

# Bullying and Harassment Policy

<b>Policy Name</b>	Bullying and Harassment Policy
<b>Policy Number</b>	Interim Policy
<b>Effective Date</b>	24 September 2018
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<b>Responsible Person</b>	CEO
<b>Approved by NSSS Inc Board</b>	N/A

## Policy

### Purpose

1. This policy and procedure sets out the types of behaviours and conduct which will be taken to constitute bullying and establishes procedures for handling complaints of bullying in the workplace.
2. The National Science Youth Forum (NYSF) is committed to providing a workplace which is free from bullying, harassment and unlawful discrimination. The NYSF has a primary duty of care to ensure, so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from the workplace. This includes bullying. The NYSF aims to ensure all those participating in the workplace and its programs are treated with respect, dignity and fairness with an aim of creating an environment which promotes positive working relationships.
3. This policy and procedure is designed to ensure that all employees understand what will be regarded as bullying, how complaints of bullying can be made and how claims will be treated by NYSF.
4. This policy and procedure applies to employees, Board members, volunteers, stakeholders and program participants.

### Definition of Workplace Bullying

5. Workplace bullying is defined as unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. This includes the mental or physical health of the person(s). Reasonable management action, carried out in a reasonable manner does not constitute workplace bullying (Work Safe Australia). The NYSF regards bullying as behaviour that could reasonably be expected to intimidate, offend, vilify, degrade, humiliate, undermine or threaten others.



6. This policy and procedure is not limited to the workplace or working hours, and will include all work-related events which include, but is not limited to programs run at external venues, functions, meetings and conferences as well as social events. Bullying can occur through a variety of ways other than through face to face or verbal communications, such as electronic communications or social media.
7. The NYSF has a duty of care to provide a safe workplace for employees and for program participants and other stakeholders participating in programs. The NYSF will ensure so far as reasonably practical that employees, program participants and other stakeholders involved in our programs are not exposed to health and safety risks.
8. Any allegations of bullying or other conduct that risks health and safety will be promptly, thoroughly and fairly investigated. Complaints about bullying will be treated confidentially and will be addressed in a procedurally fair manner. If confidentiality cannot be guaranteed, the reasons for this will be communicated to the relevant parties.

## Procedure

9. Employees should be made aware that reasonable management action does not constitute bullying and harassment. Legitimate management action is not harassment, nor is it disrespectful or discourteous – even if an action causes offence or distress, provided:
  - a. It is intended for a proper purpose such as performance feedback, counselling or correcting unacceptable workplace behaviour, setting realistic performance goals, standards and deadlines; allocating tasks; providing constructive feedback; commencing a performance management process; and
  - b. It is undertaken in a reasonable way with respect and courtesy.
10. Managers should ensure that employees understand that bullying and harassment and unlawful discrimination can include conduct that is physical, verbal, written or delivered by way of electronic devices or social media platforms.
11. Where an employee contacts other employees outside of the workplace and outside of working hours on social media (text message, Facebook, Messenger, Twitter etc) any material that employees are offended by, may be viewed as bullying and harassment with a connection to the workplace.

## Single Incidents

12. Because the definition of bullying requires repeated behaviour (i.e. more than one single act or occasion), a single incidence of bullying-type behaviour will not be bullying. However, while a single incident of bullying-type behaviour may not meet the definition of workplace bullying, it may be behaviour that is disrespectful or inappropriate and may nonetheless require a response.

## Unintentional Behaviour

13. Bullying and harassment does not have to be intentional. A person's actions may cause offence to others, even if it unintentional. For that reason, employees must be mindful of cultural sensitivities of other employees and avoid making comments or generalisations that may cause offence.
14. Employees and volunteers should be aware of the sensitivities of working with minors, particularly in relation to the inappropriateness of any physical contact with minors (including hugging or touching).

## Informal Complaint Procedure

15. Where an employee, volunteer, program participant or other stakeholder makes an informal complaint, the manager receiving the complaint will explain the rights and responsibilities of the person in relation to their complaint. Employees and stakeholders have a right to feel safe in the workplace and to have their concerns taken seriously.
16. An informal complaint procedure may be used for less serious allegations of bullying and instance, or to determine whether the complaint warrants a formal investigation being undertaken. An individual who is unsure of whether or not to make a formal or informal complaint, can always make an informal complaint first and decide if they want to escalate the complaint to a formal complaint after speaking with their Manager, the Manager, Corporate Services or the CEO. If a complainant is uncomfortable speaking to their Manager, the Manager, Corporate Services or the CEO, they may contact one of the Board Members to raise their concerns.
17. In the first instance it may be possible to handle a complaint informally by the appropriate manager (as identified in previous paragraph) by discussing the complaint with the respondent about the behaviour alleged, or having a meeting with the individuals concerned in an attempt to reach a resolution. It may not always be desirable or appropriate to bring the parties together, particularly if the complainant perceives there to be an imbalance of power between the parties.
18. It is not a requirement for an individual to make a complaint personally before the NYSF acts upon alleged bullying and harassment behaviour. A complaint can be made by third parties in relation to behaviour they have witnessed or have been made aware of.

## Formal Investigation of Allegations of Bullying and Harassment

19. Where the CEO determines that an allegation of bullying and harassment warrants a formal investigation, the matter will be dealt with as a disciplinary matter, as detailed in the Conduct Policy.
20. The CEO will appoint an investigator to investigate the matter on their behalf and provide a report outlining their findings and recommendations.
21. Investigations will be undertaken in accordance with the principles of natural justice which ensure that the person against whom a complaint has been made is aware of the nature of the allegations against them and is given an opportunity to respond to the allegations; and that the investigator acts without bias.
22. Upon completion of an investigation, the investigator will make a finding on the balance of probabilities in relation to the alleged behaviour. The investigator will then make recommendations to the CEO in relation to whether the allegation/s of bullying and harassment are substantiated and if so, any recommendation for further action. In the most serious instances of bullying behaviour, the employee's employment may be terminated.

## Volunteers and Program Participants

23. In QLD and ACT, volunteers are considered to be employees for discrimination purposes. Volunteers are able to seek a remedy from the Fair Work Commission if they reasonably believe they have been bullied in their work.