p> <p>cac@qld.greens.org.au</p>	<p>Intake Assessment Team (IAT) (sub-committee MCom) (mandatory report)</p> <p>Submission via online form https://bit.ly/2Gf7omS</p>	<p>State Director (mandatory report)</p> <p>director@qld.greens.org.au or call 07 3357 8458 / 0409 548 892</p>
Actioned by	<div>QG-OMG Moderators Group</div> <div>QG-OMG Mods</div> <p>Or other Qld Greens committee, working group or office bearer as determined by the QG-OMG to be most suitable to address reported issue</p>	<div>Mediation and Resolution Working Group</div> <div>MRWG</div> <p>Or other Qld Greens committee, working group or office bearer as determined by the MRWG to be most suitable to address reported issue</p>	<div>Constitution and Arbitration Committee</div> <div>CAC</div>	<div>Meets definition of bullying</div> <div>Constitution and Arbitration Committee</div> <div>CAC</div> <div>Doesn't meet definition of bullying</div> <div>Mediation and Resolution Working Group</div> <div>MRWG</div>	<div>State Director reporting to Management Committee</div> <div>MCom</div>
Process	<p>Moderator Group makes ruling as required. Moderators may refer matters to another Committee/body if required</p> <p>(More details: By-law 7.9 – Official Members Group Terms of Reference in Constitution & By-laws)</p>	<p>Working Group members provide support as required. Working Group may refer matters to another Committee if required</p> <p>(More details: By-law 7.7 – Mediation and Resolution Working Group Terms of Reference in Constitution & By-laws)</p>	<p>Committee assesses evidence and provides ruling as to the nature and extent of the breach. Committee imposes remedial action if required</p> <p>(More details: By-law 1.5 – Complaints Made to the CAC in Constitution & By-laws)</p>	<p>Intake Assessment Team confirms if evidence meets the formal definition of bullying. If yes, matter is referred to CAC. If no, MRWG may assist</p> <p>(More details: Bullying and Behaviour Management Procedure in Greenhouse Guidelines for Branches and Members)</p>	<p>State Director reports de-identified incident to MCom. Incidents above a set threshold of severity are referred to external investigation, and if substantiated referred to CAC for action. Incidents below the threshold trigger a warning/notification, kept on file</p> <p>(More details: Sexual Harassment, Intimidation and Assault Procedure in Greenhouse Guidelines for Branches and Members)</p>
Intended outcome	<p>Collegiate and productive interactions in the members forum</p>	<p>Working relationship between disputing parties</p>	<p>Remedial action imposed for substantiated breaches</p>	<p>Remedial action imposed for substantiated bullying</p>	<p>Remedial action imposed for substantiated breaches</p>

Queensland Greens Complaints Processes Flow

NOTE: This is an abbreviated summary of the process followed for various types of complaints. Please check the supplied references for full detail.

