



VIVID

Workplace Bullying Policy

POLICY:

Vivid is committed to ensuring that staff work in an environment where people are treated with mutual respect. It is important for a productive and harmonious work place that all employees are aware of the impact of their behaviour on others.

Vivid will not tolerate bullying under any circumstances and will:

- Promote appropriate standards of behaviour at all times.
- Treat complaints of bullying in a sensitive, fair, timely and confidential manner.
- Implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities.
- Provide an effective procedure for complaints of bullying to be addressed.
- Encourage the reporting of behaviour which breaches this Policy.
- Ensure protection from victimisation or reprisals for employees reporting bullying.

SCOPE:

This Policy, and the following procedures, apply to all Vivid employees (including Supported Employees) and volunteers (“Employees”).

PROCEDURES:

1. What is bullying?
 - 1.1 Workplace bullying is repeated and unreasonable behaviour directed toward an Employee or group of Employees that creates a risk to health and safety.
 - 1.2 “Unreasonable behaviour” means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.
 - 1.3 “Behaviour” can include an individual’s or group’s actions or practices that victimise, humiliate, undermine or threaten.

Approved by: Chief Executive Officer

Workplace Bullying Policy

Approved: March 2019

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1.4 Bullying usually occurs inside a workplace; for example, one Employee may bully another Employee, or a group of Employees may bully an individual. However, customers, clients and contractors may also bully Employees.

2. What are examples of workplace bullying?

The following types of behaviour where directed towards an individual and repeated, or occurring as part of a pattern of behaviour, could be considered to be bullying:

- 2.1 Demeaning language or verbal abuse.
- 2.2 Threats, physical or verbal intimidation.
- 2.3 Outbursts of anger or aggression.
- 2.4 Excluding or isolating Employees.
- 2.5 “Ganging up” on an Employee.
- 2.6 Psychological harassment or intimidation.
- 2.7 Giving Employees impossible assignments.
- 2.8 Deliberately changing work rosters to inconvenience particular Employees.
- 2.9 Deliberately withholding information that is vital for effective work performance.

The above list is not exhaustive. Other types of behaviour may also constitute bullying.

3. What is *not* workplace bullying?

- 3.1 Reasonable management actions carried out in a fair way are not bullying.
- 3.2 It is reasonable for management to take actions to allocate and manage the work within a work group. This may include:
 - 3.2.1 Setting performance goals, standards and deadlines;
 - 3.2.2 Allocating work;
 - 3.2.3 Rostering and allocating working hours;
 - 3.2.4 Transferring an Employee;
 - 3.2.5 Deciding not to select an Employee for promotion;
 - 3.2.6 Informing an Employee about unsatisfactory work performance;
 - 3.2.7 Informing an Employee about inappropriate behaviour;
 - 3.2.8 Implementing organisational changes;

3.2.9 Performance management processes;

3.2.10 Constructive feedback;

3.2.11 Downsizing.

4. Employees' responsibilities

4.1 All Employees have a legal responsibility to care for their own health and safety and that of co-workers and, therefore, must not engage in acts which constitute bullying behaviour.

4.2 Employees are required to follow instructions given by their manager/supervisor relating to the prevention of workplace injuries and illnesses. This applies to measures to prevent workplace bullying which includes monitoring the work environment to ensure acceptable standards of conduct are observed at all times.

4.3 All Employees are responsible for promoting this Policy by ensuring that they:

4.3.1 Treat other staff with respect and courtesy;

4.3.2 Comply with this Policy;

4.3.3 Immediately report, to the appropriate manager/supervisor, incidences of bullying;

4.3.4 Fully participate in the investigation into an incident of bullying and maintain confidentiality.

5. What can I do if I believe I am being bullied?

5.1 Employees may deal with bullying either by resolving the issue themselves by discussing the problem with the alleged perpetrator or they may seek assistance from their manager/supervisor.

5.2 It is most important that an Employee does not ignore circumstances where they feel they are being bullied, thinking that it will go away. Ignoring the behaviour could be wrongly interpreted as approval by the alleged perpetrator.

5.3 Employees, if they can, should try to resolve the problem themselves with the alleged perpetrator as soon as possible. Frequently it will be revealed that the perpetrator had no intention to bully.

5.4 If an Employee is unsure of how to handle the problem, or just wants to talk about the problem with someone and get more information about what to do, they should talk to their manager/supervisor.

5.5 The Chief Executive Officer (CEO) must be immediately advised of the bullying allegation by the victim's manager/supervisor. The CEO may seek external advice and assistance from persons such as independent mediators or investigators.

5.6 If an Employee makes an allegation of bullying they are responsible for ensuring that they:

5.6.1 Make the allegation honestly and in good faith;

5.6.2 Provide all the facts relevant to the allegation;

5.6.3 Cooperate with the investigation and resolution processes.

6. Where Vivid may elect not to deal with a bullying allegation

The CEO may decide not to assist an Employee in dealing with an allegation of bullying where:

6.1 The allegation has been satisfactorily dealt with or resolved previously (unless another bullying incident has occurred since);

6.2 The allegation is made anonymously without sufficient detail being provided so as to allow investigation or resolution of the matter.

6.3 The allegation is frivolous, vexatious or malicious – for example where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution. It is also important to note that, depending on the circumstances, these types of allegations could lead to disciplinary action, including dismissal, being taken against the Employee making the allegation.

6.4 The allegation does not constitute bullying as defined by this Policy.

7. What do I do if I see another Employee being bullied?

If an Employee observes an incident in which another Employee is being bullied, the observer must bring it to the attention of their manager/supervisor.

8. If an allegation of bullying has been made, the Employee who is the alleged perpetrator must ensure that they:

8.1 Cooperate with the investigation and resolution processes.

8.2 Provide a written or verbal response to the allegation which has been made.

8.3 Provide all relevant facts to the person conducting the investigation.

9. Confidentiality

9.1 Anyone involved in an allegation of bullying, or its investigation, must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution, or have a “need to know”.

9.2 In particular, it is important that Employees who either make an allegation, or may be witnesses to the circumstances giving rise to the allegation, do not discuss the matter outside the investigation and resolution processes.

10. Management responsibility

If an Employee brings an allegation of bullying to the attention of a manager:

10.1 That manager must not:

10.1.1 Ignore the allegation;

10.1.2 Tell the Employee making the allegation to sort it out themselves;

10.1.3 Make a judgement about whether the allegation is true or not;

10.1.4 Say that the Employee should put up with the bullying;

10.1.5 Talk to anyone about the issue except those involved in the investigation and resolution of the allegation;

10.1.6 Prejudge the merits of the allegation.

10.2 That manager must:

10.2.1 Behave consistently with this Policy;

10.2.2 Resolve the allegation as quickly as possible;

10.2.3 Be sympathetic, sensitive and serious – the allegation is obviously serious to the person making it;

10.2.4 Inquire into the matter within two working days, and attempt to resolve it as soon as possible;

10.2.5 Take preventative measures in the workplace (e.g. staff education);

10.2.6 Notify the CEO immediately;

10.2.7 Thoroughly document the allegation;

10.2.8 In discussion with the CEO, or their designate, determine who should investigate (and, where appropriate, mediate) the allegation.

11. Investigation and mediation

11.1 Investigation of an allegation of bullying must commence within two working days of receipt of the allegation.

11.2 The CEO, or their designate, is to determine who the appropriate person is to investigate the allegation.

11.3 The investigator must:

11.3.1 Be someone who is impartial and who has been trained to conduct investigations. This person may need to be sourced from outside Vivid;

11.3.2 Speak to the parties involved and all witnesses (if any);

11.3.3 Report on whether or not the allegation has been substantiated and, if so, the proposed action to be taken in response;

11.3.4 Document all findings and outcomes and keep detailed notes of all interviews and conversations.

11.4 The CEO must keep the Complainant, and the person against whom allegations were made, informed of progress.

11.5 Mediation maybe a consideration in resolving a bullying allegation. This form of dispute resolution is, however, appropriate only if the person making the allegation agrees.

11.6 The appropriate action, based on the findings of the investigation, must be undertaken promptly. Such action may include one or more of the following:

11.6.1 An apology;

11.6.2 Changes to work practices;

11.6.3 Disciplinary action;

11.6.4 Training;

11.6.5 Recording of the outcomes in Employees' staff files.

12. Investigator's discussion with the Complainant

The Investigator, in preparing for and carrying out the interview of the Complainant:

12.1 Is to determine whether an interpreter is required and, if so, arrange for the engagement of an interpreter.

12.2 Is to advise the Complainant that they may bring a support person with them (such as a family member or friend).

12.3 Is to arrange an appropriate venue to meet with the Complainant. The venue should be private and free of interruptions and, wherever possible, put the Complainant at ease. The venue must be conducive to maintaining confidentiality.

12.4 Must allocate enough time to discuss the allegation(s) in full.

- 12.5 Is to explain how the investigation process is conducted, and the possible outcomes.
 - 12.6 Must advise the Complainant that the matters discussed are confidential and that the Complainant can only discuss the issue with those persons investigating the allegation(s) or who are formally supporting the Complainant through the process.
 - 12.7 Is to obtain, from the Complainant, a broad outline of the allegation, followed by a detailed description of what is alleged to have happened, when it is alleged to have happened (including dates and times), where it is alleged to have happened and by whom. Obtain and record all relevant facts.
 - 12.8 Is to ask the Complainant whether there were any witnesses, or any other evidence that supports their version of events. Record the names of any witnesses to the alleged bullying, and obtain copies of any documentation provided to support the allegations. Advise the Complainant that witnesses will be interviewed, and that the Complainant must not speak to the witnesses about the issues.
 - 12.9 Must explain any other action that will be taken (e.g. speaking to the alleged bully).
 - 12.10 Must ask the Complainant what they want done in regard to the alleged bullying. It is at this point that mediation should be offered as a means of resolving the allegation. If mediation is accepted, the mediation should be arranged to occur as soon as possible.
 - 12.11 Must offer counselling to the Complainant. If accepted, this can be arranged through the Employee Assistance Program Policy.
 - 12.12 Must advise the Complainant when they can be expected to be informed of an outcome to the investigation of their allegation(s).
13. Investigator's discussion with the person about whom the allegation is made
- The Investigator, in preparing for and carrying out the interview of the person (Respondent) about whom the allegation of bullying is made:
- 13.1 Is to determine whether an interpreter is required and, if so, arrange for the engagement of an interpreter.
 - 13.2 Is to advise the Respondent that they may bring a support person with them (such as a family member or friend).
 - 13.3 Is to arrange an appropriate venue to meet with the Respondent. The venue should be private and free of interruptions and, wherever possible, put the Respondent at ease. The venue must be conducive to maintaining confidentiality.
 - 13.4 Must allocate enough time to discuss the allegation(s) in full.

- 13.5 Is to explain how the investigation process is conducted, including the role of the Investigator and how important it is that the Respondent's version of events be obtained.
- 13.6 Must advise the Respondent that the matters discussed are confidential and that the Respondent must only discuss the issue with those persons investigating the allegation(s) or who are formally supporting the Respondent through the process.
- 13.7 Must explain to the Respondent exactly what it is that they have been accused of saying or doing, including names, dates, times and locations.
- 13.8 Must provide the Respondent with, in writing, the allegation(s).
- 13.9 Must ask the Respondent to respond, either verbally or in writing, to the allegation(s).
- 13.10 Is to take notes of the Respondent's version of events. Obtain and record all relevant facts.
- 13.11 Is to ask the Respondent whether there were any witnesses, or any other evidence that supports their version of events. Record the names of any witnesses to the alleged bullying, and obtain copies of any documentation. Advise the Respondent that witnesses will be interviewed, and that the Respondent must not speak to the witnesses about the issues.
- 13.12 Must, if the allegation is denied, ask the Respondent if they can think of a reason why the allegation has been made.
- 13.13 Must ask the Respondent what they believe may resolve the matter.
- 13.14 Must inform the Respondent that they must not victimise or bother the Complainant in any way – doing so will result in immediate action against them (such as being stood down pending the outcome of an investigation).
- 13.15 Must offer counselling to the Respondent. If accepted, this can be arranged through the Employee Assistance Program Policy.
- 13.16 Must advise the Respondent when they can be expected to be informed of an outcome to the investigation of the allegation(s).

14. The outcome

The Investigator is to:

- 14.1 Determine whether or not the allegations are substantiated, or whether there is insufficient evidence or information to make a conclusion, and record in writing the determination and the reasons for that determination.
- 14.2 If the alleged bullying is substantiated, the conclusions may include a recommendation for disciplinary action against the Respondent.

- 14.3 If the allegations of bullying are unsubstantiated, ensure that there is no action taken against the Respondent, and that no notes about the allegation are retained on their staff file.
- 14.4 If there is insufficient information to make a determination in regard to the allegation of bullying, ensure that the report notes are retained by the Human Resources Manager and no action is taken against either party.
- 14.5 Advise the Complainant and the Respondent of the investigation’s findings and actions. If the allegation is substantiated, action will include a written record of the investigation being placed on the Respondent’s staff file.
- 14.6 Provide a written summary to the CEO.
- 14.7 Ensure that the Human Resources Manager stores all of the information relating to the investigation and its outcome securely and confidentially.

15. Failure to Comply

Failure to comply with this Policy may result in disciplinary action in accordance with the [Disciplinary Policy](#). This may include informal counselling, warnings or termination of employment.

16. Related Policies and Documents

Other policies and documents which are relevant to the Workplace Bullying Policy include:

- 16.1 [Workplace Behaviour Policy](#)
- 16.2 [Code of Conduct Policy](#)

Version Control

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