

RSPCA NSW ANTI-BULLYING POLICY

1. Introduction

This policy outlines RSPCA NSW' commitment to a safe workplace and is aimed at ensuring, as far as is reasonably practicable, that workplace participants are not subjected to any form of bullying while at work. It also details the legal responsibilities of RSPCA NSW and its workplace participants in relation to preventing bullying in the workplace.

Bullying is a risk to the health and safety of the workplace. Bullying is unacceptable and will not be tolerated by RSPCA NSW.

2. Objective

This Anti-Bullying policy sets down the behavioural standards and expectations of all workplace participants engaged by or associated with RSPCA NSW.

3. Scope

This policy applies to all workplace participants of RSPCA NSW (whether full-time, part-time, voluntary or casual) and all persons performing work at the direction of, in connection with, or on behalf of RSPCA NSW. This includes contractors, subcontractors, agents, consultants, and temporary staff (collectively 'workplace participants').

This policy extends to all functions and places that are work related, for example, work lunches, conferences, branch activities, Christmas parties and client functions. This policy also extends to online activities that are intrinsically linked to the workplace. This policy does not form part of an employee's contract of employment, nor does it form part of any contract for service.

4. Application

This Anti-Bullying policy applies to all workplace participants of RSPCA NSW. The Anti-Bullying policy does not exclude or replace the rights and obligations of RSPCA NSW workplace participants under common law.

5. Definitions

5.1 Workplace Participant

The term workplace participant refers to:

- a member of the group of persons who is responsible for the executive decisions of RSPCA NSW at that time;
- any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of RSPCA NSW at that time;
- any person who is responsible for the services provided by RSPCA NSW;
- any person who is responsible for the day-to-day operations of the service, whether or not the person is employed by the RSPCA NSW;
- RSPCA NSW volunteers;
- RSPCA NSW members;
- Contractors.

5.2 Manager

Manager refers to those workplace participants who have been delegated the responsibility of managing this Code of Conduct. These include;

- Chief Executive Officer;
- Executive managers;
- Senior managers;
- Site managers;
- Supervisors;
- Team leaders;
- Coordinators;
- Branch President;
- Supporter group person in charge;
- Contractors.

6. Legal Responsibilities

Everyone at the workplace has a legal responsibility to prevent bullying from occurring.

Under relevant health and safety legislation (the 'Legislation') RSPCA NSW has the primary duty to eliminate or minimise, as far as reasonably practicable, the risks to health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying. This policy will assist the RSPCA NSW to comply with its legal responsibilities.

Workplace participants are also required under the Legislation to take reasonable care for their own health and safety, as well as that of others at RSPCA NSW workplaces. All workplace participants must also comply with any reasonable instruction given by RSPCA NSW in this regard.

7. What is Workplace Bullying

Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.

‘Repeated behaviour’ refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities – i.e. a pattern is being established from a series of events).

‘Unreasonable behaviour’ means behaviour that a reasonable person, having regard to all the circumstances, would consider as behaviour that would victimise, humiliate, undermine or threaten another person.

8. Examples of Workplace Bullying

Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of direct and indirect bullying.

8.1 Direct Bullying:

- abusive, insulting or offensive language;
- spreading misinformation or malicious rumours;
- behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming;
- displaying offensive material;
- inappropriate comments about a person’s appearance, lifestyle, their family, or sexual preferences;
- teasing or regularly making someone the brunt of pranks or practical jokes;
- interfering with a person’s personal property or work equipment; or
- harmful or offensive initiation practices.

8.2 Indirect Bullying:

- unreasonably overloading a person with work, or not providing enough work;

- setting timeframes that are difficult to achieve, or constantly changing them;
- setting tasks that are unreasonably below, or above a person's skill level;
- deliberately excluding or isolating a person from normal work activities;
- withholding information that is necessary for effective work performance;
- deliberately denying access to resources or workplace benefits and entitlements, for example training, leave; or
- deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers.

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and are therefore unacceptable to RSPCA NSW. The behaviours expected at RSPCA NSW are set out in the Code of Conduct.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person actually have that effect.

Bullying in the workplace is harmful not only to the target of the behaviour but damages the RSPCA NSW culture and reputation. It is unacceptable and will not be tolerated.

9. What does not constitute Workplace Bullying

Managing workplace participants does not constitute bullying, if it is done in a reasonable manner. Managers have the right and are obliged to manage workplace participants. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling workplace participants. Examples of reasonable management practices include:

- Setting reasonable performance goals, standards and deadlines in consultation with workplace participants;
- allocating work fairly;
- fairly rostering and allocating working hours;
- transferring a workplace participant for legitimate and explained operational reasons;

- deciding not to select a workplace participant for promotion, following a fair and documented process;
- deciding not to select a workplace participant for additional training and/or involvement in opportunities beyond the scope of their current role, following a fair process;
- informing a workplace participant about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements;
- informing a workplace participant about inappropriate behaviour in an objective and confidential way;
- implementing organisational changes or restructuring; and
- performance management processes.

10. What steps will RSPCA NSW take to prevent Workplace Bullying

RSPCA NSW will take all reasonable steps to prevent bullying through a risk management process. This process includes, but is not limited to:

- identification of bullying risk factors – these are things and situations which could contribute to bullying such as the way in which staff are managed, or organisational change such as redundancies (refer to the common risk factors set out below in section 11 of this policy).
- as part of the risk assessment process, workplace participants will also consider the likelihood of bullying occurring from identified risk factors and their potential impact on the workplace participants or workplace;
- eliminating the risks, as far as reasonably practicable, or controlling, or minimising them as far as reasonably practicable;
- reviewing the effectiveness of the control methods put in place and the process generally; and
- conducting annual training of workplace participants about WHS matters including bullying, how to deal with it and its impact on the workplace. New workplace participants will receive training as part of their induction process.

RSPCA NSW will use the Workplace Bullying Assessment Checklist to facilitate the risk management process. This checklist has been developed to assist RSPCA NSW to identify,

assess, eliminate and/or control bullying in the workplace, taking into account the common risk factors (refer to section 11 of this policy).

11. What are some of the common risk factors that may lead to bullying

Bullying can result from a number of different factors in a workplace, from the general culture to poor management skills. Some risk factors which make bullying more likely to occur are outlined below:

Workplace Bullying Assessment Checklist
Organisational change – i.e. significant change in the workplace that may lead to job insecurity for example, restructure and redundancy, introduction of technology, change in management
Negative leadership styles – such as strict, autocratic management styles, which do not allow for flexibility or involvement by employees; or passive, ‘laissez-faire’ management styles which are characterised by a tendency to avoid decisions, inadequate supervision and little guidance to workers
Inappropriate systems of work – this includes excessive workloads, unreasonable timeframes, uncertainty about roles and how they should be performed, and lack of employee support
poor work relationships – this can be characterised by poor communication between workplace participants, or negative relationships with supervisors or colleagues, excessive criticism by a manager/team leader or supervisor, and the exclusion or isolation of workplace participants
Workforce characteristics - an organisation’s workforce can be made up of groups of workplace participants who may be at a higher risk of bullying because of certain characteristics: for example, young workplace participants, new workplace participants, apprentices, injured workplace participants, workplace participants in a minority group because of their age, race, disability, religion, gender or sexual preference

RSPCA NSW will consider these factors when undertaking its risk management process.

12. Complaint Procedure

If a workplace participant considers that they have been bullied, they should not ignore it. Similarly, if workers identify behaviour constituting bullying of another, they should not ignore it.

The principles of responding to a complaint of workplace bullying are set out in Appendix 1 of this policy.

The process for responding to workplace bullying is set out in the flow chart in Appendix 2 of this policy and should be referred to and followed with regard to the Grievance Resolution Policy.

Any complaint should be addressed as follows:

- a complaint by a workplace participant regarding a fellow workplace participant should be addressed to their manager, team leader or supervisor at RSPCA NSW;
- a complaint by a workplace participant regarding their manager, team leader or supervisor at RSPCA NSW should be addressed to the executive manager of the relevant department;
- a complaint regarding a member of the executive management team at RSPCA NSW should be addressed to the Executive Manager Human Resources.

Where the reported behaviour requires investigation, an investigation process will be undertaken following consultation with the Human Resources department in accordance with Appendix 1.

Where appropriate for reasons of transparency, independence, confidentiality, capacity or capability, an external party independent of RSPCA NSW may be engaged to conduct the investigation.

13. Actions after reports of Workplace Bullying are resolved

After a report of workplace bullying is resolved there should be a follow-up review to check the health and safety of the parties involved, to offer support and to find out whether actions taken to stop the workplace bullying have been effective. These may include:

- offering professional counselling;
- providing mentoring and support from a senior manager;
- providing training and relevant professional or skills development;

- redressing inequality resulting from the bullying behaviour;
- re-instating lost entitlements resulting from the bullying behaviour e.g. re-crediting leave;
- monitoring behaviours of the affected work group; or
- organising work in another area of the organisation.

After addressing a specific case of workplace bullying, the work situation will be examined to identify and address any underlying factors that may increase the risk of workplace bullying occurring. For example, reviewing the systems of work including workloads and staffing levels and the effectiveness of procedures and training.

14. Management's Role

Managers (as defined in Clause 5.2) have a key role in the prevention of workplace bullying. Managers at RSPCA NSW must:

- ensure that the processes identified in this policy are implemented to identify and manage risk factors including monitoring and review of those processes to determine their effectiveness;
- ensure that they do not bully workplace participants, other managers, clients or customers;
- ensure that they do not aid, abet or encourage other persons to engage in bullying behaviour;
- ensure all workplace participants who report to them are aware and understand this policy and their responsibility to comply with it;
- ensure that all workplace participants who report to them understand that any bullying in any form is unacceptable and will not be tolerated by RSPCA NSW;
- act promptly and appropriately if they observe bullying behaviours;
- ensure that all workplace participants who report to them understand that they should report any bullying behaviour;
- ensure all workplace participants who report to them are aware and understand the complaint procedures; and
- act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the Human Resources department at RSPCA NSW as soon as possible.

15. Workplace Participants Role

All workplace participants must:

- understand and comply with this policy;
- ensure they do not engage in any conduct which may constitute bullying towards other workplace participants, customers/clients or others with whom they come into contact through work;
- ensure they do not aid, abet or encourage other persons to engage in bullying behaviour;
- follow RSPCA NSW' complaint procedure if they experience bullying;
- report any bullying they see occurring to others in the workplace in accordance with this policy; and
- maintain confidentiality if they are involved in the incident which has been reported.

16. Breaches of this Policy

RSPCA NSW takes its commitment to providing a safe and healthy work environment, free from bullying very seriously. All workplace participants are required to comply with this policy.

Any workplace participant that breaches this policy may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this policy may have their contracts with RSPCA NSW terminated or not renewed.

17. Vexatious Complaints

If any person makes a false complaint, or a complaint in bad faith (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may undergo disciplinary action, up to and including the termination of their employment or engagement with RSPCA NSW.

18. More Information

If a workplace participant is unsure about any matter covered by this policy or requires more information about workplace bullying they should seek the assistance of their manager, team leader or supervisor at RSPCA NSW.

They may also wish to seek external advice from the relevant regulatory authority, such as SafeWork NSW or the Fair Work Commissioner/Ombudsman.

19. Interactions with other policies and procedural guidelines

It is expected that this Anti-Bullying is read and understood in conjunction with the existing policies and procedural guidelines of RSPCA NSW. In particular, it is expected that workplace participants understand and regularly review the policies and procedural guidelines of RSPCA NSW which can be found on the RSPCA NSW Intranet:

<http://intranet.rspcansw.org.au/home/Resources/Policies.html>

20. Revision, evaluation and review of policy and procedural guidelines

This policy will be reviewed regularly through consultation with employees and health and safety representatives, when legislative requirements change or in the event of a serious occurrence involving bullying.

21. Endorsement

Policy Name	RSPCA NSW Anti-Bullying Policy 2018
Status	Active
Date Issued	19 November 2018
Policy Contact Officer	Human Resources, RSPCA NSW
Related Documentation and Legislation	<ul style="list-style-type: none">• Anti-Discrimination Act 1991• Fair Work Act 2009• Work Health and safety Act 2011 (NSW)
Date implemented	1 February 2019
Next Review	31 January 2022

APPENDIX 1

Response	Measure
Act promptly	Reports should be responded to quickly, reasonably and within established timelines. Relevant parties should be advised of how long it will likely take to respond to the report and should be kept informed of the progress to provide reassurance the report has not been forgotten or ignored.
Treat all matters seriously	All reports should be taken seriously and assessed on their merits and facts.
Maintain confidentiality	The confidentiality of all parties involved should be maintained. Details of the matter should only be known by those directly concerned in the complaint or in resolving it.
Ensure procedural fairness	The person who is alleged to have perpetrated the bullying behaviour should be treated as innocent unless the reports are proven to be true. Reports must be put to the person they are made against and that person must be given a chance to explain their version of events. The person reporting the bullying should be respectfully listened to and their report treated as credible and reliable unless conclusively proven otherwise. The opportunity to have decisions reviewed should be explained to all parties.
Be neutral	Impartiality towards everyone involved is critical. This includes the way people are treated throughout the process. The person responding to the report should not have been directly involved and they should also avoid personal or professional bias.
Support all parties	Once a report has been made, the parties involved should be told what support is available, for example employee assistance programs, and allowed a support person to be present at interviews or meetings e.g. health and safety representative, union representative or work colleague.
Do not victimise	It is important to ensure anyone who reports workplace bullying is not victimised for doing so. The person accused of workplace bullying and witnesses should also be protected from victimisation.
Communicate process and outcomes	All parties should be informed of the process, how long it will take and what they can expect will happen during and at the end of the process. Should the process be delayed for any reason, all parties should be made aware of the delay and advised when the process is expected to resume. Finally, reasons for actions that have been taken and in some circumstances not taken, should be explained to the parties.
Keep records	The following should be recorded: <ul style="list-style-type: none"> • the person who made the report; • when the report was made; • who the report was made to; • the details of the issue reported; • action taken to respond to the issue; and • any further action required - what, when and by whom. Records should also be made of conversations, meetings and interviews detailing who was present and the agreed outcomes.

APPENDIX 2

