

## Workplace Bullying Policy

### 1. Purpose

- 1.1 Jands Pty Ltd and Jands Venue Engineering Pty Ltd ('Jands') aim to provide a safe and healthy work environment, so far as is reasonably practicable, in which workers are treated fairly, with dignity and respect.
- 1.2 This Policy outlines the Company's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that workplace participants are not subjected to any form of bullying while at work. It also details the legal responsibilities of Jands and workplace participants in relation to preventing bullying in the workplace.

### 2. Commencement of Policy

- 2.1 This Policy will commence on 01/07/2017. It replaces all other bullying policies (whether written or not).

### 3. Review of Policy

- 3.1 This Policy will be reviewed annually, through consultation with employees, or when legislative requirements change, or in the event of a serious occurrence involving bullying.

### 4. Application of Policy

- 4.1 This Policy applies to employees and contractors (including temporary contractors) of Jands, collectively referred to in this Policy as 'workplace participants'.
- 4.2 This Policy is not limited to the workplace or working hours and will include work related events which includes, but is not limited to: work lunches, conferences, client functions as well as Christmas functions.
- 4.3 This Policy also relates to, but is not limited by the following types of communication:
  - a) email;
  - b) facsimiles;
  - c) social media and networking forums including; Facebook, LinkedIn, Twitter and other forms of Social Media; and,
  - d) communications via text message.
- 4.4 This Policy does not form part of any employee's contract of employment. Nor does it form part of any contract for service.

### 5. Legal responsibilities

- 5.1 Workplace participants have a legal responsibility to prevent bullying from occurring.
- 5.2 Under relevant health and safety legislation (the 'WHS Legislation') Jands 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 Jands in complying with its legal responsibilities.
- 5.3 Workplace participants are also required under the WHS Legislation to take reasonable care for their own health and safety, as well as that of others at the workplace. Workplace participants are to comply with any reasonable instruction given by Jands.

## **6. What is workplace bullying behaviour?**

- 6.1 Workplace bullying is repeated, unreasonable behaviour by an individual or group of individuals, 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.
- 6.2 '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).
- 6.3 'Unreasonable behaviour' means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

## **7. Examples of workplace bullying**

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

### Direct bullying:

- a) abusive, insulting or offensive language or comments;
- b) spreading misinformation or malicious rumours;
- c) behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or shouting;
- d) displaying offensive material;
- e) inappropriate comments about a person's appearance, lifestyle, their family, or sexual preferences;
- f) teasing or regularly making someone the brunt of pranks or practical jokes; or,
- g) harmful or offensive initiation practices.

### Indirect bullying:

- a) unreasonably overloading a person with work;
  - b) setting timeframes that are impossible to achieve, or constantly changing them;
  - c) setting tasks that are unreasonably below, or above, a person's skill level;
  - d) deliberately excluding or isolating a person from normal work activities;
  - e) deliberately denying access to resources or workplace benefit and entitlements, for example training, leave etc.; or,
  - f) deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker/workers.
- 7.2 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 therefore unacceptable to Jands.
- 7.3 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.
- 7.4 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.

- 7.5 Bullying in the workplace is harmful not only to the target of the behaviour but has the potential to damage the Company's culture and reputation. It is unacceptable and will not be tolerated.

## **8. What does not constitute workplace bullying?**

- 8.1 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 staff. Examples of reasonable management practices include:

- a) setting reasonable performance goals;
- b) allocating work;
- c) transferring a workplace participant for legitimate and explained operational reasons;
- d) deciding not to select a workplace participant for promotion, following a fair and documented process;
- e) informing a workplace participant about unsatisfactory work performance in a constructive way;
- f) informing a workplace participant about inappropriate behaviour in an objective and confidential way;
- g) implementing organisational changes or restructuring, and,
- h) performance management processes.

## **9. What steps will Jands take to prevent workplace bullying?**

- 9.1 Jands will take all reasonable steps to prevent bullying. Steps include, but is not limited to:

- a) 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);
- b) eliminating the risks, as far as reasonable practicable, or controlling, or minimising, them as far as reasonable practicable; and,
- c) training workplace participants about bullying, how to deal with it and its impact on the workplace.

## **10. What are some of the common risk factors which may lead to bullying?**

- 10.1 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:

- a) organisational change — for example significant change in the workplace that may lead to job insecurity (restructure and redundancy, introduction of technology, change in management);
- b) the culture Jands values and beliefs can either expressly or implicitly encourage bullying behaviours, for example, when a company promotes aggressive behaviour as a means of ensuring its workers are performing their roles, or adopts a culture in which it is acceptable to ignore such behaviours;
- c) negative leadership styles — such as strict, autocratic management styles, which do not allow for flexibility or involvement by workers; or passive, 'laissez-faire' management styles which are characterised by a tendency to avoid decisions, inadequate supervision and little guidance to workers;

- d) inappropriate systems of work — this includes excessive workloads, unreasonable timeframes, uncertainty about roles and how they should be performed and lack of support; or,
- e) poor work relationships — this can be characterised by poor communication between workplace participants and management, or negative relationships with supervisors or colleagues, excessive criticism by a manager and the exclusion or isolation of workers.

10.2 Jands will consider these factors when undertaking its risk management process.

## **11. Complaint procedure**

11.1 If a workplace participant feels that they have been bullied, they should not ignore it.

11.2 Jands has a complaint procedure for dealing with bullying (please refer to the Complaint Handling Procedure). The Complaint Handling Procedure has numerous options available to suit the particular circumstances of each individual situation. The procedure should be referred to and followed.

11.3 Any bullying issue should be brought to a manager/supervisors attention as soon as possible. There are a number of options available to workplace participants.

## **12. Management's role**

12.1 Managers and supervisors have a key role in the prevention of workplace bullying.

12.2 Managers and supervisors must:

- a) ensure they do not bully workplace participants, clients or customers;
- b) ensure they do not aid, abet or encourage other persons to engage in bullying behaviour;
- c) ensure workplace participants who report to them are aware and understand this Policy and their responsibility to comply with it;
- d) ensure workplace participants who report to them understand that any bullying in any form is unacceptable and will not be tolerated by Jands;
- e) act promptly and appropriately if they observe bullying behaviour;
- f) ensure workplace participants who report to them understand that they should report any bullying behaviour and follow the complaint handling procedure; and,
- g) act promptly if a complaint is made. If this is not possible, or is inappropriate, inform Human Resources as soon as possible.

## **13. Workplace participant's role**

13.1 All workplace participants must:

- a) understand and comply with this Policy;
- b) 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;
- c) ensure they do not aid, abet or encourage other persons to engage in bullying behaviour;
- d) follow the Company complaint procedure if they experience or see bullying occurring in the workplace; and,
- e) maintain confidentiality if they are involved in an incident which has been reported.

#### **14. Breach of this Policy**

- 14.1 Jands takes very seriously its commitment to provide, so far as is reasonably practicable, a safe and healthy work environment, free from bullying. Workplace participants are required to comply with this Policy.
- 14.2 If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with Jands terminated or not renewed.
- 14.3 If a 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 be disciplined and may be exposed to a defamation claim.

#### **15. Jands contact**

- 15.1 Any questions about this Policy should be directed to Human Resources.

#### **16. Variations**

- 16.1 Jands reserves the right to vary, replace or terminate this Policy.