



# **ASAP Recruitment Bullying Policy and Procedure**

## **1. Purpose**

The purpose of this policy and procedure is to guide ASAP Recruitment's approach to concerns or complaints about workplace bullying and harassment, either within ASAP premises or co-host sites.

## **2. Background Information**

ASAP mission statement is quite clear about honesty, loyalty, reliability, respect for all. This policy and procedure seeks to develop a supportive workplace with policies and procedures that provide a clear statement of ASAP Recruitment's expectations of its staff in respect of conduct that may constitute workplace bullying and/or breach of the ASAP Recruitment's policies, including but not limited to any other Australian Government or Worksafe requirements.

## **3. Policy and Procedure Statement**

3.1 ASAP Recruitment is committed to providing a workplace that is free from bullying and harassment in accordance with the OH&S act 2004.

3.2 All employees have a right to work in an environment free from bullying, harassment, and to be treated with dignity and respect.

3.3 All managers and supervisors are responsible for actively intervening to prevent and stop any bullying behaviour that is occurring in their workplaces.

3.4 ASAP Recruitment provides these procedures by which all employees can have any complaint of workplace bullying addressed.

3.5 All employees have a right to use the procedures in this policy and procedure if they believe they have experienced bullying that can be dealt with under these procedures.

## **4. Application of Policy and Procedure**

4.1 This policy and procedure applies to all staff members who are subject to alleged bullying behaviour or any other behaviour that may constitute a breach of this policy and or any Government or Worksafe provisions.

4.2 ASAP Recruitment will apply this policy and procedure for dealing with complaints of workplace bullying and harassment. Any disputes in relation to such procedures are to be managed in accordance with the relevant Workplace Health and Safety Legislation of that State.

## 5. What is and is not Bullying?

5.1 Bullying is defined as repeated and unreasonable behaviour directed towards a person, or a group of people, that creates a risk to health, safety and well-being<sup>1</sup>. Bullying hampers productivity by creating dysfunction and damaging morale within work environments. It includes behaviour (generally a pattern of behaviour) that intimidates, offends, degrades or humiliates another person, including by electronic means such as email, notice boards, blogs and social networking websites.

5.2 Examples of behaviours that may amount to bullying include:

- Intimidation;
- Verbal abuse or threats, including yelling, screaming or offensive language;
- Excluding or isolating people from workplace activities;
- Assigning impossible tasks, meaningless tasks unrelated to the job, or giving someone the majority of unpleasant tasks;
- Undermining responsibility;
- Deliberately changing work rosters to inconvenience particular staff members;
- Withholding information essential to do a task properly;
- Copying emails that are critical about someone to others who do not need to know;
- Making threats or comments about job security without foundation;
- Spreading malicious rumours;
- Cyber bullying; and
- Physical abuse.

5.3 The following behaviours do not constitute bullying:

- genuine and reasonable instructions
- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours, where the requirements are reasonable
- transferring a worker for genuine operational reasons
- informing a worker about inappropriate behaviour in an objective and confidential way
- deciding not to select a worker for promotion where a reasonable process is followed and documented
- making organisational changes or restructuring, with consultation
- constructive comments which are objective and indicate observable deficiencies in performance or conduct
- constructively delivered feedback or counselling intended to help employees to improve their work performance or the standard of their behaviour
- reasonable grievances
- justified termination of employment
- A direction to comply with ASAP Recruitment rules, resolutions and policies,



#### 5.4 "Vexatious" claims and claims made without reasonable cause:

Staff members should not raise allegations which are vexatious or without reasonable cause.

Vexatious means that:

- the main purpose of a claim is to harass, annoy or embarrass the other party; or
- there is another purpose for the grievance other than the settlement of the issues arising in the claim (or response).

"Without reasonable cause" means that a claim is made without there being any real reason, basis in fact(s) or purpose. Such claims include allegations that are:

- so obviously untenable that the claim cannot possibly succeed;
- manifestly groundless; and/or
- insufficiently particularised.

Where a claim is determined as vexatious or made without reasonable cause, the staff member who raised the complaint will receive written notification of the determination which will include reasons as to why the complaint was deemed as vexatious and/or reasonable cause.

<sup>1</sup> Safe Work Australia "Guide for Preventing and Responding to Workplace Bullying".

## 6. Procedures

6.1 Staff members should normally raise a claim of bullying with their nominated supervisor and attempt to resolve such claims locally and informally. At this stage, the staff member, at their discretion, may also report their attempt to resolve their claim to [asaphr@asaprecruitment.com.au](mailto:asaphr@asaprecruitment.com.au)

Where the attempt to informally resolve the matter fails or is not appropriate, staff should discuss the matter with the next most senior ASAP Recruitment officer. At this stage, the staff member must report their attempt to resolve their issue to [asaphr@asaprecruitment.com.au](mailto:asaphr@asaprecruitment.com.au) and a member of Human Resources or external consultant will contact them in relation to their grievance.

6.2 In the case of all bullying complaints, ASAP Recruitment will review the allegations and respond to the staff member who raised the complaint immediately.



### 6.3 ASAP Recruitment aims to ensure that:

- bullying complaints are addressed sensitively, promptly and in accordance with relevant ASAP Recruitment policy and the principles of natural justice;
- all reasonable steps are taken to respect the confidentiality of the people involved in a complaint;
- fairness and impartiality prevail throughout the appropriate resolution process - until a bullying complaint is investigated and a decision is made, a grievance is an allegation, not a fact;
- appropriate records are maintained throughout the resolution process;
- persons who notify a bullying complaint are protected from victimisation or reprisal;
- persons who notify a bullying complaint are regularly informed of the progress of the matter and of the consequences of any finding if the grievance is substantiated; and

6.4 As advised in clause 6.1 of this policy and procedure, most bullying complaints should be able to be resolved at local level. Before entering the formal process, the grievant should attempt to resolve the bullying complaint with their Nominated Supervisor, or next most senior ASAP Recruitment employee.

6.5 In circumstances where the bullying complaint is unable to be resolved at the informal stage or local level, the nominated supervisor or next most senior ASAP Recruitment employee who has received the complaint may refer the matter to the Managing Director. The Managing Director in consultation with the external professionals may attempt to conciliate or mediate the matter, by agreement with the parties, or appoint an appropriate independent (internally or externally appointed) person who will investigate the matter to make findings of fact.

In the event that the matter is referred for investigation, the investigator will:

- i. Conduct the investigation with due regard to procedural fairness, timeliness, and the individual's safety and well-being;
- ii. Notify the parties of the investigation;
- iii. Seek sufficient particulars of the alleged conduct to enable the complaint/concern to be factually investigated;
- iv. Provide the respondent with a summary of allegations and/or a statement of the alleged conduct;
- v. Provide the respondent with an opportunity to respond to the complaint and/or alleged conduct;
- vi. Interview the parties and, where necessary, any witnesses;
- vii. Review any relevant documentation; and
- viii. Prepare a report setting out the complaint, how the investigation was conducted, relevant facts, and findings, and present this to the Managing Director.



The Managing Director will then make a decision based on the investigation report as to whether the alleged conduct is proven, proven in part or not proven. The decision, along with a summary of reasons for making the decision and a clear statement of what actions will follow, will be provided to the complainant, the respondent/s, and HR.

6.6 If the complaint is dealt with formally, ASAP Recruitment will aim to ensure:

- Before a complaint is investigated, the grievant relevantly describes their allegations (in most instances, but not all, this will need to be in writing), including particulars of the allegations so that they can be investigated appropriately;
- The person against whom the allegations are made is provided with a copy of the allegations that will be investigated; and
- All parties are informed in writing of the outcomes of any investigative process.
- Consistency with the ASAP Employee complaints Policy and Procedure

6.7 Outcome and Referral

ASAP Recruitment, through its investigation of the complaint and findings of fact under 6.5 of this policy and procedure, seeks to prevent the staff member from being further bullied and enable normal working relationships to resume.

If a bullying complaint is investigated and findings are made that substantiate any or all of the allegations made, the Managing Director may refer the matter to an external professional in order for them to take appropriate action to prevent any behaviours that are identified as bullying. This may include, but is not limited to:

- Requiring the individual or group of individuals to stop the specified behaviour(s);
- Regular monitoring of behaviours by the ASAP Recruitment;
- Requiring compliance with this policy and procedure and any other relevant ASAP Recruitment policy; and
- Provision of information, additional support and training of relevant staff.
- Referral to the Police or other government body respectfully

The relevant nominated supervisor/manager may also:

- Counsel the staff member involved on their behaviour and the findings made as a result of the investigation;



- Commence disciplinary action in accordance FWC requirements, which could lead to disciplinary action being taken, including termination of employment;
- Take some other form of appropriate action; or
- Take no further action.

Notwithstanding the above, the primary purpose of this policy and procedure is to identify bullying behaviour and to take action to prevent its occurrence in the workplace. This policy must not be used for the sole purpose of seeking a desired change in work arrangements (such as transfer, alternative duties, and / or reporting lines, etc.) or to receive compensation or any other pecuniary outcome.

6.8 This policy and procedure is a complete code for ASAP Recruitment to manage and resolve workplace bullying complaints. This policy and procedure in no way limits a staff member's rights, including their access to any State based WorkCover Authority and/or the Fair Work Commission or any other jurisdiction (court or tribunal).

## 7. Confidentiality and Victimisation

7.1 The parties to a bullying complaint are required, at all stages of this policy and procedure, to maintain confidentiality in relation to the concern or complaint. The parties must not disclose, by any form of communication, either the fact or the substance of the allegations or issues to anyone other than an advocate, staff representative or a qualified counsellor.

7.2 A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the resolution of a complaint under this policy and procedure.

7.3 Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by ASAP Recruitment, and may result in disciplinary action. Any such breach will be investigated and appropriate action taken.

## 8. Further Assistance

Any staff member who requires assistance in understanding this policy and procedure should contact the Managing Director and worksafe guidelines online. Should further information or advice be required the staff member would be referred to an external professional.