

WORKPLACE BULLYING - PREVENTION AND MANAGEMENT POLICY GUIDELINE[®]

DOCUMENT SUMMARY/KEY POINTS

- These guidelines are **to be used**:
 - when an individual observes or is aware of workplace bullying
 - when an individual believes they have been the victim of workplace bullying
 - to understand the process for raising, managing and addressing a workplace concern regarding alleged bullying behaviour
 - in support of the mandatory NSW Health policy directives [Bullying - Prevention and Management of Workplace Bullying in NSW Health](#) (PD2011_018) and [Work Health and Safety: Better Practice Procedures](#) (PD2013_050)
 - to provide guidance on informal resolution processes in accordance with the NSW Health policy directive [Resolving Workplace Grievances](#) (PD2016_046)
 - to provide education on the options available to individuals who wish to raise a concern that involves suspected or actual bullying behaviour
 - to outline the obligations of Sydney Children's Hospitals Network (SCHN) in preventing and managing workplace bullying and the rights and responsibilities of those involved

This document reflects what is currently regarded as safe practice. However, as in any clinical situation, there may be factors which cannot be covered by a single set of guidelines. This document does not replace the need for the application of clinical judgement to each individual presentation.

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| Approved by: | SCHN Policy, Procedure and Guideline Committee | |
| Date Effective: | 1 st April 2017 | Review Period: 3 years |
| Team Leader: | Manager | Area/Dept: Workforce |

READ ACKNOWLEDGEMENT

- These guidelines apply to all staff across SCHN.
- Staff should read and acknowledge that they understand the contents of this document.
- Junior Medical Officers (JMOs) should also refer to the NSW Health Policy Directive [Prevention and Management of Unacceptable Workplace Behaviours in NSW Health - JMO Module](#) (PD2016_044) for further guidance on the processes for JMOs when raising, managing and addressing a workplace concern regarding alleged bullying behaviour.

This document reflects what is currently regarded as safe practice. However, as in any clinical situation, there may be factors which cannot be covered by a single set of guidelines. This document does not replace the need for the application of clinical judgement to each individual presentation.

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1 Background

1.1 Purpose of this document

- The purpose of this document is to provide clear practice guidelines supporting the requirements of SCHN for the prevention and management of identified workplace bullying allegations in compliance with relevant NSW Health policy directives.
- This set of guidelines is available for use when an individual is aware of, or believes they have been the victim of, workplace bullying. The guidelines provide an avenue for staff to raise their concerns confidentially so that the appropriate course of action to address the matter can be determined.
- This set of guidelines form an integral component of SCHN compliance with the NSW Health policy directive [Bullying - Prevention and Management of Workplace Bullying in NSW Health](#) (PD2011_018). It is an important tool to prevent, identify, investigate and eradicate bullying within SCHN.
- This document is applicable to all staff however junior medical staff should also refer to the NSW Health Policy Directive [Prevention and Management of Unacceptable Workplace Behaviours in NSW Health - JMO Module](#) (PD2016_044) for guidance on the management of unacceptable workplace behaviour complaints arising from the junior medical workforce.

1.2 Document summary and key points

- The *SCHN Guidelines for the Prevention and Management of Workplace Bullying* are integral to the core values of NSW Health (Collaboration, Openness, Respect and Empowerment).
- The SCHN actively promotes a positive workplace and does not tolerate bullying and harassment. The SCHN is committed to the prevention of serious situations with the potential to harm our staff and others. Addressing bullying is the lawful thing to do.
- The first part of these guidelines provides details of the options available to individuals who wish to raise a concern that involves suspected or actual bullying behaviour.
- The second part of these guidelines outlines the obligations of SCHN in preventing and managing workplace bullying and the rights and responsibilities of those involved. Guidance and best practice for conducting investigations when managing complaints identified to relate to bullying are also included to ensure the professional, confidential and appropriate resolution of all matters.

Staff at SCHN are our most valuable asset.

You deserve to work in a positive, productive environment

1.3 Related policies and governance framework

- The SCHN Guidelines for the Prevention and Management of Workplace Bullying are designed to support the NSW Health policy directives [Bullying - Prevention and Management of Workplace Bullying in NSW Health](#) (PD2011_018) and [Work Health and Safety: Better Practice Procedures](#) (PD2013_050).
- These guidelines comply with the [NSW Work Health and Safety Act 2011](#) and are designed to meet the NSW Health standards as defined under the NSW Health policy directive [NSW Health Code of Conduct](#) (PD2015_049).
- These guidelines also outline the informal resolution processes in accordance with the NSW Health policy directive [Resolving Workplace Grievances](#) (PD2016_046).
- Junior medical staff should also refer to the NSW Health Policy Directive [Prevention and Management of Unacceptable Workplace Behaviours in NSW Health - JMO Module](#) (PD2016_044).

2 Workplace bullying

2.1 What is workplace bullying?

The Safe Work Australia [Guide for Preventing and Responding to Workplace Bullying \(May 2016: 5\)](#) defines workplace bullying as:

“repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.”

Section 2.2 of the NSW Health policy directive [Bullying - Prevention and Management of Workplace Bullying in NSW Health](#) (PD2011_018) outlines that workplace bullying is:

“behaviour which is offensive, intimidating, intended to humiliate or threatening and is directed at a staff member or a group of staff members, and occurring in the course of or related to work in NSW Health.”

Under the definition of NSW Health, workplace bullying generally meets the following criteria:

1. It is repeated and systematic (although a serious single incident can also constitute bullying)
2. It is unwelcome and unsolicited
3. The recipient/s consider/s the behaviour to be offensive, intimidating, intended to humiliate or threatening
4. A reasonable person would consider the behaviour to be offensive, intimidating, intended to humiliate or threatening

Bullying can be by one or more persons against any other person or persons. Managers and staff at any level can either be responsible for carrying out bullying or be the recipient of bullying conduct.

Examples of bullying behaviour, as identified under the NSW Health policy directive, include verbal abuse, damage to property, sarcasm, standing over, undermining /belittling, watching & following, persistent teasing, exclusion, threats of inappropriate dismissal/use of organisational processes, humiliation and intimidation (refer to [Appendix 4 of PD2011_018](#)).

| Examples – workplace bullying | Examples - not bullying |
|---|---|
| Repeatedly being insulted or sworn at by another member of staff | Rostering work where the requirements are reasonable |
| Repeatedly being unreasonably criticised for doing your job as instructed | Informing you about your work performance in a constructive way |
| Repeatedly being denied information to be able to do your job. | Asking a member of staff to turn down a radio that is on too loud |
| Repeatedly having your rosters changed to deliberately inconvenience you. | Not being promoted for a job where reasonable process has been followed |

For more information about the definition of bullying and what is not bullying, refer to the NSW Health policy directive [Bullying - Prevention and Management of Workplace Bullying in NSW Health](#) (PD2011_018).

SCHN will not tolerate any form of bullying.

Disciplinary action, up to and including the termination of employment of the perpetrator or perpetrators, may occur where workplace bullying is identified.

2.2 If the behaviour does not appear to be workplace bullying

- Seek advice from your manager on strategies that may help address what has happened and how you are feeling. For example, if the behaviour seems unreasonable, but you do not believe it meets the definition of workplace bullying, then try to resolve the issue with the person involved or bring it to the attention of your manager.
- Depending on how serious the matter is assessed to be, it may be appropriate to address the concern as a workplace grievance under the NSW Health policy directive [Resolving Workplace Grievances](#) (PD2016_046). Different forms of issue resolution, such as facilitated discussion, counselling services (available through EAP) or mediation, may assist in resolving the issue.

Seek the advice of your manager if you consider that the behaviour involves unlawful discrimination or harassment (including sexual harassment).

2.3 Could your concern be a workplace grievance?

- If your concern does not meet the policy definitions of workplace bullying, and the behaviour you are experiencing falls within the types of concerns arising in the workplace described in the NSW Health policy directive [Resolving Workplace Grievances](#) (PD2016_046), then it may be appropriate to try to address it informally first.
- Examples of workplace grievances include:
 - interpersonal conflict
 - the way work is allocated or managed
 - the application of management policies
 - perceived unfairness in the workplace

2.4 Resolving a workplace grievance

Options for grievance resolution may include:

- Self-Resolution for a low level (**Level 1**) grievance in which you could:
 - take no immediate action and monitor the situation
 - seek support and advice from someone you feel comfortable with
 - seek support from the Employee Assistance Program (EAP) provider
 - seek personal development (e.g. training in resilience, having difficult conversations)
 - have a direct conversation with the individual with whom you are experiencing the issue of concern
 - have a discussion with your manager about the matter (or if the grievance involves a direct manager, a more senior manager).
- Assisted-Resolution which requires the involvement of your manager (**Level 2** grievance)
 - your manager will get involved in resolving the matter (e.g. a complex issue; disputed views; an identified pattern of on-going behaviour or concern; self-resolution unsuccessful or not appropriate)
- Information relating to the history, frequency, severity, duration and impact of the incident/s or behaviour/s on the individuals or the workplace may determine that the matter has become more serious than a workplace grievance, and that it therefore needs to be handled using an alternative management process.
- During any stage of the resolution process, you can request the support of another person (a support person). A support person may be a friend, work colleague or union representative who can accompany you to meetings to provide you with emotional support. The support person acts as a witness to the process but may not direct the process, nor answer questions on behalf of or act as an advocate for the employee.

It is important to be able to judge where a workplace grievance ends and more serious behaviour begins.

Bullying should not be managed as a workplace grievance.

3 What can you do if you believe you are being bullied?

3.1 Seek advice

- To be able to take the most appropriate action it is important to first find out whether the behaviour you are experiencing or witnessing is workplace bullying. It can be difficult in times of stress to be objective about what is happening to you.
- Consider:

| Is the behaviour being <u>repeated</u> or is it a one-off serious occurrence? | Is the behaviour <u>unreasonable</u> ? |
|---|---|
| Repeated behaviour refers to the persistent nature, frequency and severity of the behaviour and can involve a range of behaviours over time. In severe cases, of a one-off serious occurrence, where it is unreasonable to be subjected to the behaviour a second time, a single incident may be considered bullying. | Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable. This includes behaviour that is victimising, humiliating, intimidating or threatening. |

- Document any evidence you have or that you can point to concerning the behaviour you are experiencing or witnessing.
- In considering the questions above, it may be helpful to seek the perspective of your line manager, senior manager or Workforce Services to help you determine whether the behaviour meets the definition of workplace bullying.
- Confidentiality is an important part of this process. All parties must maintain confidentiality throughout the process, subject to the overriding need to be able properly to undertake any enquiries or investigation that may be necessary, and to take the actions required by the relevant policy directive. Confidentiality minimises the risk of harm to any of the persons involved.

3.2 Support services

- NSW Health provides a free [Anti-Bullying Advice Line](#) (ABAL). This telephone service is available for you to call if you are concerned that you, or someone in your workplace is being bullied at work, and you're not sure what to do, or if you would like information on how a bullying complaint would be managed. ABAL can be contacted either on telephone 1300 416 088 or via the [NSW Health intranet](#).

- The external [Employee Assistance Program](#) (EAP) is a confidential counselling service provided by the SCHN that is available to all staff. If you wish to utilise this service you can contact either [Converge International](#), by phoning 1800 337 068 or [Access EAP](#) by phoning 1800 818 728. You may access this service at any time, free of charge.
- The junior medical workforce at SCHN are able to contact either of the following positions for guidance and support in relation to their concerns:
 - Chief Resident Medical Officer (CRMO) - you can discuss your concerns with the hospital CRMO who will be able to advise you and identify appropriate strategies to address your concerns.
 - JMO Complaints Officer – this is the [Network Director of Clinical Governance and Medical Administration](#) within SCHN who is appropriately trained in complaint management, *or*
 - JMO Support Officer – this position is external to SCHN and is established by the NSW Ministry of Health. The JMO Support Officer is experienced in managing or training staff and is appropriately trained in complaint management. Junior medical staff can contact the free and confidential [JMO Support Line](#) by phoning 1300 JMO 321.

3.3 Reporting workplace bullying

STEP 1 – Report your concern

- The SCHN cannot address the problem if they do not know about it.
- If you believe you are experiencing or witnessing workplace bullying, report it as early as possible to your manager if you feel comfortable to do so.
- If your manager is the person whose behaviour is concerning to you, then speak to their manager if you feel comfortable to do so.
- There are various ways for you to make a workplace bullying report. You can:
 - inform your supervisor or manager
 - inform Workforce Services
 - inform an SCHN [Anti-Bullying Contact Officer](#)
 - If you are a JMO you can inform the CRMO or the SCHN JMO Complaints Officer
- If you would like to do so, you can bring a support person with you to meetings about your report of workplace bullying, so that they can provide you with emotional support.

STEP 2 – Initial Assessment

- If you make a workplace bullying report an initial assessment of the report will be made. This involves seeking as much information as possible, in discussion with you as the complainant, in order to:
 - determine whether the behaviour being complained about falls under the definition of bullying

- determine if there is sufficient substance to the concern raised
 - establish how serious the matter may be
 - identify whether any immediate action needs to be taken
 - determine the most appropriate policy and process to manage the report that has been made
- If you have made a report of workplace bullying, you will be notified of the outcome of the initial assessment and of any action that is to be taken to manage your concern.

STEP 3 – Risk Assessment

- A risk assessment will be carried out to determine whether any interim controls are needed to protect the welfare of all parties until any action to address the complaint is completed (note: this is not a disciplinary measure).
- Examples of potential temporary action may include:
 - Alternative working arrangements
 - Alternative work design
 - Alternative work locations, reporting lines or shift arrangements in line with delegation to approve
 - Making appropriate arrangements to manage any necessary work interactions between the parties.

STEP 4 – Next Steps

- Depending on the outcome of the initial assessment and the risk assessment, SCHN may investigate workplace bullying allegations of a serious or complex nature. If so, the investigator will be a suitably skilled, neutral person from within the workplace or an external investigator.
- There are key rights and responsibilities of the complainant and respondent in the process for managing a bullying complaint. If the complaint is investigated the investigator will outline the details of your rights and responsibilities to you.
- You will be advised of the support services available to you.

Should the investigation find that bullying behaviour did occur; any disciplinary action deemed appropriate will be managed separately from the investigation process.

4 Possible outcomes of substantiated workplace bullying

- Depending on the circumstances, actions for managing bullying behaviour may include (refer to [PD2011_018: 5.1.2](#)):

- gaining written commitment that the behaviour is to cease - this is a non-negotiable first point in any management response to a substantiated complaint
- requiring an acknowledgement from the person who has engaged in bullying behaviour to the person who has been bullied of the inappropriateness of the behaviour, the impact of the behaviour, and offering an apology
- counselling the person against whom a complaint is made
- counselling the complainant
- on-going performance management and monitoring
- transfer of the person against whom a complaint is made to a different role
- reinforcing the requirement for all staff to refrain from conduct that constitutes bullying
- provision of training in what constitutes bullying; appropriate communications skills, and managing workplace relationships etc.
- considering disciplinary action if warranted
- Disciplinary action can take the following form (as identified in the NSW Health policy directive [Managing Misconduct](#) [PD2014_042: 8.2]):
 - A formal warning, clearly stating the improved standard of conduct that is required within a given timeframe and the possible consequences of failing to reach that standard, and indicating any assistance available to help the staff member meet the expectations
 - An annulment of appointment, where a staff member is on probation
 - Dismissal from the NSW Health Service, or termination of a visiting practitioner's appointment.

5 What to expect from SCHN

5.1 Treat complaints seriously

- If you inform SCHN that you are experiencing workplace bullying or someone has made a report against you, the Network will:
 - treat all reports seriously
 - assess the bullying report quickly and reasonably to determine the most appropriate policy for its management
 - conduct a risk assessment to determine whether any interim controls are needed to protect the welfare of all parties (note: this is not a disciplinary measure)
 - inform you of the process of how the matter will be dealt with
 - maintain confidentiality

- manage the matter appropriately in line with policy requirements
- remain neutral and impartial towards everyone involved
- advise you of support options available to you, such as the services of EAP
- allow you to have a support person present at interviews and meetings, for example a friend, or union representative
- keep records, for example of conversations, meetings and interviews
- appropriately resolve the matter.

Once a complaint has been appropriately managed the workplace will follow up on whether any actions taken have been effective. Your workplace may also provide you with on-going support or advise you of external support services, such as EAP.

5.2 Monitor and review

The SCHN Workforce Governance Committee (WGC) receives a quarterly report on reported incidences of bullying and harassment. The SCHN WGC will have an annual focus on bullying and harassment at one of its meetings. The SCHN is also required to regularly report to NSW Health.

5.3 Training and awareness

The SCHN induction program will include information on the definition of what is and what is not bullying and the process of investigating alleged behaviour that meets the definition of workplace bullying.

Refresher training on bullying shall occur with all staff every two years. This shall focus on strategies to prevent bullying, identifying the signs of bullying, early intervention strategies for addressing inappropriate behaviour, and investigating complaints that fall under the definition of bullying.

An [information brochure](#) on bullying prevention is available to all SCHN staff on staff noticeboards and on the SCHN intranet.

Posters are displayed in SCHN workplaces notifying readers of the Network approach towards workplace bullying and other forms of inappropriate behaviour and these can also be found on the [SCHN intranet](#).

Additionally [a six-minute toolbox talk](#) available on the SCHN intranet provides education on bullying prevention and management.

6 Frequently asked questions

1. *Do I have to give my name when I lodge a formal bullying complaint?*
 - Yes, this allows for the adequate management of a bullying complaint. All parties involved have a duty to maintain confidentiality in accordance with relevant policy requirements.
2. *Should I let my Manager know?*
 - If you feel you can, then this is the best way to report bullying. If you don't feel you can, then you can approach those identified in this document (see section 3.3)
3. *Will I be penalised for reporting bullying?*
 - Not at all, unless the claims are found to be malicious, vexatious or frivolous (as outlined in the NSW Health policy directive [Resolving Workplace Grievances](#) [PD2016_046]). The SCHN will not tolerate any form of retaliation against you if you report bullying in good faith.
4. *What action is taken if someone were to make false bullying claims?*
 - If reports of bullying are falsely made, and are determined to be malicious, vexatious or frivolous, disciplinary action may be taken. We want to protect you, our staff and the SCHN.
5. *How will the difference between genuine and false claims be identified?*
 - Whilst the SCHN are committed to ensuring all bullying matters are examined fully and appropriately, we are aware that on rare occasions individuals may attempt to use the reporting process to further their own agenda by raising malicious, vexatious or frivolous allegations. All matters raised are assessed on their merits. In certain cases an investigation will be conducted to establish the facts of a complaint and determine whether or not alleged bullying behaviour did or did not occur.
6. *How do I find out how my report is progressing?*
 - Follow up with the person you originally submitted your report to. If your complaint is being investigated then you can contact the investigator who will keep you informed of the process. You will be notified when the investigation is complete. For more details on the investigation process, refer to the NSW Health policy directive [Bullying - Prevention and Management of Workplace Bullying in NSW Health](#) (PD2011_018).