

Bullying and Harassment Policy and Procedures

Policy Name	Bullying and Harassment Policy
Effective Date	1 April 2019
Date Last Reviewed	7 September 2023
Scheduled Review Date	September 2025
Responsible Person	CEO

Summary of Key Points

The Bullying and Harassment Policy and Procedures aim to create a safe and respectful workplace environment while providing clear guidelines for handling incidents of bullying and harassment. This policy, and the associated procedures, defines the framework for addressing bullying and harassment issues within the National Science Youth Forum (NYSF).

Policy Purpose and Principles:

- **Fair and Safe Workplace:** NYSF is dedicated to maintaining a workplace that is fair, safe, and free from bullying, harassment, and unlawful discrimination, promoting positive working relationships.
- **Definition of Workplace Bullying:** The policy defines workplace bullying as unreasonable behaviour that poses health and safety risks, distinguishing it from reasonable management action.
- **Scope:** The policy applies beyond the physical workplace, encompassing work-related events and electronic communication. It is applicable to employees, volunteers, program participants, and other stakeholders.
- **Duty of Care:** NYSF has a duty of care to provide a safe environment and promptly investigates allegations of bullying or conduct risking health and safety.
- **Confidentiality:** Complaints are treated confidentially, with reasons for any deviations from confidentiality communicated to relevant parties.

Procedures for Addressing Bullying and Harassment:

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- Employees are informed that reasonable management action is not considered bullying or harassment if carried out respectfully and for proper purposes.
- Managers ensure employees understand that bullying and harassment can manifest physically, verbally, in writing, or through electronic and social media platforms.
- Communication outside of the workplace that offends employees may be deemed workplace-related bullying.
- Single incidents of bullying-type behaviour, although not meeting the bullying definition, may still necessitate a response.
- Bullying and harassment may not be intentional, underscoring the importance of being mindful of cultural sensitivities.
- Special consideration is given when working with minors to avoid inappropriate behaviours, such as physical contact.

Complaint Resolution:

- Informal complaints are encouraged and involve explaining rights and responsibilities, with a commitment to taking concerns seriously.
- Individuals unsure about filing a formal complaint can start with an informal complaint and decide later whether to escalate it.
- Managers may handle complaints informally by discussing the behaviour or facilitating a meeting between parties. Bringing parties together may not be suitable if there's an imbalance of power.
- It's not mandatory for individuals to personally file complaints; third parties can report behaviour they've witnessed or are aware of.

Formal Investigation of Allegations:

- Allegations warranting a formal investigation are treated as disciplinary matters, following the Codes of Conduct Policy and Procedures.
- The CEO appoints an investigator to conduct the investigation, produce findings, and provide recommendations.
- Investigations adhere to principles of procedural fairness, ensuring awareness of allegations and the opportunity to respond, with impartiality.
- Upon completion, investigators make findings based on the balance of probabilities, making recommendations to the CEO. Severe cases may result in employment termination or cessation of involvement with NYSF for volunteers, program participants, and stakeholders.

Volunteers and Legislation:

- Volunteers may be protected by anti-discrimination legislation in specific states, and the Fair Work Act 2009 addresses bullying behaviour nationally.
- Volunteers can seek remedies through the Fair Work Commission if they reasonably believe they've been subjected to bullying while volunteering.

Policy

Purpose

1. This policy and procedures set out the types of behaviours and conduct that constitute bullying and harassment, and establishes procedures for handling complaints of bullying and harassment in the workplace.

2. The National Science Youth Forum (NYSF) is committed to providing a workplace free from bullying, harassment and unlawful discrimination. The NYSF has a primary duty of care to ensure, so far as is reasonably practicable, that employees and other individuals are not exposed to health and safety risks arising from the workplace, including bullying and harassment. The NYSF aims to ensure all those participating in the workplace and its programs are treated with respect, dignity and fairness with the aim of creating an environment which promotes positive working relationships.
3. The purpose of this policy and procedures is to ensure that all employees understand what constitutes bullying, how complaints of bullying can be made, and how NYSF will handle such claims.
4. This policy and procedures applies to employees, Board members, volunteers, stakeholders and program participants.

Definition of Workplace Bullying

5. Workplace bullying is defined as unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety, including mental or physical health. Reasonable management action carried out in a reasonable manner does not constitute workplace bullying (per Work Safe Australia). The NYSF regards bullying as behaviour that could reasonably be expected to intimidate, offend, vilify, degrade, humiliate, undermine or threaten others.
6. These policy and procedures are not limited to the workplace or working hours and will include all work-related events which include, but is not limited to, programs run at external venues, functions, meetings and conferences as well as social events. Bullying can occur through a variety of ways other than through face to face or verbal communications, such as electronic communications or social media.
7. The NYSF has a duty of care to provide a safe workplace for employees, program participants, and other stakeholders participating in programs. The NYSF will ensure so far as reasonably practicable that employees, program participants and other stakeholders involved in our programs are not exposed to health and safety risks.
8. Any allegations of bullying or other conduct that risks health and safety will be promptly, thoroughly, and impartially investigated. Complaints about bullying will be treated confidentially and will be addressed in a procedurally fair manner. If confidentiality cannot be guaranteed, the reasons for this will be communicated to the relevant parties.

Procedures

9. Employees should be made aware that reasonable management action does not constitute bullying and harassment. Legitimate management action is not harassment, nor is it disrespectful or discourteous – even if an action causes offence or distress, provided:
 - a. It is intended for a proper purpose such as performance feedback, counselling or correcting unacceptable workplace behaviour, setting realistic performance goals, standards and deadlines; allocating tasks; providing constructive feedback; commencing a performance management process; and
 - b. It is undertaken in a reasonable way with respect and courtesy.
10. Managers should ensure that employees understand that bullying and harassment and unlawful discrimination can include conduct that is physical, verbal, written or delivered via electronic or social media platforms.

11. Employee communication outside of the workplace and outside of working hours may be viewed as bullying and harassment with a connection to the workplace if it contains material that offends employees.

Single Incidents

12. Because the definition of bullying requires repeated behaviour (i.e. more than one single act or occasion), a single incidence of bullying-type behaviour will not be bullying. However, a single incident of bullying-type behaviour that is disrespectful or inappropriate may nonetheless require a response.

Unintentional Behaviour

13. Bullying and harassment does not have to be intentional. A person's actions may offend others, even if it unintentional. For that reason, employees must be mindful of cultural sensitivities of other employees and avoid making comments or generalisations that may offend.
14. Employees and volunteers should be particularly aware of the sensitives of working with minors, such as the inappropriateness of any physical contact with minors (including hugging or touching).

Informal Complaint Procedure

15. Where an employee, volunteer, program participant or other stakeholder makes an informal complaint, the manager receiving the complaint will explain the rights and responsibilities of the person concerning their complaint. Employees, volunteers, program participants and stakeholders have a right to feel safe in the workplace and to have their concerns taken seriously.
16. An informal complaint procedure may be used for less serious allegations of bullying, or to determine whether the complaint warrants a formal investigation being undertaken. An individual who is unsure of whether to make a formal or informal complaint, can make an informal complaint first, with the option to escalate the complaint to a formal complaint after speaking with their Manager, the Manager, Corporate Services or the CEO. If a complainant is uncomfortable speaking to their Manager, the Manager, Corporate Services or the CEO, they may contact one of the Board Members to raise their concerns.
17. In the first instance, it may be possible to handle a complaint informally by the appropriate manager by discussing the complaint with the respondent about the behaviour alleged or having a meeting with the individuals concerned in an attempt to reach a resolution. It may not always be desirable or appropriate to bring the parties together, particularly if the complainant perceives there to be an imbalance of power between the parties.
18. It is not a requirement for an individual to make a complaint personally before the NYSF acts upon alleged bullying and harassment behaviour. Third parties can make a complaint concerning behaviour they have witnessed or have been made aware of.

Formal Investigation of Allegations of Bullying and Harassment

19. If the CEO determines that an allegation of bullying and harassment warrants a formal investigation, the matter will be dealt with as a disciplinary matter, as detailed in the Codes of Conduct Policy and Procedures.

20. The CEO will appoint an investigator to investigate the matter on their behalf and provide a report outlining their findings and recommendations.
21. Investigations will be undertaken in accordance with the principles of procedural fairness which ensure that the person against whom a complaint has been made is aware of the nature of the allegations against them and is given an opportunity to respond to the allegations; and that the investigator acts without bias.
22. Upon completion of an investigation, the investigator will make a finding on the balance of probabilities in relation to the alleged behaviour. The investigator will then make recommendations to the CEO concerning whether the allegation/s of bullying and harassment are substantiated and if so, any recommendation for further action. In severe cases of bullying or harassment, the employee's employment may be terminated, or, in the instance of volunteers, program participants and other stakeholders, their involvement with the NYSF may be ceased.

Volunteers and Discrimination, Bullying and Harassment Legislation

23. In the Australian Capital Territory, Queensland, South Australia and Tasmania, volunteers are generally protected by anti-discrimination legislation. In other states and territories, volunteers may still be protected from discrimination under other laws.
24. The *Fair Work Act 2009 (Cth)* has provisions relating to bullying behaviour, which can apply to volunteers nationally.
25. Volunteers can seek a remedy from the Fair Work Commission if they reasonably believe they have been bullied during their volunteering.