



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A

Procedure:

Workplace Bullying

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Audience: Staff

Policy Category: Governance

Policy Sub-category: Grievances and Appeals

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1 PURPOSE

- 1.1** The purpose of this Workplace Bullying Procedure (**'Procedure'**) is to set out the University's process for managing Complaints and/or Formal Reports of Workplace Bullying.

2 SCOPE

- 2.1** This Procedure applies to all Staff Members of the University.

3 RELATED POLICIES AND REGULATIONS

- 3.1** This Procedure should be read in conjunction with the following policies:
- 3.1.1 *Policy: Workplace Bullying*
 - 3.1.2 *Staff Enterprise Agreement*
 - 3.1.3 *Staff Code of Conduct*
 - 3.1.4 *Policy: Staff Grievance Resolution*
 - 3.1.5 *Policy: Managing Misconduct*

4 SUPPORT PERSON

- 4.1** Staff Members who are required to attend any meeting as part of a Workplace Bullying resolution process shall be entitled to have a support person with them.

5 RAISING A COMPLAINT AND INFORMAL RESOLUTION PROCESS

- 5.1** Before raising a Complaint, a Staff Member should first seek advice from the University's Staffing Office regarding the kinds of behaviours that may constitute Workplace Bullying and those that may be regarded as Reasonable Management Action.
- 5.2** Where a Staff Member believes they have experienced Workplace Bullying, where appropriate, the Staff Member should raise a complaint and attempt to address the matter with the person responsible for the offending conduct.
- 5.3** If it is not appropriate for the Staff Member to raise a Complaint with the person directly concerned or an attempt by the Staff Member to address their Complaint has failed to resolve the matter, the Staff Member should seek assistance from their local supervisor or line manager as soon as possible.
- 5.4** If a resolution is not achieved with the assistance of the local supervisor or line manager, or if the Complaint relates to the Staff Member's local supervisor or line manager, the Staff Member should seek assistance from the next most senior Staff Member in the line of management responsibility.
- 5.5** If it is not appropriate for the Staff Member to raise a Complaint in accordance with clauses 5.2 to 5.4 or the Staff Member does not feel comfortable to do so, the Staff Member may raise their Complaint with the University's Staffing Office who will assist in the resolution of the matter.
- 5.6** Where a person has witnessed behaviours which might constitute workplace bullying, the

person witnessing the behaviour may raise a Complaint with the University's Staffing Office.

- 5.7 Any Staff Member responsible for assisting in resolving the matter must give due and proper consideration to any Complaint and must make all efforts to resolve the matter in good faith.
- 5.8 Any Staff Member responsible for assisting in resolving the matter may deal with the allegations through an initial enquiry into the matter and resolution using appropriate interventions, including but not limited to counselling, mediation and training.
- 5.9 Any Staff Member responsible for resolving a Complaint under this Step should seek advice and assistance from the University's Staffing Office.
- 5.10 In circumstances where the Complaint is unable to be resolved informally under this step 5, the aggrieved Staff Member may lodge a:
 - 5.10.1 Formal Grievance under clause 21 of the University's *Staff Enterprise Agreement* and the University's *Staff Grievance Resolution Policy*; or
 - 5.10.2 Formal Report of Workplace Bullying under clause 6 of this Procedure.

6 FORMAL REPORT OF WORKPLACE BULLYING

- 6.1 Where a Workplace Bullying Complaint has been unable to be resolved through informal resolution processes, an aggrieved Staff Member may make a Formal Report of Workplace Bullying.
- 6.2 A Formal Report of Workplace Bullying will be actioned as an Allegation of Misconduct under the *Staff Enterprise Agreement* and the University's *Policy: Managing Misconduct*.
- 6.3 A Staff Member making a Formal Report of Workplace Bullying must set out the allegation in writing and provide all relevant documentation in relation to the complaint.
- 6.4 The matter will thereafter be managed as an Allegation of Misconduct and the terms of the University's *Staff Enterprise Agreement* and the *Managing Misconduct Policy* will apply.

7 CONTACTS AND RESOURCES

- 7.1 Staffing Office, Fremantle (WA)
- 7.2 Staffing Office, Sydney (NSW & VIC)
- 7.3 Employee Assistance Program (details can be obtained from the University's Staffing Office)

8 DEFINITIONS

- 8.1 **For the purpose of this Procedure, the definitions outlined in the *Policy: Workplace Bullying* apply.**
- 8.2 **In addition, the following definitions apply to this Procedure:**

Complaint means a complaint of Workplace Bullying by a Staff Member/s against another Staff Member/s of the University.

Formal Report means a formal allegation of Workplace Bullying by a Staff Member/s against

another Staff Member/s under the University's staff misconduct processes.

Reasonable Management Actions are actions which do not constitute Workplace Bullying. Reasonable management action or practices by a manager or supervisor include appropriate and respectful direction regarding:

- the duties/tasks required of a Staff Member in accordance with their role, contract and conditions of employment;
- how a Staff Member's work is done, monitored or performed;
- compliance with University policies, procedures and processes;
- unsatisfactory performance management and disciplinary processes.

Support Person is a person who may accompany a Staff Member involved in a Workplace Bullying process, for the purpose of providing pastoral support and guidance. A Support Person:

- may not act as advocate;
- may not be a person who was, or may be perceived to be involved in, or associated with the Workplace Bullying complaint;
- may not be a legal practitioner unless permitted in writing by the University.

A Support Person may be a Union representative.

Workplace Bullying is defined as repeated inappropriate behaviour directed towards a Staff Member or group of Staff Members which creates a risk to health and safety. Workplace Bullying includes repeated and unreasonable behaviour that causes a Staff Member to be harmed, intimidated, threatened, victimised, undermined, offended, degraded or humiliated whether alone or in front of others in the workplace. Workplace bullying can be direct or indirect.

Version	Date of approval	Approved by	Amendment
1	29 June 2018	Vice Chancellor, on recommendation of DVC, Corporate	Effective date – new Procedure.
	14 June 2022	University Secretary	Minor amendments – cover page updated to reflect new policy owner and responsible officer.

9 PROCESS SUMMARY

