



People & Culture

## Bullying Prevention Policy

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| <b>Date approved:</b>   | March 2022   | <b>Date Policy will take effect:</b> | March 2022 | <b>Date of Next Review:</b> | March 2025 |
| <b>Approved by:</b>   | Chief Executive Officer  |                                      |            |                             |            |
| <b>Custodian title:</b>   | Head of People & Culture   |                                      |            |                             |            |
| <b>Author:</b>  | Head of People & Culture   |                                      |            |                             |            |
| <b>Responsible Unit:</b>  | People & Culture   |                                      |            |                             |            |
| <b>Supporting documents, procedures &amp; forms of this policy:</b> | <a href="#">UOW Pulse Grievance Policy</a><br><a href="#">Procedures for Investigating Grievances</a><br><a href="#">UOW Pulse On-Boarding Procedure</a><br><a href="#">UOW Pulse Sexual Harassment Prevention Policy</a><br><a href="#">EEO Anti-Discrimination Policy</a>  |                                      |            |                             |            |
| <b>References &amp; Legislation:</b>                                | <a href="#">Age Discrimination Act 2004 (Cth)</a><br><a href="#">Anti-Discrimination Act 1977 (NSW)</a><br><a href="#">Disability Discrimination Act 1992 (Cth)</a><br><a href="#">Fair Work Act 2009 (Cth)</a><br><a href="#">Racial Discrimination Act 1975 (Cth)</a><br><a href="#">Work Health and Safety Act 2011 (NSW)</a><br><a href="#">Work Health and Safety Regulation 2011 (NSW)</a> |                                      |            |                             |            |
| <b>Audience:</b>  | Internal   |                                      |            |                             |            |
| <b>Expiry Date of Policy (if applicable):</b>                       | Not Applicable   |                                      |            |                             |            |

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## 1 Purpose

- 1.1. UOW Pulse is committed to ensuring that all persons who work, visit or conduct business with us do so in an environment that is free from bullying.
- 1.2. UOW Pulse does not tolerate bullying under any circumstances, and expects its employees, customers and visitors to treat each other respectfully.
- 1.3. Disciplinary action may be taken against any employee who breaches this policy.
- 1.4. UOW Pulse aims to:
  - 1.4.1. Create an environment free from bullying where employees, customers and visitors are treated with dignity, courtesy and respect;
  - 1.4.2. Take a 'support first' approach to allegations of bullying so that employees, customers and visitors can access the advice and support services they need;
  - 1.4.3. Provide an effective procedure for managing allegations of bullying in a timely, sensitive and confidential manner and in accordance with the principles of procedural fairness;
  - 1.4.4. Implement education and training strategies to ensure that employees are aware of appropriate standards of conduct and know their rights and responsibilities; and
  - 1.4.5. Encourage the reporting of behaviour which breaches this policy.

## 2 Scope and Application

- 2.1. This policy applies to all UOW Pulse employees, customers, students and visitors of all campuses of the University of Wollongong, where UOW Pulse conducts business and to all employees of UOW Pulse undertaking University activities overseas.
- 2.2. This policy applies to all employees, customers and visitors:
  - 2.2.1. In attendance at a UOW Pulse place of work;
  - 2.2.2. Utilising UOW Pulse businesses or facilities;
  - 2.2.3. Participating in any activity as a representative of UOW Pulse (e.g. field trips, conferences, clubs and sporting activities, etc.);
  - 2.2.4. Carrying out functions or participating in events in connection with UOW Pulse, including at places external to University premises.
  - 2.2.5. This policy applies to any form of contact or communication that is relevant to UOW Pulse activities whether initiated in person, by email, phone or through online social media and other applications or any other means.
  - 2.2.6. Where a student is also an employee, or an employee is also a student, the alleged offender will be dealt with according to the capacity in which they were acting at the time of the alleged offence.

## 3 Definitions

| Word/Term                  | Definition   |
|----------------------------|--|
| <b>Bullying</b>            | When an individual or group of individuals repeatedly behaves unreasonably towards a person or group of people and that behaviour creates a risk to health and safety.   |
| <b>Confidential advice</b> | Information given or received in a confidential meeting. This information may not be discussed outside the confines of the conversation without the consent of the provider of the information.  |
| <b>Discrimination</b>      | The Fair Work Ombudsman defines discrimination as when someone is not treated fairly or given the same opportunities because of their race, colour, sex, sexual orientation, age, gender identity, gender expression, intersex status, marital or relationship status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin, disability or physical or mental disability, which includes: <ul style="list-style-type: none"><li>• Physical, intellectual, psychiatric, sensory, neurological or learning disabilities;</li><li>• Physical disfigurement;</li><li>• Illness or diseases that affect thought processes, perceptions of reality, emotions or judgement, or results in disturbed behaviours;</li></ul> |

|                     |  |
|---------------------|--|
|                     | <ul style="list-style-type: none"> <li>• Presence in body of organisms causing disease or illness (e.g. HIV virus)</li> </ul>  |
| <b>EO Online</b>    | EO Online is a self-paced online equal opportunity training program for employees. It covers all aspects of harassment and bullying and provides case studies and real life examples.                                  |
| <b>RRR Online</b>   | Responsibilities, Rights and Respect Online (RRR Online) is an interactive online program for students which covers aspects of harassment and bullying and provides strategies for addressing situations described.    |
| <b>Employee</b>     | All persons employed by UOW Pulse of any seniority and including those in continuing, part-time, permanent, maximum-term, casual, trainee or contract roles.   |
| <b>Line Manager</b> | An employee of UOW Pulse who acts in a supervisory or leadership capacity (whether acting or permanent) to other team members of UOW Pulse.  |
| <b>Customer</b>     | A member of the public who visits the campus and either purchases products or utilises the services or facilities of UOW Pulse.  |
| <b>Visitor</b>      | An external person or business representative visiting the campus but not necessarily to purchase or utilise services, including but not limited to contractors, franchisees, members or the community and volunteers. |
| <b>Student</b>      | A person enrolled as a student at the University of Wollongong.  |

## 4 What is Bullying?

- 4.1. Bullying is repeated unreasonable behaviour directed towards others in their environment that creates a risk of physical and/or psychological harm. It may be one-on-one or 'mobbing' by a group; carried out overtly, subtly, privately or in front of others.
- 4.2. Bullying can take place between:
  - 4.2.1. Employees, both with and without positions of senior authority;
  - 4.2.2. An employee and a student;
  - 4.2.3. An employee or student and a customer or visitor;
  - 4.2.4. A customer or visitor and an employee or student;
  - 4.2.5. Students; or
  - 4.2.6. An employee or students and another person on campus.
- 4.3. Bullying does not include:
  - 4.3.1. Situations where employees point out professional differences or difficulties they have with other members of the campus community, provided that it is done in an appropriate and professional manner;
  - 4.3.2. Occasional differences of opinion, conflicts and problems in working relationships, as these are part of working life and every conflict certainly does not constitute bullying;
  - 4.3.3. Reasonable employee performance management or disciplinary action; or
  - 4.3.4. A situation where a line manager (within the performance of work-related duties), institute proceedings for unsatisfactory performance, misconduct, dismissal or to deal with complaints about a person from others with the framework of UOW Pulse policies and procedures.
- 4.4. Bullying may include, but is not limited to:
  - 4.4.1. Yelling, screaming, abusive or offensive language, insults, inappropriate comments about a person's appearance, personal life or lifestyle, defamation of individuals or their family or associates;
  - 4.4.2. Behaviour or language that intends to, or has the impact of frightening, intimidating, humiliating, belittling or degrading another person;
  - 4.4.3. Deliberately marginalising a person, e.g. persistently excluding and ignoring colleagues;
  - 4.4.4. Unconstructive criticism or spreading rumours about others;
  - 4.4.5. Impeding a person's capacity to fulfil their duties or study commitments;
  - 4.4.6. Excluding individuals from normal work interaction without justification;
  - 4.4.7. Unrealistic demands within the framework of existing work unit standards, which includes normal work peaks and troughs;
  - 4.4.8. Threatening an employee' job security;

- 4.4.9. Deliberately withholding work related information or resources, or supplying incorrect information to an individual;
  - 4.4.10. Teasing or regularly being made the brunt of pranks/practical jokes;
  - 4.4.11. Displaying written or pictorial material which degrades or offends an individual;
  - 4.4.12. Deliberately harmful and punitive 'administrative sanctions', e.g. deliberately rostering an individual in an unreasonable way or deliberately delaying applications for training, leave overpayment of wages;
  - 4.4.13. Creating unexplained job changes, setting meaningless tasks or tasks well beyond a person's normal range of duties;
  - 4.4.14. Sending abusive or offensive emails or text messages; or
  - 4.4.15. Using digital and online social networks to make inappropriate comments which humiliate, slander, intimidate or degrade a person.
- 4.5. Mobbing is a particular form of bullying carried out by a group rather than by an individual and includes bullying or social isolation of a person through collective accusations, humiliation, general harassment or emotional abuse.

## **5 Making a Complaint**

- 5.1. employees who have been, or are being bullied are encouraged to promptly tell the offender directly or in writing that their behaviour is offensive and request that it stops immediately, if they feel comfortable to do so.
- 5.2. Employees who have been, or are being bullied can report the matter to their immediate line manager, if they feel comfortable to do so and provided that person is not the person exhibiting the bullying behaviour.
- 5.3. If employees are not comfortable in speaking or writing to the offender themselves, or speaking to their line manager then they may report the matter to either the line manager's manager or to a member of the People & Culture team. Any such discussions will be treated with the strictest confidence and handled sensitively.
- 5.4. Employees may also wish to lodge a formal complaint regarding any matter contained within this policy and UOW Pulse commits that any such complaint will be treated seriously, impartially and be investigated promptly.
- 5.5. Employees who believe they have been or are being bullied may choose to discuss the issue with a member of the University Counselling team.
- 5.6. Customers and visitors who have been bullied are encouraged to have a confidential conversation with the Head of People & Culture. This is to be arranged directly with the manager, or confidentially with the EA to the CEO via [uow-pulse@uow.edu.au](mailto:uow-pulse@uow.edu.au).
- 5.7. Employees, customers and visitors may also wish to lodge a complaint via the UOW Complaints Management system or externally with the Australian Human Rights Commission.

## **6 Responding to Complaints of Bullying**

- 6.1. Any instance of bullying may result in a formal investigation by UOW Pulse which would be undertaken in accordance with the Grievance Policy and Procedures for Investigating Grievances.
- 6.2. UOW Pulse will not tolerate victimisation or reprisal in relation to investigations of bullying.
- 6.3. Following a formal investigation, if a case of bullying is upheld, further action against employee/s who have engaged in bullying behaviour may be managed under the UOW Pulse Performance Management Policy and offenders may be disciplined depending on the nature of the behaviour up to and including termination of employment in the most serious cases.
- 6.4. Customers and visitors found to have engaged in bullying behaviour may receive partial or full bans from visiting UOW Pulse facilities, services or UOW campus.

## **7 Roles & Responsibilities**

- 7.1. UOW Pulse Management group are responsible for setting and managing equal opportunity, discrimination, harassment and bullying prevention policies for employees, customers and visitors.

- 7.2. Employees, customers and visitors are encouraged to report early concerns in relation to unwelcome behaviour before it becomes a serious bullying complaint.
- 7.3. All employees have a responsibility to:
  - 7.3.1. Comply with this policy;
  - 7.3.2. Offer support to anyone who is being bullied and let them know where they can get help and advice; and
  - 7.3.3. Maintain confidentiality if they provide information during the management of a complaint;
  - 7.3.4. Complete EO Online Module One in the first six months of employment, noting that this training is a condition of a probation for all employees.
- 7.4. All line managers and member of the Management group are required to:
  - 7.4.1. Implement this policy in their work area to enable a working environment that is free of bullying;
  - 7.4.2. Ensure that any incident or bullying that is observed or reported is dealt with promptly;
  - 7.4.3. Provide leadership in preventing bullying and demonstrating an intolerance for bullying behaviour; and
  - 7.4.4. Role model appropriate, respectful professional behaviour;
  - 7.4.5. Ensure all new starters complete EO Online training within their first six months of employment;
  - 7.4.6. In addition to Module One all line managers must also complete EO Online Module Two within their own probationary period
- 7.5. All students of UOW are also strongly encouraged to complete Responsibilities Rights and Respect Online (RRR Online).

## 8 Legal Obligations

- 8.1. UOW Pulse has legal obligations under the Fair Work Act 2009, Work Health and Safety Act 2011, and Work Health and Safety Regulation 2011, and at common law to provide a safe workplace and identify hazards, assess risks and eliminate or control risks to the health and safety of employees, students, customers or visitors. Bullying behaviour in the workplace is considered to be a WHS risk which needs to be identified, assessed and controlled as it can adversely affect the health, safety or welfare of employees, customers or visitors. Bullying behaviour may also breach industrial and/or criminal laws, as well as constituting a breach of UOW Pulse policies.
- 8.2. Bullying can be a form of unlawful harassment if it is directed at someone because of one of the grounds covered by anti-discrimination legislation, e.g. sex, race, disability, sexual preference, or if it create a hostile environment on one of these grounds.
- 8.3. All employees have a responsibility under the Work Health and Safety Act and associated UOW Pulse policies and procedures to take reasonable care of themselves and others in their working environment. This includes not putting others at risk of injury by engaging in bullying behaviour.

## 9 Version Control Table

| Version Control | Date Released  | Approved By               | Amendment  |
|-----------------|----------------|---------------------------|--|
| 1               | June 2009      | Assistant General Manager | New policy developed to supersede the 'Anti-Bullying Policy'.  |
| 2               | September 2011 | Assistant General Manager | Migrated into new QA format, major review in accordance with policy review schedule. Review includes new title and significant amendments to policy content. |
| 3               | November 2013  | Assistant General Manager | Added 'consent' to definition of confidential advice. Remove 3.2 reference to this policy replaces the Anti-Bullying policy.                                 |
| 4               | July 2017      | Head of People & Culture  | Document reviewed and aligned to the UOW Policy with minor grammatical changes throughout.   |
| 5               | March 2022     | Head of People & Culture  | Policy reviewed, minor updates including addition of Fair Work Ombudsman definition of Discrimination.   |