



NSW FIRE BRIGADES



Respectful Workplaces

Preventing and Managing Workplace Bullying

Policy

Workplace bullying is a form of oppressive, anti-social and cowardly behaviour and will not be tolerated under any circumstances.

Workplace bullying has a detrimental effect on morale, safety and the provision of service to the community. It can also have serious personal consequences for the individual who is bullied.

Every employee of the NSWFB has a role to play in preventing and managing workplace bullying. Proper vigilance and a culture of mutual respect will eradicate bullying from the workplace.

Eliminating workplace bullying promotes healthy and respectful workplace relationships and eliminates a significant occupational health and safety risk.

This policy provides guidance on how to prevent bullying in the workplace using a risk management approach, and outlines procedures for employees and managers on raising and responding to bullying complaints.

This policy applies to all NSWFB employees, contractors and consultants.

IMPLEMENTATION GUIDELINES

What is workplace bullying?

Workplace bullying is defined as behaviour directed by one employee towards another that could reasonably be expected to cause significant psychological, emotional or physical harm or distress to the recipient and is:

- repeated over time
- unwelcome and unsolicited
- offensive, intimidating, humiliating, undermining or threatening to the recipient
- would be considered offensive, intimidating, humiliating, undermining or threatening by a reasonable person.

Generally bullying is intentional behaviour designed to cause harm to the recipient, playing on the recipient's vulnerability or distress. Bullying behaviour can become reinforced and entrenched as the recipient becomes increasingly distressed.

In addition, workplace bullying may involve:

- unintentional behaviour, that did or would reasonably be expected to offend, intimidate, humiliate, undermine or threaten an employee
- action (verbal abuse, physical confrontation, etc)
- inaction (exclusion, withholding essential work-related information or resources, isolating the person from normal work interactions or opportunities, etc)
- groups – either perpetrators or recipients (for example, deliberate attempt by a group of employees to ostracise another employee).

Bullying may be upward (employee bullies manager), downward (manager bullies his/her staff), or lateral (peer bullies peer).

Forms of workplace bullying

Workplace bullying can involve:

- frequent yelling or verbal abuse, alone or in the presence of others
- frequent ridicule or being put down
- persistent and unjustified criticisms, especially if they involve petty, irrelevant or insignificant matters
- spreading gossip, malicious rumour, or innuendo about a person with an intent to cause the person harm (including psychological, emotional or physical harm)
- inappropriate disclosure of personal / confidential information about a person to others
- repeated threats of disciplinary action for no good reason
- insults based on a person's appearance, race, gender, sexuality
- humiliating a person through inappropriate gestures, sarcasm, criticism or insults
- any form of cyber bullying, including leaving offensive messages / images on a person's computer or phone
- offensive telephone messages
- using offensive objects or images in order to embarrass or humiliate
- deliberately sabotaging a person's work

- engaging in initiation activities or practical jokes which have the potential to physically harm, belittle or humiliate
- interfering with someone's personal property or work equipment for no valid reason
- excluding or isolating a person from workplace activities
- lodging frivolous/vexatious or otherwise mischievous grievances about an employee
- deliberately altering work arrangements to inconvenience a particular employee or group of employees
- setting unreasonable deadlines or tasks
- encouraging other employees to participate in bullying behaviour.

What is not workplace bullying?

- Relatively minor workplace incidents, such as low level arguments or interpersonal conflict.
- Single incidents will generally not be considered as amounting to workplace bullying, although a serious incident of improper workplace behaviour may result in the matter being dealt with as misconduct.
- Making a complaint about an employee, or manager's conduct, if the complaint is made in good faith and in a reasonable way.
- Providing constructive feedback, counselling or advice about work related behaviour and performance, including managing performance / underperformance issues.
- Legitimate management decisions or actions taken in a reasonable way, including:
 - ensuring that workplace policies are implemented
 - implementation of business processes such as organisational change
 - issuing lawful directions to staff e.g. taking action to transfer an employee
 - allocating work to an employee and setting reasonable goals, standards and deadlines
 - making a decision not to select an employee for promotion
 - warning employees about unsatisfactory performance and allocating work in compliance with approved systems and policies.

What is harassment?

Harassment is any form of behaviour that:

- is unwanted
- offends, humiliates or intimidates, and
- targets the person because of their sex, pregnancy, race, age, marital or domestic status, homosexuality, disability, transgender (transsexual) status or carers' responsibilities.

Sexual harassment is any form of sexually related behaviour that:

- is unwanted, and
- offends, humiliates or intimidates.

As with workplace bullying, behaviour assessed as amounting to harassment will be dealt with as misconduct.

What is discrimination?

All NSWFB employees are subject to the provisions of the *NSW Anti-Discrimination Act 1977*.

Under the *NSW Anti-Discrimination Act* it is unlawful to discriminate in employment or in providing a service on the grounds of:

- a person's race, sex (including pregnancy), disability, marital status, age, homosexuality, transgender or carer's responsibilities; a person's presumed or perceived disability, homosexuality, transgender or carer's responsibilities
- the sex (including pregnancy), race, disability, marital status, age, homosexuality or transgender of their associate or relative
- and the presumed or perceived disability, homosexuality, or transgender of their associate or relative.

Discrimination based on sex, race, or disability is also unlawful under Commonwealth anti-discrimination laws.

What is vilification?

Vilification is a form of unlawful discrimination which may appear as bullying type behaviour.

Vilification is generally any act:

- that happens publicly (rather than privately); and
- that could incite (encourage, urge or stir up) others to hate, have serious contempt for, or have severe ridicule of an individual or a group of people, because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, homosexuality, HIV or AIDS status or transgender status. This includes vilification because an individual is thought to be lesbian, gay or transgender, or to have HIV or AIDS.

As with workplace bullying and harassment, behaviour assessed as amounting to possible vilification may be dealt with as misconduct.

Criminal behaviour

In some instances workplace bullying or harassment may also amount to a criminal offence, for example physical assault, indecent exposure, stalking or threatening telephone calls. These offences may result in criminal prosecution, as well as disciplinary action.

Preventing workplace bullying

The NSWFB has an obligation to provide a safe working environment for all employees. Like any other hazard in the workplace, preventing bullying by identifying risks and putting in place measures to minimise the chances of it occurring or continuing to occur should be a priority for employees and managers alike.

Pre-conditions for workplace bullying

The NSWFB is committed to eradicating any workplace conditions that might facilitate or encourage bullying behaviour. The following are some conditions which, left unchecked may lead to workplace bullying:

- a shift of focus from public interest to self-interest
- intolerance of difference
- lack of respect
- poor work performance
- poor management practices
- inadequate communication
- unreasonable delays in addressing workplace issues or complaints
- lack of necessary skills amongst employees or management to resolve problems or conflict
- inadequate policies or inadequate implementation of policies
- ignorance of workplace policies and procedures
- a factionalised workplace
- disenchanted or disaffected employees
- an imbalance of personal power between employees
- a lack of peer support to protect vulnerable employees.

Identifying and assessing risk

Identifying and assessing the risk at the local workplace can be conducted by observing whether:

- employees and managers are communicating in a manner that aligns with the NSWFB Values
- employees are aware bullying will not be tolerated
- employees are treating each other with respect and using Straight Talk™ to sort out misunderstandings
- all employees are aware of and trained in behavioural standards
- any deterioration in workplace relationships is monitored
- employees know how to raise a complaint and are aware of staff support mechanisms
- policies are understood and can be accessed confidentially
- managers know how to respond to bullying.

Controlling risk

Controlling the risk of bullying involves implementing preventative and management measures to eliminate, avoid or minimise the risk of harm. These include:

- clearly stating a policy of intolerance to bullying
- ensuring employees are aware there is a clear process for raising a complaint of bullying or other workplace complaints
- ensuring employees demonstrate and understand a commitment to NSWFB Values and NSWFB Code of Conduct

- ensuring employees understand what behaviour does, and does not, constitute bullying
- ensuring employees have a good understanding of their roles and responsibilities
- ensuring managers are trained and respond promptly and effectively to complaints related to bullying.

Managing workplace bullying

Workplace bullying, as defined in this policy, is distinct from workplace conflict and complaints. Bullying requires intervention and must be reported immediately.

NSWFB has a separate policy for managing conflict or complaints in the workplace. Employees must contribute to a healthy and respectful workplace environment and attempt to resolve workplace complaints as soon as they arise in a respectful manner using Straight Talk™. (Refer to the Resolving Workplace Complaints Policy).

Reporting workplace bullying

An employee who believes that they have experienced workplace bullying or harassment should report their complaint immediately to their supervisor/manager. If the complaint involves their supervisor, the complaint should be reported to the next line manager (that is, the supervisor's manager).

An employee who witnesses someone being bullied or harassed in the workplace must also report the matter immediately to the appropriate line manager.

Assessing complaints

When a complaint of possible workplace bullying or harassment is received by a supervisor/manager, the supervisor/manager must treat the complaint seriously, respectfully, impartially and confidentially.

The supervisor/manager must undertake an objective assessment of the complaint as soon as possible. They should gain an understanding of the issues raised and assess whether the behaviour is workplace bullying or harassment and falls within the scope of this policy. The supervisor/manager should keep confidential notes of any discussions at this point.

If the supervisor/manager assesses the behaviour as workplace bullying or harassment, it is **mandatory** to refer the matter immediately to the Workplace Standards Branch (WSB). If there is any doubt about whether or not the behaviour falls within the scope of this policy, the supervisor/manager should discuss the matter with WSB who will make a determination.

Where the employee's health and safety may be at immediate risk due to the reported behaviour, the supervisor/manager must consult with senior management and the Health and Safety Branch, and ensure that immediate action is taken and the employee is provided with appropriate support.

Handling complaints

Where the WSB determines that the behaviour is bullying or harassment and falls within the scope of this policy, the matter will be dealt with as a misconduct issue and will be managed by the WSB according to the conduct and discipline guidelines.

Where a complaint involves a 'serious indictable criminal offence', such as indecent assault which may involve a sexual act, sexual assault or wounding or grievous bodily harm, the WSB will ensure that the matter has been reported to the Police.

Where the WSB determines that the behaviour does not amount to bullying or harassment within the scope of this policy, the WSB may recommend that the issue be resolved locally according to the Resolving Workplace Complaints Policy. In such cases the WSB will monitor the process to ensure a successful resolution is achieved.

Victimisation

Victimisation involves any unfavourable treatment of a person who has made a complaint, been a party to a complaint or been involved in the investigation of a complaint.

Any report of victimisation will be dealt with as an allegation of serious misconduct.

Responsibilities for preventing and managing bullying

All employees

All employees and management at the NSWFB have a responsibility to work towards eliminating bullying from the workplace and to respond promptly to complaints.

All employees have a responsibility to:

- uphold the NSWFB Values
- understand their responsibilities under the NSWFB Code of Conduct and associated policies
- take responsibility for their own actions and attempt to resolve any differences in a respectful manner directly with the persons involved using Straight Talk™
- not participate in or condone bullying or harassing behaviour
- cease immediately any unwelcome behaviour or action towards another employee, when asked to do so
- report behaviour that may breach this policy
- maintain confidentiality if involved in a complaint.

Supervisors, managers and executives

All supervisors, managers and executives have a leadership role and have a responsibility to:

- understand their responsibilities under the NSWFB Code of Conduct and associated policies and ensure that all employees reporting to them understand their responsibilities
- model appropriate respectful workplace behaviours
- actively promote and support NSWFB workplace bullying and harassment prevention strategies

- use Straight Talk™ to facilitate resolution of workplace complaints at the local level as soon as they arise
- identify and manage behaviour that may constitute, or have the potential to develop into bullying
- intervene early in any instance that could lead to a bullying complaint
- treat all employee concerns and complaints seriously, respectfully, impartially and confidentially
- take prompt and timely action to report cases to the WSB and implement recommendations arising from the outcomes of investigations or disciplinary action
- refer staff to the Employee Assistance Program or other support services as appropriate.

Workplace Standards Unit

The Workplace Standards Unit has a responsibility to:

- ensure that all employees are made aware of their responsibilities in preventing, reporting and managing workplace bullying and harassment
- assess complaints of workplace bullying and harassment to determine the appropriate action to be taken
- recommend the engagement of external investigators or mediators where appropriate.

Who else can help?

Workplace Standards Unit

The Workplace Standards Branch (WSB) is responsible for the overall management of this policy and can provide advice and assistance to all parties.

The WSB can be contacted on 02 9265 2942.

Support

Employees may seek the support of an industrial association representative or a colleague at any stage during the compliant resolution process.

Employee Assistance Program

The Employee Assistance Program (EAP) provides state-wide, confidential, professional counselling services for employees and members of their family.

Employees with a complaint and employees against whom a complaint has been raised may wish to use this free service. Managers can also use the service to gain advice and support when handling a complaint.

The contact number for the EAP provider is 1300 361 008 (24 hours a day, seven days per week).

The Manager EAP also offers confidential and independent advice and can facilitate access to these services. Manager EAP can be contacted on 0428 405 427.

NSWFB Chaplains

The NSWFB Chaplains can also provide confidential counselling and support to employees and their families.

To speak to a Chaplain, contact 0418 869 280 or 0418 268 754. The Chaplains can also be contacted via email: chaplain@fire.nsw.gov.au