

# BULLYING POLICY

## INTRODUCTION

Austalian Saay Harari Association believes that all people should be in an environment free from bullying.

Austalian Saay Harari Association understands that bullying is a threat to the health and wellbeing of its members, children and volunteers.

Accordingly, Austalian Saay Harari Association is committed to eliminating, so far as is reasonably practicable, all forms of bullying by maintaining a culture of openness, support, and accountability.

## PURPOSE

The purpose of this document is to communicate that Austalian Saay Harari Association does not tolerate any form of bullying and to set out the process which is to be followed should any instances of bullying be reported.

## DEFINITIONS

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

**“Repeated behaviour”** refers to the persistent nature of the behavior and can involve a range of behaviours over time.

**“Unreasonable behaviour”** is behaviour that a reasonable person, having considered the circumstances would see as unreasonable, including behavior that is victimising, humiliating, intimidating or threatening.

Examples of behavior, whether intentional or unintentional, that may be considered to be bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from association activities
- withholding necessary information from others
- setting tasks that are unreasonably below or beyond a person’s abilities
- spreading misinformation or malicious rumours
- changing times and dates of events and meetings to deliberately inconvenience particular members

Bullying can be carried out in a variety of ways including through email, text or social media channels.

Bullying can occur between members (sideways), from management to members (downwards), or members to management (upwards).

Reasonable management action is not considered to be bullying if it is carried out lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:

- setting reasonable standards and goals
- informing a member about unsatisfactory performance in an honest, fair and constructive way
- taking appropriate disciplinary action,

Differences of opinion and disagreements are generally not considered to be bullying.

Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter (see below).

## **POLICY**

Australian Saay Harari Association has a duty of care to provide a safe environment, and ensure, so far as is reasonably practicable, that members and other people are not exposed to health and safety risks.

Australian Saay Harari Association accepts and acts on its duty of care. Any reported allegations of bullying will be promptly, thoroughly, and fairly investigated.

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

# BULLYING PROCEDURES

## RESPONSIBILITIES

It is the obligation and responsibility of every member to ensure that the environment is free from bullying. The responsibility lies with every manager, volunteer and member to ensure that bullying does not occur.

All members have:

- an entitlement to be treated with dignity and respect
- an entitlement to make a complaint in respect of any bullying behaviour
- a responsibility to take reasonable care for their own health and safety
- a responsibility to ensure they do not promote or engage in bullying and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
- a responsibility to co-operate and comply with this policy and any other relevant policy.

It is the responsibility of all managers to ensure that:

- they understand, and are committed to, the right of all members and volunteers to attend events and perform their duties without fear of being bullied in any form
- all reasonable steps to eliminate bullying are made so far as is reasonably practicable
- all members are regularly educated and made aware of their obligations and responsibilities in relation to providing an environment free from bullying
- they provide an environment which discourages bullying, and set an example by their own behaviour
- all complaints are treated seriously and confidentially
- they are as far as practicable aware of whether bullying is occurring, whether complaints are received or not, relying on such indices as:
  - sudden increases in absenteeism
  - unexplained requests for changes
  - behavioural changes such as depression
  - sudden decrease in participation
- they take immediate and appropriate action if they become aware of any bullying or offensive behaviour
- any reported allegations of workplace bullying are promptly, thoroughly, and fairly investigated
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying
- ongoing support and guidance is provided to management and members in relation to the prevention of bullying
- this policy is easily accessible to all members.

## **PROCEDURES**

### **Complaints Procedures**

If a member feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The member should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

If the behaviour continues, or if the member feels unable to speak to the person(s) directly, they should contact the association's well-being officer or any other member of management with whom they feel comfortable. The manager will provide support and ascertain the nature of the complaint.

### **Informal Intervention**

The manager will explain the rights and responsibilities of the member under the relevant policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the organisation's formal procedure should be followed.

### **Formal Complaints Procedure**

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally (by a member of management) or by an external investigator.

An investigation 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, the investigator will make recommendations about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, members may be temporarily suspended during an investigation.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings as to whether bullying has occurred will be determined on the basis of the evidence, and on the balance of probabilities.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling
- Disciplinary action (including and up to expulsion of the offending member)
- Official warning
- Formal apology and/or an undertaking that the behaviour will cease
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a bullying complaint (irrespective of the findings), the manager concerned will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all members of their obligations and responsibilities in relation to providing an environment free from bullying

## **Procedures for Dealing with Criminal Conduct**

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While Australian Saay Harari Association is committed to treat most complaints about bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Members should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.