

# STAIRLOCK BULLYING AND HARASSMENT POLICY

This policy applies to:

- board members
- all staff, including: managers and supervisors; full-time, part-time or casual, temporary or permanent staff, including labour hire; job candidates; student placements, apprentices, contractors, and sub-contractors
- how Stair Lock provides services to customers and how it interacts with other members of the public
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- on-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever staff may be a representative of Stair Lock or as a result of their Stair Lock duties

Stair Lock is committed to providing a safe, flexible and respectful environment for staff and customers free from all forms of discrimination, bullying and harassment, including sexual harassment.

All Stair Lock staff are required to treat others with dignity, courtesy and respect. By effectively implementing this Policy we will create a positive environment for staff.

## **Staff rights and responsibilities**

All staff are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and sexual harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All staff must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect.

## **Additional responsibilities of managers and supervisors**

Managers and supervisors must also:

- model appropriate standards of behaviour
- take steps to educate and make staff aware of their obligations under this policy and the law
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- help staff resolve complaints informally
- refer formal complaints about breaches of this policy to the HR Officer and Managing Director for investigation
- ensure staff who raise an issue or make a complaint are not victimised
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- follow requirements when requests for flexible work arrangements are made.

## **Definitions**

For the purpose of this Policy, the following applies:

- Bullying is defined as the repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.
- Unreasonable behaviour means behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- Repeated behaviour refers to the persistent nature of the behaviour, not the specific form of the behaviour. For example, the bullying may involve a variety of unreasonable and inappropriate behaviours such as verbal abuse, persistent and unwarranted criticism and open or implied threats of being demoted or terminated.
- Risk to health or safety includes the risk to the physical or emotional health of the employee or employees concerned.
- Occupational violence in the workplace can be defined as any incident where an employee is physically attacked or threatened in the workplace.

The following are examples of workplace bullying:

- verbal abuse, yelling, screaming or offensive language
- spreading gossip or rumours
- constant, unwarranted criticism
- intimidating behaviour
- denying opportunities for training, promotion or interesting work
- excluding or isolating employees.

This policy also applies to domestic violence perpetrated during the course of work, including working from home or remote locations.

Stair Lock advises that incidents of occupational or domestic violence may, in fact, constitute criminal assault, and therefore Stair Lock will report any instances of occupational or domestic violence to the appropriate authorities.

### **Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances. Sexual harassment in employment is unlawful under the Sex Discrimination Act 1984 (Cth) (Sex Discrimination Act).

Sexual harassment can take various forms. It can involve conduct such as:

- unwelcome touching, hugging or kissing
- staring or leering
- suggestive comments or jokes
- sexually explicit pictures, screen savers or posters
- unwanted invitations to go out on dates or requests for sex
- intrusive questions about an employee's private life or body
- unnecessary familiarity, such as deliberately brushing up against someone
- insults or taunts of a sexual nature
- sexually explicit emails or SMS messages
- accessing sexually explicit internet sites
- inappropriate advances on social networking sites
- behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment does not have to be repeated or continuous to be against the law. It can be a one-off incident.

Any employee found guilty of perpetrating or permitting workplace bullying, discrimination or harassment, including sexual harassment, or making malicious, vexatious or frivolous allegations of workplace bullying, discrimination or harassment, including sexual harassment, will be subject to disciplinary action up to and including termination of employment.

Stair Lock recognises the rights of the employee accused of workplace bullying, discrimination or harassment, including sexual harassment, to be treated in accordance with the principles of natural justice. This includes the right to know full details of allegations against them, a right of reply to those allegations, a presumption of innocence until evidence against them shows otherwise and due consideration of information provided by the employee accused of workplace bullying, discrimination or harassment, including sexual harassment.

As part of the commitment by Stair Lock to minimise and eliminate instances of workplace bullying, discrimination or harassment, including sexual harassment, at work, Stair Lock undertakes to:

- distribute and regularly promote this Policy to all existing and new employees
- model appropriate behaviour as management and monitor the working environment to ensure that the appropriate standards of behaviour and conduct are observed at all times
- treat all complaints of workplace bullying, discrimination or harassment, including sexual harassment, seriously and take immediate action to investigate and resolve any complaint quickly, fairly and with complete confidentiality
- ensure that employees who make or support a complaint of workplace bullying, discrimination or harassment, including sexual harassment, are not subsequently subjected to victimisation
- take all reasonable steps to ensure there is no recurrence of the offence.

All employees have a responsibility to take reasonable care to protect their own health and safety whilst at work and to avoid adversely affecting the health and safety of any other person at work, as outlined in the *Work Health and Safety Act 2012*. Further, all employees have a responsibility to comply with this Policy by ensuring that they do not commit, encourage or condone bullying, discrimination or harassment, including sexual harassment, in the workplace.

Employees are also encouraged to offer assistance or support to any person being bullied, and to keep any complaint confidential by not discussing the details of the complaint with anyone outside of the normal complaints process.

Employees should be aware that they could be held personally liable for bullying, discriminating or harassing, including sexually harassing, another person, or aiding, abetting or encouraging other persons to bully and or for condoning these types of actions.

Any employee who requires advice, information or support in relation to workplace bullying should contact their manager/supervisor, or the HR Officer to assist them in such matters.

If any employee feels that they have been bullied, experienced discrimination or harassed, they may make a complaint in accordance with the Procedure below, or other appropriate procedures of Stair Lock. If an employee is not satisfied with the way their complaint has been handled by the organisation, they have the right to refer the matter to an external party.

## **Procedure**

Allegations and incidents of workplace bullying, discrimination or harassment, including sexual harassment, are often most effectively resolved if they are dealt with at an early stage, rather than left until the matter has become serious and attitudes entrenched. Therefore, Stair Lock encourages all employees to report all instances of workplace bullying, discrimination or harassment, including sexual harassment, as soon as they occur.

If, due to the circumstances, it is inappropriate to refer the complaint to the manager/supervisor or the HR Officer, the complaint should be referred to a person of authority in the organisation.

Employees, who believe that they are or have been bullied, discriminated against, or harassed, within the workplace should report the incident(s) to an authorised representative of the organisation.

To assist with the resolution of issues of workplace bullying, discrimination or harassment, including sexual harassment, in the workplace, Stair Lock provides employees with access to both formal and informal resolution procedures.

### *(a) Informal Resolution Process*

Using the informal resolution process, the complainant, either directly or through another authorised representative, may approach the individual who is the subject of the complaint and request that the offending behaviour stop. Alternatively, a manager/supervisor who observes unacceptable conduct occurring may take independent action even though no complaint has been made.

If the complainant consents, a mediation meeting may be organised where an independent party assists to resolve the issue(s).

The basic principles behind the informal resolution process are that:

- participation is voluntary
- both parties are required to be committed to resolving the issue
- the focus is placed on the behaviour that is of concern, rather than on the individual or parties responsible for the behaviour
- a non-blaming approach is used which attempts to change the behaviour rather than disciplining the individual or parties responsible
- the individuals are responsible for their own behaviour and discussing how the situation may be resolved.

Where an issue is resolved informally, no written records are kept on file and no disciplinary action is taken against the alleged bully.

If the employee is not satisfied with the outcome of the informal resolution process, the employee may wish to proceed with the formal resolution process or seek a remedy through an external party.

### *(b) Formal Resolution Process*

If informal attempts have been unsuccessful, or if the behaviour is too serious to be dealt with using the informal resolution process, an employee may lodge a formal complaint. On receipt of a written formal complaint and if the matter is deemed to warrant further action, a grievance officer is appointed to conduct an impartial and confidential investigation of the complaint to establish the facts.

An investigation involves interviewing the employee(s) allegedly responsible for the workplace bullying, who are offered the opportunity to respond to the allegations made against them. Any other person(s) who may have been involved, or who may have witnessed the incident(s), are also interviewed as part of the investigation.

During any meetings or discussions, all parties have the right to be represented or accompanied by a person of their choosing, such as a union representative, family member, friend or contact officer.

Throughout this process, management may consider the transfer or suspension on full pay of the alleged bully, pending the outcome of the investigation. If the complainant and the alleged bully are required to remain working together, steps will be taken in order to ensure that neither party is experiencing difficulties at work as a result of the complaint.

Following the investigation, the employee who made the complaint is informed of what action (if any) is going to be taken by Stair Lock and the reasons for such action, or lack of action being taken.

Should the employee accused of the workplace bullying be found guilty, they may be subject to disciplinary action, including:

- a verbal and/or written warning
- a final written warning
- suspension
- transfer to another task or section of the business; or
- dismissal.

In instances where the complaint is not substantiated, a record of the complaint is attached to both parties' personnel files, clearly outlining the findings of the investigation and the verdict reached. All parties have the right to appeal the finding.

If an employee is not comfortable approaching the authorised officer or other nominated representative of Stair Lock with a complaint of workplace bullying, or if they are not satisfied with the way their complaint has been handled by Stair Lock, they have the right to refer the matter to an external party such as the Fair Work Commission for resolution.

Approved by:



Edward Lloyd

*Managing Director*

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