

**PROCEDURES FOR MANAGING INCIDENTS OF BULLYING AND
OCCUPATIONAL VIOLENCE IN THE WORKPLACE**

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TABLE OF CONTENTS

1. SCOPE AND OBJECTIVES2

2. DEFINITIONS2

3. RESPONSIBILITIES4

 3.1 Staff, students, contractors and visitors 4

 3.2 Heads of Academic / Administrative Units and Supervisors 4

 3.3 Safety Officers, Health and Safety Representatives and Discrimination and
 Harassment Grievance Advisers 4

 3.4 Occupational Health and Safety 5

4. RECORD KEEPING5

5. USE OF THESE PROCEDURES5

6. PROCEDURES6

 6.1 For incidents of bullying 6

 6.2 For incidents of occupational violence 8

7. VICTIMISATION8

8. UNIVERSITY SUPPORT SERVICES8

9. REFERENCES8

10. FLOWCHART: MANAGING INCIDENTS OF BULLYING IN THE WORKPLACE10

PROCEDURES FOR MANAGING INCIDENTS OF BULLYING AND OCCUPATIONAL VIOLENCE IN THE WORKPLACE

1. SCOPE AND OBJECTIVES

The scope of these procedures is to cover all instances of bullying and occupational violence at Monash University and are a component of the university's program for the prevention of bullying and occupational violence. These procedures cover staff and students on all Australian campuses of the University and Monash controlled companies. They also cover the University off-campus activities that are related to all courses. These procedures are subject to the University statutes.

The objectives of these procedures are to ensure that:

- bullying and occupational violence is prevented
- a healthy and safe environment is provided for staff, students, contractors and visitors to work or study
- all reported incidents of bullying or occupational violence are managed through effective procedures
- staff and students are aware of assistance that is available to them in instances of bullying and occupational violence

These procedures are not intended to, and do not diminish, an employer's managerial prerogative to direct and control how work is done in their organization, other than in terms of ensuring, so far as is practicable, the health and safety of employees. They are not intended to cover poor or bad management practices, because they are not considered bullying.

The procedures do not cover situations where an employee has a grievance about legitimate and reasonable:

- performance management processes
- disciplinary action
- allocation of work in compliance with systems

They do not treat business processes, such as implementation of organisational change restructuring or downsizing, as incidents of bullying.

2. DEFINITIONS

Bullying – repeated unreasonable behaviour directed towards an employee or student, or a group of employees or group of students, that creates a risk to health and safety.¹

Single Incident - one incident of unreasonable behaviour towards a staff member, student, contractor or visitor that creates a risk to health and safety. This one incident may not constitute bullying however, Monash has a general duty to provide a safe working environment and this one incident will not be ignored or condoned.

Monash University encourages all staff, students, contractors or visitors who experience a single incident of bullying to raise this with their supervisor or other university support service.

¹ Bullying does not include any performance management processes, disciplinary action, allocation of work in compliance with systems, implementation of organisational change or downsizing, action taken to transfer or redeploy a staff member or a decision not to promote or reclassify a staff member. (Refer to Scope and Objectives)

- **Unreasonable behaviour** – behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.
- **Behaviour** – includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.
- **Repeated behaviour** – where the following types of behaviour occur more than once or occur as part of a pattern of behaviour, they could be considered bullying:
 - verbal abuse
 - humiliation of another person through sarcasm, criticism or insults
 - excluding or isolating a person
 - psychological/emotional harassment
 - intimidation
 - assigning meaningless tasks unrelated to the job or area of study
 - giving employees unreasonable or unachievable assignments
 - deliberately changing work rosters or unreasonably maintaining work rosters in order to inconvenience particular employees
 - deliberately withholding information that is required for effective work performance unless there are reasonable grounds for doing so
- **Risk to health and safety** – includes risk to the psychological, emotional or physical health of the person.

Occupational violence – any incident where an employee or student is physically attacked or threatened with physical attack in the workplace.

The term 'occupational violence' applies to all forms of physical attack including:

- striking, kicking, scratching, biting, spitting, or any other types of direct contact
- throwing objects
- attacking with knives, guns, clubs or other weapons
- pushing, shoving, tripping, grabbing
- any form of indecent physical assault
- or the threat of any of the above
- **Threat** – statement or physical behaviour that reasonably causes a person to believe that they are in danger of being physically attacked.
- **Physical attack** – direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person, where the application creates a risk to health and safety, but not including accidental or unintended contact.
- “Physical attack” is defined without consideration of the attacker’s intent to cause harm.

3. RESPONSIBILITIES

3.1 Staff, students, contractors and visitors

University staff, students, contractors and visitors have a responsibility to behave in a respectful manner.

Instances of bullying or occupational violence by co-workers, other students, supervisors or lecturers should be raised with one of the following, the supervisor, safety officers, health and safety representatives or discrimination and harassment grievance advisers.

3.2 Heads of Academic / Administrative Units and Supervisors

University staff with supervisory responsibilities must take all reasonable steps to ensure that the work or learning environment for which they are responsible is free from bullying and occupational violence.

Supervisors are expected to familiarise themselves with these procedures and are required to:

- treat all notified incidents of bullying and occupational violence seriously and listen impartially to the concerns and perceptions of the staff member or student
- manage all reports of bullying and occupational violence in a timely and confidential manner
- ensure that all parties involved in any reported bullying or occupational violence incident are treated fairly and assistance is available to all parties
- ensure that all reported incidents of bullying and occupational violence are responded to and a file note kept. Supervisors should follow these procedures when an incident of bullying or occupational violence is reported to them. File notes will be kept in a confidential file and stored in a locked cabinet to which only the supervisor has access
- ensure that the environment is safe for all parties during the investigation process
- ensure prompt referral to appropriate support services for all parties
- provide generic information which does not identify the individual to occupational health and safety for statistical purposes
- follow up with all parties at an appropriate time to ensure actions to resolve the issues have been implemented and are sustained

3.3 Safety Officers, Health and Safety Representatives and Discrimination and Harassment Grievance Advisers

The role of the safety officer, health and safety representative and discrimination and harassment grievance adviser is to:

- listen seriously and impartially to the concerns and perceptions of the staff member or student
- provide information concerning and explain the University's policy on Prevention of Workplace Bullying and Occupational Violence and the procedures available for dealing with incidents
- explore possible strategies by which the staff member or student might act to resolve the issue

- encourage the staff member or student to identify and seek out the type of support that they need
- provide appropriate support for the staff member or student until the issue is resolved under these procedures
- explain to the staff member or student that they are not providing legal advice and the staff member or student is free to consult external advisors if they wish
- maintain confidential notes on inquiries or complaints sufficient to act as a memory aid
- provide generic information which does not identify the individual to Occupational Health and Safety for statistical purposes.
- follow up with all parties at an appropriate time to ensure actions to resolve the issues have been implemented and are sustained

3.4 Occupational Health and Safety

Occupational Health and Safety will:

- create awareness of this policy and procedures
- provide training for supervisors, safety officers, health and safety representatives and discrimination and harassment grievance advisers
- refer parties to other support services where appropriate
- maintain a copy of the Hazard and Incident Report form and any attachments – the report will be kept in occupational health and safety, in a secure and confidential manner however generic information may be used for statistical purposes
- analyse generic data and where appropriate implement continuous improvement strategies
- monitor, review and audit compliance with the policy and procedures
- follow up with all parties at an appropriate time to ensure actions to resolve the issues have been implemented and are sustained

4. RECORD KEEPING

The file notes taken by the head of academic/administrative units and supervisors, safety officer, health and safety representative and discrimination and harassment grievance adviser and occupational health and safety officers, will be kept in folders clearly marked **Strictly Confidential** and stored in locked cabinets to which only they have access. Notes should be kept in hard copy format only. Notes are the property of the University and as such are subject to privacy legislation. Staff members and students have the right to access these in accordance with the provisions of privacy laws. Notes will be kept to a minimum stating only facts and relevant details as described by the staff member or student. The notes will also include the outcome of the interview and will be kept securely.

5. USE OF THESE PROCEDURES

- 5.1 If a staff member or student has a complaint, which could be considered under a number of different University grievance procedures, the staff member or student must choose which procedures they would like to use to have the matter resolved. A staff or student is not able to make applications under different procedures in relation to the same subject matter or incident.
- 5.2 The university will support the development of local guidelines to control the incidents of workplace bullying and occupational violence in recognised high-risk activities. These faculty/school/department guidelines should be developed in consultation with occupational health and safety.

6. PROCEDURES

6.1 For incidents of bullying

The University encourages the reporting of behaviour that breaches the Policy on the Prevention of Bullying and Occupational Violence at Monash University, but will not tolerate vexatious or frivolous complaints. These procedures incorporate the principles of natural justice.

Procedures for resolution of incidents of bullying comprise three stages:

- Stage 1: Advice
- Stage 2: Conciliation
- Stage 3: Investigation and Determination

It is not necessary to go through every stage – a person reporting an incident(s) of bullying can request investigation and seek to bypass conciliation.

Stage 1: Advice

This stage is an informal process.

- Person reports an incident(s) of bullying to either the supervisor, safety officer, health and safety representative or Discrimination and Harassment Grievance Adviser.
- Person meets with the supervisor, safety officer, health and safety representative or discrimination and harassment grievance adviser – at this time there is no need for a Hazard and Incident Report form to be completed.
- Discussion with the supervisor, safety officer, health and safety representative or discrimination and harassment grievance adviser.

This advice may be sufficient and be the end of the issue or a person may be referred to another support service, or they may request conciliation or investigation.

Generic information regarding the consultation with the safety officer, health and safety representative or discrimination and harassment grievance adviser will be forwarded to Occupational Health and Safety for statistical analysis and risk assessment.

Stage 2: Conciliation

This stage is more formal and requires completion of a Hazard and Incident Report form with attachments if necessary, setting out the allegations. A copy of this report will be forwarded to person(s) named in the report and to the conciliator.

While this stage is not compulsory, in many cases a meeting with the independent conciliator can assist the parties in understanding their differing points of view and can lead to constructive resolution of the issues.

- Conciliation – when this is requested the supervisor, safety officer, health and safety representative or discrimination and harassment grievance adviser will refer the matter to the Manager, Occupational Health and Safety, who will negotiate the appointment of an appropriate conciliator with all parties.
- The person reporting the incident will be required to complete a Hazard and Incident Report form listing all instances of bullying, name(s) of person(s) involved and include any emails, letters, etc. relevant to the allegations.
- The calling of a conciliation conference does not imply there is a case to answer or that any conduct complained of has occurred. It is not the conciliator's role to make a formal finding but to assist the parties to reach a mutually agreed resolution to the problem.
- Each party *is encouraged* to have a support person of their choosing present during the conciliation process. This precludes legally trained representative at this stage.

Conciliation may be sufficient to settle the matter satisfactorily. This stage does not limit the right of any party to investigation.

Stage 3: Investigation and Determination

This is a formal process and a Hazard and Incident Report form with any relevant attachments setting out the allegations must be completed.

- The request for investigation must be supported by a completed Hazard and Incident Report form setting out the allegations with supporting documentation
- The Divisional Director, Student and Staff Services will review the allegations and supporting documentation and make a recommendation to proceed with an investigation if appropriate. The Divisional Director, Student and Staff Services has the option to refer the matter to conciliation if this has not taken place, as in many cases a meeting with the independent conciliator can assist the parties in understanding their differing points of view and can lead to constructive resolution of the issues
- The Manager, Occupational Health and Safety will coordinate the investigation and will consult with all parties involved and advise of the process to be undertaken.
- A trained investigator will conduct the investigation.
- All allegations contained in the Hazard and Incident Report form will be investigated.
- The person/s alleged to have committed the bullying, will be given an opportunity to respond to the allegations. Participation in the investigation is strongly recommended for all parties.
- The investigation will determine if there is evidence of a breach of this policy
- The investigator will provide a confidential report to the Divisional Director, Student & Staff Services Division.
- The Divisional Director, Student & Staff Services Division in consultation with the Manager Occupational Health and Safety, will confirm the required actions to be undertaken to cease any further workplace bullying and report to the Vice Chancellor when required.
- The outcomes of the investigation and required actions will be communicated in writing to all parties in a timely manner

During all stages of these procedures, confidentiality will be maintained as far as possible and all parties involved in the process will have access to support services.

6.2 For incidents of occupational violence

Any victim or witness to an incident of occupational violence shall report the behaviour to a University Security Officer as soon as practical.

University Security personnel will attend or will arrange for the Police to attend and take steps to ensure the cessation of any immediate danger or risk to persons and render assistance where appropriate.

All reported incidents of occupational violence will be recorded by the on duty security officer on a Security Incident Report and a copy of the Security Incident Report will be forwarded to both Occupational Health and Safety and the Security Advisor's Office.

If the alleged behaviour constitutes or reasonably appears to constitute a criminal offence under Victorian Law the University shall support a victim who wishes to report the matter to the Police.

6.2.1 The procedure for resolving incidents of bullying detailed in 6.1 may also be adopted for incidents of occupational violence.

6.2.2 In addition the University may also consider:

- In the case of a student perpetrator, initiating discipline proceedings under the University Statutes – offence of general misconduct.
- In the case of an employee, referring the matter to the University's Employee Relations Branch.
- Reporting the matter to the Police.

7. VICTIMISATION

In order for the complaints to be brought forward, all those covered by these procedures must feel secure in the knowledge that the University's procedures will be followed without fear of detriment. Victimisation includes any unfavourable treatment of a person who because they have been involved in reporting incident(s) of bullying or occupational violence or is a witness to such incident(s).

Any complaint of victimisation will be treated in the same manner as a complaint of bullying or violence.

8. UNIVERSITY SUPPORT SERVICES

University support services include:

- Counselling Service
- Chaplaincy
- University Health Service
- Equity and Diversity Centre
- Occupational Health, Safety & Environment
- Campus Security

9. REFERENCES

- Prevention of Bullying and Violence at Work – Guidance Note February 2003

- The Victorian Occupational Health and Safety Act 2004 – Reprint no 5, 17 November 1998
- Monash University Discrimination and Sexual Harassment Grievance Procedures February 2003
- University Statutes – Chapter 4 Discipline, Part II General Misconduct

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10. FLOWCHART: MANAGING INCIDENTS OF BULLYING IN THE WORKPLACE

