

Bullying Policy

Overview

Bullying is an unacceptable practice in this company and any workplace in Australia. Bullying will not be tolerated under any circumstances.

The Company is committed to complying with:

- *Fair Work Act 2009 + Amendments 2013* (Cth) ('the Act') <http://www.fairwork.gov.au>; and
- *Workplace Health and Safety Act* (Cth & States), supported by the
- *Code of Practice – Preventing and Responding to Workplace Bullying* <http://www.safeworkaustralia.gov.au>.

What is “Bullying”?

A worker is “bullied” at work if while at work, a person [or more than one person] repeatedly behaves unreasonably towards the worker, and such behaviour creates a risk to the workers health & safety.

Who is a “Worker”?

“Worker” is an individual who performs work in any capacity, including as an employee, a contractor, a subcontractor, apprentice, trainee, work experience student, or a volunteer.

What is “Unreasonable Behaviour”?

Unreasonable behaviour is considered to be ‘repeated behaviour that a reasonable person, having regard for the circumstances would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening’.

What is NOT “Unreasonable Behaviour”?

Action undertaken or carried out by management in relation to performance management issues or disciplinary action. Examples include:

- A worker or contractor failing to follow instructions relating in a safety breach or endangering persons or property.
- Actions taken by an employer such as changing an employee’s job role when an employee is unable to deliver to the performance standards required by the company in relation to their job roles and responsibilities.

Unfavourable performance reviews do not constitute bullying.

Policy

The company is committed to complying with the Act, and the Bill, by:

- Quickly and objectively responding to bullying complaints
- Acting on this policy in a timely and thorough manner
- Ensuring staff are adequately trained in handling investigations and complaints
- Being able to demonstrate that applicable policies and investigation procedures have been followed
- Provide training at appropriate levels within the organisation to effectively deliver this policy and meet legislative requirements.

Managers have a duty to ensure they understand this policy and their obligations. Management must take action according to this policy and company investigation procedures immediately bullying is deemed to have occurred.

Any workers or other persons acting on behalf of the company who consider they are subject to bullying have the right to seek assistance and will receive the full support of the company.

If you Consider you are Bullied at Work

Option 1: Attempt to stop the bullying yourself

- Inform the offender that the behaviour is offensive, unacceptable, and against company Policy, and ask them to stop. Do not assume ignored bullying will cease. Ignoring the behaviour may be seen as “silent” consent.
- If the bullying continues, record what is happening, when and where. Include the names of other persons who may have witnessed the incident. Keep this information in a safe place and do not discuss the matter with your co-workers.
- Workers: Report the matter to your manager in the first instance. If preferred, contact the Director who can help you deal with the problem confidentially.
- If necessary a formal complaint can be made – Option 2.

Option 2: Report the bullying to the company representative

In order for the bullying to stop you need to inform the company:

- Who is bullying you.
- What are the circumstances of the bullying [When/How/Witnesses]
- What if anything you have done about it to date.

It is better, but not essential to put this in writing.

Depending on who is the bully or who you feel you can approach, report the matter to any of the following:

- Direct line manager
- Company director
- Or simply ring the office and request to speak to the person who manages staff.

Option 3: Go straight to the FWC

An employee may apply directly to the Fair Work Commission to stop the bullying:

This means you [employee] do not have to first notify the company of the bullying and can go directly to the FWC. However the FWC will then seek information from the company in order to determine the context of the bullying claim.

Be aware that you are NOT putting in any claim for compensation – you are simply asking the FWC to intervene to stop the bullying continuing to occur.

The Fair Work Commission must start dealing with an application to stop bullying within 14 days of the application being made and has the power to make any order it considers appropriate to prevent further bullying.

This policy, as part of the integrated management system, is reviewed annually for continuing suitability.

Accountability for the IMS System is the Director, and responsibilities delegated to senior management throughout the organisation as documented.



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1 October 2021