



ANTI-BULLYING AND ANTI-DISCRIMINATION POLICY

Drafted by	Sioux Campbell	Approved by	22 nd September
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		Committee on	
Responsible person	Secretary	Scheduled review date	September 2019

INTRODUCTION

Cairns FM89.1 believes that all people should work in an environment free from bullying and discrimination.

Cairns FM89.1 understands that workplace bullying and discrimination are potential threats to the health and wellbeing of its workers and volunteers.

Accordingly, Cairns FM89.1 is committed to eliminating, so far as is reasonably practicable, all forms of workplace bullying and discrimination by maintaining a culture of openness, support, respect and accountability.

PURPOSE

The purpose of this document is to communicate that Cairns FM89.1 does not tolerate any form of workplace bullying and discrimination and to set out the process to be followed should any instances of workplace bullying and/or discrimination be reported.

DEFINITIONS

“Bullying” is repeated and unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

“Repeated behaviour” refers to the persistent nature of the behavior and can involve a range of behaviours over time.

“Unreasonable behaviour” is behaviour that a reasonable person, having considered the circumstances would see as unreasonable, including behavior that is victimising, humiliating, intimidating or threatening.

Examples of behavior, whether intentional or unintentional, that may be considered to be workplace bullying or discrimination if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

Discrimination which takes the form of adverse action against a person because of the following attributes of the person:

- race
- colour
- sex
- sexual preference
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy
- religion
- political opinion
- national extraction or social origin

Workplace bullying and/or discrimination can be carried out in a variety of ways including through email, text or social media channels.

Workplace bullying and/or discrimination can occur between workers (sideways), from managers to workers (downwards), or workers to supervisors/managers (upwards).

Reasonable management action is not considered to be workplace bullying or discrimination if it is carried out lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- deciding not to select a worker for promotion where a reasonable process is followed
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- taking disciplinary action, including suspension or terminating employment.

Differences of opinion and disagreements are generally not considered to be workplace bullying or discrimination.

Bullying and/or discrimination that directly inflict physical pain, harm, or humiliation amount to assault and should be dealt with as a police matter (see below).

POLICY

Cairns FM89.1 has a duty of care to provide a safe workplace and ensure, so far as is reasonably practicable, that workers and other people such as volunteers are not exposed to health and safety risks. Cairns FM89.1 does not discriminate on the basis of race, gender, age, religion, marital status, disability, political opinion, personal responsibilities or sexual orientation.

Cairns FM89.1 accepts and acts on its duty of care. Any reported allegations of workplace bullying and/or discrimination will be promptly, thoroughly and fairly investigated.

Bullying and/or discrimination complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

The person against whom the allegation/s are made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply and the right for any decision to be made by an impartial decision-maker).

RESPONSIBILITIES

It is the obligation and responsibility of every person to ensure that the workplace is free from bullying and discrimination. The responsibility lies with every director, supervisor, worker and volunteer to ensure that bullying and/or discrimination do not occur in the workplace.

All workers have:

- an entitlement to work in a safe and healthy workplace and to be treated with dignity and respect
- an entitlement to make a complaint in respect of any bullying or discriminatory behaviour
- a responsibility to take reasonable care for their own health and safety
- a responsibility to ensure they do not promote or engage in bullying and/or discrimination and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
- a responsibility to co-operate and comply with this policy and any other relevant policy.

It is the responsibility of all Management Committee members to ensure:

- they understand and are committed to the right of all workers and volunteers to attend work and perform their duties without fear of being bullied or discriminated against in any form
- all reasonable steps to eliminate bullying and discrimination are made so far as is reasonably practicable
- all applicable occupational health and safety legislation is observed

- all workers and volunteers are regularly made aware of their obligations and responsibilities in relation to providing a workplace free from bullying and discrimination.
- they provide an environment which discourages bullying and discrimination and set an example by their own behaviour
- all complaints are treated seriously and confidentially
- they are as far as practicable aware of whether bullying and/or discrimination are occurring and whether complaints are received, relying on such indicators as:
 - sudden increases in absenteeism
 - unexplained requests for opportunities in other locations
 - behavioural changes
 - sudden deterioration in work performance
- they take immediate and appropriate action if they become aware of any bullying or offensive or discriminatory behaviour
- any reported allegations of workplace bullying and/or discrimination are promptly, thoroughly and fairly investigated
- guidance and education is provided, where requested and/or appropriate, in cases and subsequent decisions relating to bullying and/or discrimination.
- ongoing support and guidance is provided to directors, supervisors, workers and volunteers in relation to the prevention of bullying and/or discrimination
- this policy is easily accessible for all workers and volunteers.

PROCEDURES

Complaints Procedures

It is preferable to raise the issue with the person directly, with a view to resolving the issue by discussion. The worker or volunteer should identify the offensive behaviour, explain the behaviour is unwelcome and offensive and ask that the behaviour stops.

If the behaviour continues, or if the Management Committee member, worker or volunteer feels unable to speak to the person(s) directly, they should contact their supervisor or another committee member, with whom they feel comfortable. This person will provide support and ascertain the nature of the complaint.

Informal Intervention

The Station Manager, or person appointed by the Station Manager, will explain the rights and responsibilities of the worker or volunteer under Cairns FM 89.1's health and safety policy and related procedures.

Informal intervention may occur through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure is complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the

behaviour is not properly described as bullying or discrimination. If neither of these outcomes occurs, the organisation's formal procedure should be followed.

Formal Complaints Procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally by one or more Management Committee members or by an external party such as a Cairns FM89.1 member.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be stood down from work or provided with alternative duties during an investigation in which case they will be paid their normal pay during any such period.

Throughout the investigation process, all parties involved in the investigation will be kept regularly informed.

The finding as to whether bullying and/or discrimination has occurred will be determined on the basis of the evidence and on the balance of probabilities.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling
- Disciplinary action (including termination of work)
- Official warning
- Formal apology and/or an undertaking that the behaviour will cease
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome.

Following an investigation concerning a bullying or discrimination complaint (irrespective of the findings), the supervisor concerned will:

- consult the parties involved to monitor the situation and their wellbeing; and
- remind all workers and volunteers of their obligations and responsibilities in relation to providing a workplace free from bullying and discrimination. Further education may be appropriate.

Procedures for Dealing with Criminal Conduct

Some forms of severe bullying and/or discrimination (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While Cairns FM89.1 is committed to managing most complaints about bullying and discrimination at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system.

Workers or volunteers should be advised of the option of police support or intervention. It is not the obligation nor duty of the organisation to report such matters to the police on behalf of the complainant.

AUTHORISATION

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Secretary
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