



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

Policy:

Workplace Bullying

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Policy Sub-category: Grievances and Appeals

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1 OBJECTS OF THE UNIVERSITY

The University's Objects are defined in Section 5 of its Act of Parliament:

In pursuing these Objects, the University seeks to be an outstanding Australian university, and one of the best Catholic universities in the world.

The Objects of the University are:

- (a) the provision of university education, within a context of Catholic faith and values; and
- (b) the provision of an excellent standard of -
 - i. teaching, scholarship and research;
 - ii. training for the professions; and
 - iii. pastoral care for its students.

2 PURPOSE

- 2.1 The purpose of this Workplace Bullying Policy is to outline the University's position on Workplace Bullying.

3 SCOPE

- 3.1 This Policy applies to all Staff Members of the University.

4 PRINCIPLES

- 4.1 The University is committed to providing a safe work environment for all Staff Members which is free from Workplace Bullying.
- 4.2 Treating fellow Staff Members with respect and dignity must be a core value of all Staff Members in their workplace interactions with each other.
- 4.3 All Staff Members have a right to make a Complaint or Formal Report of Workplace Bullying if they consider they have been subject to conduct that may constitute Workplace Bullying.
- 4.4 Where a Complaint or Formal Report of Workplace Bullying is made, all parties will be treated with fairness and respect and the principles of natural justice will apply.

5 MAKING A COMPLAINT OF WORKPLACE BULLYING

- 5.1 Where a Staff Member believes they have been subject to conduct that may constitute Workplace Bullying, he or she should follow the *Procedure: Workplace Bullying (Procedure)*.
- 5.2 A Staff Member should follow the Procedure prior to initiating any Formal Grievance under clause 21 of the University's *Staff Enterprise Agreement* or making an allegation of Misconduct or Serious Misconduct under clause 24 of the *Staff Enterprise Agreement*.

6 CONFIDENTIALITY AND VICTIMISATION

- 6.1 Complaints and/or Formal Reports of Workplace Bullying shall be treated confidentially by the University.
- 6.2 All parties to a Complaint and/or Formal Report of Workplace Bullying are required to maintain confidentiality. With the exception of a Support Person, Staff must not disclose any information in relation to the complaint or process to any person, whether or not that person is a party or witness to the complaint.
- 6.3 Staff must not victimise or take any adverse action against another Staff Member as a consequence of a Staff Member making a Complaint or Formal Report of Workplace Bullying.

7 SUPPORT

- 7.1 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.

8 FRIVOLOUS OR VEXATIOUS CLAIMS

- 8.1 Any Staff Member believed to have frivolously or vexatiously raised a Complaint and/or Formal Report of Workplace Bullying against another Staff Member may be subject to disciplinary action under the University's *Policy: Managing Misconduct* and the Managing Misconduct provisions of the University's *Staff Enterprise Agreement*.

9 ROLES AND RESPONSIBILITIES

- 9.1 The **University** will:
 - 9.1.1 Implement and maintain a procedure for managing Complaints and/or Formal Reports of Workplace Bullying (*Procedure: Workplace Bullying*);
 - 9.1.2 Use educative approaches for the prevention of Workplace Bullying, to support awareness of rights and responsibilities;
 - 9.1.3 Provide support and guidance to Staff Members who believe they have been subject to conduct that may constitute Workplace Bullying;
 - 9.1.4 Take all reasonable steps to eliminate any instances of Workplace Bullying. Depending on the circumstances, reasonable steps may include taking disciplinary action against a staff member found to have engaged in Workplace Bullying in accordance with the University's Misconduct procedure.
- 9.2 The University expects **Staff** to:
 - 9.2.1 Treat one another with respect and dignity and comply with the standard of behaviour expected of them in accordance with the *Staff Code of Conduct*;
 - 9.2.2 Comply with the terms of this Policy and any related process and investigation.

10 RELATED DOCUMENTS

10.1 This Policy should be read in conjunction with the following documents:

- 10.1.1 *Procedure: Workplace Bullying*
- 10.1.2 *Staff Enterprise Agreement*
- 10.1.3 *Staff Code of Conduct*
- 10.1.4 *Policy: Staff Grievance Resolution*
- 10.1.5 *Policy: Managing Misconduct*

11 DEFINITIONS

11.1 For the purpose of this Policy, the following definitions apply:

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 actions 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; and
- 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 an advocate;
- may not be a person who was, or may be perceived to be involved in, or associated with the Workplace Bullying complaint; and
- 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 Policy.