



## LIVERPOOL PLAINS SHIRE COUNCIL WORKPLACE BULLYING POLICY

Version	Date	Details
1	27 Sept 2017	
Review due	27 Sept 2020	

### INTRODUCTION

LPSC is committed to the prevention of workplace bullying.

LPSC considers bullying an unacceptable form of behaviour, which will not be tolerated under any circumstance.

This policy applies to all staff of LPSC.

Under the WHS Act 2011, LPSC has a responsibility to do everything possible to eliminate or reduce risks to workers' health and safety. All members of staff have a right to a workplace that is free from bullying. Workers must also accept responsibility for their actions towards others in the workplace and must not take part in any bullying.

### What is Bullying?

Workplace bullying is repeated, unreasonable behaviour directed towards a worker, or group of workers, which creates a risk to a worker's mental or physical health and safety.

Unreasonable behaviour is that which a reasonable person, having regard to all the circumstances (those that the alleged bully would reasonably be expected to know), would expect to victimize, humiliate, undermine or threaten its recipient.

Behaviour includes, but is not limited to, actions of individuals or a group, and may involve using a system of work as a means of victimizing, humiliating, undermining or threatening.

Workers include contractors and staff at senior levels of the Company.

The source of bullying could be staff within LPSC, its clients or suppliers.

### Examples of Bullying

The following types of behaviour, when repeated or occurring as part of a pattern of behaviour can constitute bullying:

- › verbal abuse
- › excluding or isolating workers
- › psychological harassment
- › intimidation

- › assigning meaningless tasks unrelated to the worker's position
- › giving impossible assignments
- › initiation practices
- › sabotaging another worker's work
- › deliberately withholding information that is vital for effective work performance; and
- › ridiculing other workers' opinions..

Legitimate and appropriate actions to manage work performance or discipline a staff member for misconduct do not constitute workplace bullying.

Generally, this policy is concerned with behaviour that is persistent and part of an identifiable pattern. The specific form of the behaviour need not be the same. Bullying can involve diverse incidents, e.g. verbal abuse, isolation and deliberate damage to personal property.

While a single incident of the behaviour described does not fall within the above definition, LPSC does not condone and will not ignore such incidents. Any concern should be reported and will be considered seriously.

### Reporting Procedure

LPSC will deal with all reports of workplace bullying seriously, promptly and confidentially.

If you feel comfortable doing so, you should advise the other person, verbally or in writing, in a direct or firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour.

If the behaviour is serious or recurring, or if you are not comfortable raising the matter directly with the alleged perpetrator, you should make a report to the Human Resources Manager. LPSC has established confidential procedures for handling reports of serious incidents under this policy.

These procedures are based on the principle that the rights and privacy of both parties to the incident should be safeguarded. LPSC considers that it is important that any report be dealt with as promptly as possible, professionally and with sensitivity.

It is suggested that you keep diary notes of all incidents with names, dates, witnesses and any response you make in respect to the incidents.

LPSC strongly encourages staff to report incidents of workplace bullying.

Reporting is voluntary and not mandatory, nevertheless, all workers must appreciate that raising an allegation of bullying against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences both personally and professionally for the other party. LPSC will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

If you make a report, LPSC will appoint an independent party to mediate the dispute or will initiate an investigation, or do both. The course adopted will depend on the severity of the incident and the wishes of the parties and LPSC.

## Mediation

At mediation, parties will be given the opportunity to discuss the incident and attempt to reach a mutually agreeable resolution.

This could include an apology, an undertaking that the behaviour will not recur, physical separation within the workplace of the parties involved, and counselling and monitoring of the perpetrator. One outcome of the mediation may be that the matter will be investigated.

## Investigations

Investigations will be managed by the Human Resources Unit in the first instance and appropriate investigation methods will be determined on a case by case basis.

If a complaint is to be investigated, both the alleged victim and the alleged perpetrator will be afforded natural justice. This means that:

- ▶ complaints will be investigated promptly
- ▶ the allegations will be put to the alleged perpetrator
- ▶ each party will be given a fair opportunity to express their version of events; and
- ▶ the alleged perpetrator will be treated as innocent unless the allegations are proven.

## General

All file notes relating to the report will be kept in specially provided locked files. Only staff involved in particular processes under this policy will have access to these files.

Workers involved in a report of bullying may also be offered professional support services such as counselling or medical advice, as appropriate. These guidelines may not be practical for every case, and the Human Resources Manager or individual may suggest more applicable resolution procedures.

## Outcome of Reporting Process

Any person who has been found to have bullied may be disciplined. Such a finding will only be made after an investigation has been carried out under this policy. The discipline will be appropriate to the severity of the offence, but may involve warning or dismissal.

Any person who has been found to have made a report that is vexatious or based on facts that the person ought reasonably believe to be untrue will also be subject to disciplinary action.

Mitigating factors such as personal circumstances, disciplinary and work history and work performance will be taken into account, but will not be decisive, in determining the appropriate disciplinary measures to be adopted.

## EFFECT ON FUTURE GENERATIONS

Council has had regard to achieving intergenerational equity by considering the policy's financial effects on future generations. Council is committed to ensuring that the current generation funds the cost of its services.

**EFFECTIVE DATE AND POLICY REVIEW**

The policy shall be reviewed every four years or earlier if required by legislation, Council resolution or recommendation of the General Manager. If the policy is not reviewed within this timeframe, it remains active until such time as it is reviewed or revoked by Council.

This policy comes into effect at 6:00 am on 11 September 2017.

Signed by General Manager:

Date Approved: 27 September 2017