

BULLYING AND HARASSMENT

POLICY AND PROCEDURE

Policy Statement

Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening. Mypower Foundations recognises that bullying can harm, intimidate or coerce victims and will not tolerate bullying or repeated harassment either by or directed towards its workers.

Definitions

Power In the context of bullying, "power" refers to an individual's or group's capacity to exert control or influence over another. This power can be real or perceived and may be derived from various sources including, but not limited to, hierarchies (e.g., manager over subordinate), physical strength, knowledge, experience, or access to resources. When this power is misused to harm, oppress, or dominate another individual or group, it constitutes bullying.

Bullying is repeated and unreasonable behaviour towards a fellow worker, a client or client's family, or the Director.

Cyberbullying means using technology such as email, mobile phones, chat rooms or networking sites to bully.

Repeated behaviour means that the actions are persistent and repeated.

Unreasonable behaviour means actions that a reasonable person would regard as victimising, humiliating, intimidating, threatening or potentially injurious to another person's physical or mental health and self-esteem.

Harassment is offensive, belittling, threatening, or otherwise unwelcome behaviour directed at someone based on characteristics, such as age, race, disability, gender.

Bullying is not single episodes of social rejection or dislike, single episode acts of nastiness or spite, random acts of aggression or intimidation, mutual arguments, disagreements or fights.

Difference Between Workplace Conflict and Bullying:

Workplace conflict and bullying are distinct in nature and require differentiated approaches:

1. **Workplace Conflict:**

- Refers to disagreements or differences in opinions, values, or interests between individuals or groups in a professional setting.
- These disagreements can be productive and can lead to positive change when addressed constructively.
- Conflicts can be resolved through open communication, negotiation, and understanding.

2. **Bullying:**

- Is a repeated and intentional misuse of power or perceived power to cause harm, intimidate, or oppress an individual or group.
- The actions involved in bullying are deliberate, harmful, and often persist despite the target expressing discomfort or distress.
- Unlike conflicts which might be resolved through open dialogue, bullying requires interventions to address the imbalance of power and protect the target.

It's vital that staff and contractors differentiate between the two. While both can affect the workplace, they demand unique responses. Addressing conflicts as they arise can prevent them from escalating to bullying, but once bullying is identified, swift and comprehensive action is necessary to ensure a safe working environment.

Procedure

1. Examples of bullying include:

- physical, such as hitting, poking, tripping or pushing
- verbal, such as name calling, insults or abuse
- social (covert or hidden), such as lying about someone, spreading rumours, mimicking or deliberately excluding someone
- psychological, such as threatening, manipulating or stalking behaviour
- online, often referred to as cyberbullying, which means using technology such as email, mobile phones, chat rooms or networking sites to bully verbally, socially or psychologically. It can involve sharing of photos which upset or embarrass the person being bullied and taunting or malicious comments. Often people who bully online also bully in person.
- behaviour at work that is physically, mentally or socially threatening. This can include intimidation, threats, exclusion, verbal or physical abuse.

Bullying is not the same as harassment. While harassment can be an element of bullying, harassment can be a one-off conflict or can happen between strangers. Bullying is repeated behaviour that intends to cause physical, social or psychological harm.

2. Anyone who has experienced bullying at a work site used by Mypower Foundations can seek the intervention of the Director who will investigate the action. Should the Director be the victim of bullying, she can ask another employee or contractor to investigate the allegation.

3. Where the investigation concludes that the person responsible for the bullying was an employee or contractor of Mypower Foundations, the Director will determine the best possible resolution and can remove the employee or contractor from the worksite on a temporary or permanent basis, terminate the employee or contractor's contract or dismiss the allegation.
4. Where the investigation concludes that the employee or contractor is a victim of bullying, the Director will determine the best possible resolution and can remove the employee or contractor from the worksite on a temporary or permanent basis, terminate the contract with the client or dismiss the allegation.
5. Notes of the investigation process will be scanned and saved in a private, confidential folder maintained by the Director but not unlocked for ready access.
6. The Director may suggest the victim seek external support such as counselling or therapy to counter the psychological consequences of bullying.
7. Where an employee or contractor or other third-party witnesses bullying of another employee or contractor, client or client's family and the Director is advised, the Director will investigate the action, unless she delegates that authority to another employee or contractor.

Responsibility

The Director has the responsibility to investigate all reports of bullying or to delegate the investigation to an employee or contractor of Mypower Foundations.

Relevant Legislation and Policies

- Privacy Act 1988
- Work Health and Safety Act 2011
- NSW Disability Services Standards
- National Standards for Disability Services
- Disability Discrimination Act 1992
- National Disability Insurance Scheme Act 2013
- NDIS Code of Conduct
- NDIS Quality and Safeguarding Framework
- Universal Declaration of Human Rights
- United Nations Convention on The Rights of Persons with Disabilities
- Human Rights and Equal Opportunity Commission (HREOC) Act 1986
- Racial Discrimination Act 1975
- Racial Hatred Act 1995
- Sex Discrimination Act 1984
- NSW Crimes Act 1900
- Fair Work Act 2009
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986