



STATEWIDE GROUP TRAINING (SA) INC

WORKPLACE HARASSMENT AND BULLYING POLICY

PURPOSE:

Statewide Group Training (SA) Inc (SGT) is committed to providing its employees with a safe work environment that is free from inappropriate behaviour and will take all reasonable steps to minimise any form of workplace harassment or bullying.

SCOPE:

This policy applies to:

- Board Members
- All staff, including: Managers, Field Officers, Administrative Officers; full time, part time, casual, temporary or permanent staff; apprentices and trainees, contractors, sub contractors, and work experience personnel.
- how SGT provides services to clients and how it interacts with other members of the public.
- on site, off site or after hours work; work related social functions; conferences – wherever and whenever staff may be as a result of their SGT duties

POLICY:

Workplace harassment or bullying by or towards any employee, contractor, supplier, customer, host employer, client or visitor in any work-related situation will not be tolerated by SGT under any circumstances.

SGT recognises that workplace harassment and bullying may involve comments and behaviours that offend some people and not others. The management of SGT acknowledges that individuals may react differently to these comments and behaviour and therefore expects its employees to maintain a standard of behaviour that is respectful of everyone at all times.

It is important for employees to be aware that workplace harassment and bullying does not include the legitimate exercise of authority by an employer/host employer or manager/supervisor to direct and control how an employee performs their duties whilst at work, to monitor workflow or to provide feedback to employees about their performance.

For the purposes of this Workplace Harassment and Bullying Policy, the following applies:

- “workplace harassment” is any verbal, written or physical behaviour or conduct that is of an offensive, threatening, intimidating, abusive or belittling nature and that is unwelcome, unreciprocated, uninvited and usually, but not always, repeated;
- “bullying”, as defined by the *Work, Health, and Safety Act 2012*, is behaviour that is directed towards an employee or a group of employees, that is repeated and systematic and that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the employee or employees to whom the behaviour is directed, creating a risk to health and safety;
- “occupational violence” in the workplace can be defined as any incident where an employee is physically attacked or threatened in the workplace.



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

Within the above definitions, it is generally accepted that:

- “repeated” refers to the persistent nature of the behaviour, not the specific form of the behaviour. For example, the harassment or 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;
- “systematic” means having showing or involving a method or plan;
- “risk to health and safety” includes the risk to the physical or emotional health of the employee or employees concerned.

Any employee found guilty of perpetrating or permitting workplace harassment or bullying will be disciplined, and may, in serious cases, be dismissed. Any person found guilty of making malicious, vexatious or frivolous allegations of workplace harassment or bullying that are held to be unfounded, will be disciplined, and in certain circumstances, may also be dismissed.

SGT recognises the rights of the person accused of workplace harassment or bullying 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 resumption of innocence until evidence against them shows otherwise and the benefit of any reasonable doubt.

As part of SGT’s commitment of minimising and eliminating instances of workplace harassment and bullying at work, SGT will:

- Provide training workshops or information sessions for all employees relating to workplace harassment or bullying;
- Provide training for managers/supervisors/field officers and other employees involved in the complaint resolution process and establish the complaint resolution procedures to be used when dealing with complaints of workplace harassment or bullying;
- Distribute and regularly promote this Workplace Harassment and Bullying 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 harassment and bullying 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 harassment or bullying are not subsequently subject to victimisation; and
- 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, safety and welfare whilst at work and to avoid adversely affecting the health, safety and welfare 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 Workplace Harassment and Bullying Policy by ensuring that they do not commit, encourage or condone workplace harassment or bullying in the workplace as outlined in the *Fair Work Act 2009*.



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Employees are also encouraged to offer assistance or support to any person being harassed or bullied, and to keep any complaint confidential to avoid idle gossip and to prevent potential defamatory proceedings being taken against them.

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

Any employee who requires advice, information or support in relation to workplace harassment or bullying should contact their manager/supervisor/field officer, or a nominated Contact Officer to assist them in such matters.

For the purposes of this Workplace Harassment and Bullying Policy, SGT defines Contact Officers and Grievance Officers as follows:

- A "Contact Officer" will provide advice and support for any person who believes they have been harassed and bullied, even if they do not wish to take formal action. The Contact Officer will not be involved in any way with the formal investigation or resolution of a complaint.
- A "Grievance Officer" is responsible for conducting any necessary investigations into allegations of workplace harassment and bullying. This person is independent from the Contact Officer and will only become involved when a formal complaint is made.

If any employee feels that they have been harassed or bullied, they may make a complaint in accordance with the Workplace Harassment and Bullying Procedure, or other appropriate procedures of SGT. 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.

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

If due to the circumstances, it is inappropriate to refer the complaint to a Contact Officer, the complaint should be referred to a person of authority in the organisation.

Employees, who believe that they are or have been harassed or bullied within the workplace, should report the incident(s) to a nominated Contact Officer/Field Officer.

To assist with the resolution of issues of workplace harassment or bullying in the workplace, SGT provides employees with access to both formal and informal resolution procedures.

Informal Resolution Process:

Using the informal resolution process, the complainant, either directly or through a Contact Officer, may approach the individual who is the subject of the complaint, and request that the offending behaviour stop. Alternatively, a manager/supervisor/field officer 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 will assist to resolve the issue(s).



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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; and
- 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 will be kept on file and no disciplinary action will be taken against the alleged harasser/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.

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 will be appointed to conduct an impartial and confidential investigation of the complaint to establish the facts.

The investigation will involve interviewing the person(s) allegedly responsible for the workplace harassment or bullying, who will be 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), will also be interviewed as part of the investigation.

During any meetings or discussions, all parties will 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 harasser/bully, pending the outcome of the investigation. If the complainant and the alleged harasser/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 has made the complaint will be informed of what action (if any) is going to be taken by SGT and the reasons for such action, or lack of action being taken.

Should the employee/apprentice/trainee accused of the workplace harassment or bullying be found guilty, they may be subject to disciplinary action, including but not limited to:

- A verbal warning;
- A written warning;
- A final written warning;



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- 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 will still be attached to both parties' Personnel File, clearly outlining the findings of the investigation and the verdict reached. All parties shall have the right to appeal the finding.

If an employee is not comfortable approaching the nominated Contact Officer or other nominated representative of SGT with a complaint of workplace harassment or bullying, or if they are not satisfied with the way their complaint has been handled by SGT, they have the right to refer the matter to an external party for resolution.

Other relevant SGT policies:

Employees, and in particular Managers, are encouraged to read this policy in conjunction with other relevant SGT policies including (but not limited to):

- Code of Conduct Policy
- Efficiency and Discipline Policy
- Sexual Harassment Policy
- Social Media Policy

Reference:

Work, Health, and Safety Act 2012
Fair Work Act 2009

APPROVED: KYM ANDERSON

DESIGNATION: CHIEF EXECUTIVE OFFICER

APPROVAL
SIGNATURE:

DATE: 8TH MARCH 2022
