



HARASSMENT & BULLYING POLICY

Policy Statement:

It is the policy of Burdekin Productivity Services Ltd (BPS) to treat all forms of harassment or bullying by its employees (including management & directors) against other employees, directors, members of the company, stakeholders or any other person, as unacceptable and contrary to the standards of conduct demanded by the board of directors of the company. All forms of harassment or bullying are of concern and serious breaches may constitute grounds for dismissal.

Workplace Harassment or Bullying has a detrimental effect on employees and the business. It can create an unsafe and unpleasant working environment that may result in a loss of trained and talented personnel, a breakdown in morale and working relationships, and a reduction in efficiency. Persons subjected to harassment or bullying may suffer anxiety and depression as a result, and often lose self-esteem and self-confidence which then impacts on their performance and employability.

Legitimate management processes, such as actions to suspend, transfer, demote, redeploy, retrench, discipline or dismiss an employee are not considered to be Workplace Harassment, provided these actions are conducted in a lawful and reasonable way.

Definition:

Harassment or Bullying is defined as behaviour that is directed at an individual or group, which is considered by the recipient as:

- Offensive, abusive, belittling, humiliating, intimidating or threatening
- Unwelcome and unsolicited;
- Of the type that
 - is sexually unreciprocated
 - is repetitive in nature
 - makes the work environment intolerably unpleasant
 - may detract from one's ability to the function effectively in the workplace.

Harassment may be sexual in nature or based on gender, race, disability, sexual preference or a range of other factors so listed in the Anti-Discrimination Act 1991. It may be delivered physically, verbally or through online means such as email, texting or via social media platforms.

Sexual Harassment can be defined as;

- Uninvited acts of sexual intimacy
- Unsolicited requests (both expressed or implied) for sexual favours
- Remarks aimed at others which have a sexual connotation, and
- Unwelcome conduct of a sexual nature to others.

Examples of sexual harassment include but are not limited to;

- Patting;
- Pinching;
- Deliberately brushing up against someone;
- Sexual propositions;
- Insinuations about another person's private life;

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- Comments about a person's body;
- Offensive phone calls, text messages or other social media transcripts
- Indecent exposure

Sexual harassment can also occur by displaying offensive photographs or telling jokes in a common area which some may find offensive.

Bullying occurs when people repeatedly and intentionally use words, actions or social media platforms against someone or a group of people to cause distress and risk to their wellbeing. These actions are usually taken by person/s who have more influence or power over another, or who want to make someone else feel less powerful or helpless.

The sort of repeated behaviour that can be considered bullying includes but is not limited to:

- Intentionally isolating or keeping another person out of a group (online or offline)
- Acting in an unpleasant way near or towards another person
- Giving nasty looks, making rude gestures, calling names, being rude and impolite, or constantly teasing.
- Spreading rumours and lies, or intentionally misrepresenting another person.
- Ongoing ridicule of another person
- Intentionally and repeatedly hurting someone physically
- Intentionally stalking someone
- Misuse of authority or power over another person
- Sabotaging another's work or ability to perform their duties, for example, by deliberately withholding or supplying false information, hiding required documents or equipment and getting a person in trouble in other ways.

Bullying can occur at work, in online social platforms, via text messaging or through email. It can be physical, verbal, emotional, and it also includes messages, public statements and behaviour online intended to cause distress or harm (also known as cyberbullying).

General Principles:

Reports and complaints of harassment or bullying are treated seriously by BPS and will be investigated promptly in a thorough and confidential manner, ensuring that all complainants and witnesses are not victimised. The principles of natural justice shall apply to any procedural investigation.

The complaint resolution process shall be carried out in good faith and complaints that are frivolous, vexatious, misconceived or lacking in substance shall be rejected if any of these defects are identified in the preliminary investigation of the facts.

BPS management and the board shall ensure that employees and members remain informed about the contents of this policy. BPS management shall be responsible to ensure that employees uphold the principles of this policy and act appropriately to prevent any incidents of harassment or bullying in the workplace.

Management Responsibilities:

Representatives:

- At least 2 representatives from the management staff and/or the board of directors shall be nominated to;

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1. Investigate incidents involving harassment or bullying and take appropriate preventative action.
2. Debrief persons who are involved in a harassment or bullying incident and ensure that follow up action is taken.
3. Apply appropriate disciplinary procedures if applicable.
4. Keep a written & electronic record of all interviews & discussions.

Procedure:

- Initially the nominated representatives shall;
 1. Identify the nature of the complaint;
 2. Discuss a possible course of action with the complainant to resolve the matter (if that is possible);
 3. Determine (in consultation with the complainant) whether the matter ought to be dealt with through formal or informal procedures; then

Resolution by Informal Means:

- If the matter can be resolved through informal means;
 1. The nominated representatives, after identifying the nature of the complaint, shall put the allegations to the accused person/s in an informal interview;
 2. The accused person/s shall have the opportunity to respond (the accused person/s may be given a period of time to respond);
 3. Depending on the accused person/s response, the nominated representatives may choose to conduct further interviews with the complainant and/or prospective witnesses;
 4. Once investigations are completed, the nominated representatives shall decide whether the complaint has been validated or remains unproven. If the complaint is considered unproven, the complainant & accused person/s shall be immediately informed of the outcome and no disciplinary action shall be taken. However, management shall ensure that all staff members receive further training regarding appropriate workplace behaviour.
 5. If the nominated representatives decide that the allegations have been validated, they shall first determine the severity of the misconduct before deciding upon appropriate disciplinary action. There may be reason to consult with the full board of directors depending on the severity of the complaint.

Resolution by Formal Means:

- If the matter cannot be resolved through informal means, the nominated representatives shall;
 1. determine a set of written statements of alleged acts that accurately reflect the extent of the complaint; the complainant shall counter sign such written statements; the written statements of alleged acts shall be presented to the alleged harasser;
 2. the accused person/s shall be informed of their right regarding legal representation and of possible outcomes if the allegations are proven; the accused person/ shall have the right to nominate witnesses to provide information to the nominated representatives (the nominated representatives shall only be obliged to interview those witnesses whom they believe can comment directly on the alleged acts of harassment or bullying);
 3. the nominated representatives shall conduct interview/s with nominated witnesses and complete a written record of such interview/s;
 4. any investigation shall aim at maintaining the confidentiality of both the accused person/s and the complainant whilst minimising disruption to the workplace;

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5. Once investigations are completed, the nominated representatives shall decide whether the complaint has been validated or remains unproven. If the complaint is considered unproven, the complainant & accused person/s shall be immediately informed of the outcome and no disciplinary action shall be taken. However, management shall ensure that all staff members receive further training regarding appropriate workplace behaviour.
6. If the nominated representatives decide that the allegations have been validated, they shall first determine the severity of the misconduct before deciding upon appropriate disciplinary action. There may be reason to consult with the full board of directors depending on the severity of the complaint.

Disciplinary Action:

- Appropriate disciplinary action resulting from a proven complaint may include:
 1. provision of professional counselling; and/or
 2. provision of training in acceptable workplace practices; and/or
 3. issuing a written warning or oral reprimand; and/or
 4. downgrading of work responsibilities; and/or
 5. reduction in rate of pay; and/or
 6. prohibiting certain actions or practices in the workplace; and/or
 7. temporary suspension from the workplace without pay or in severe cases, termination of employment; and/or
 8. reporting the matter to appropriate authorities.

Employee's Responsibilities:

- Discourage other employees/persons from participating in acts of harassment or bullying.
- Report all incidents involving harassment or bullying to management or a member of the board of directors.

Signed: Date:

(Chairman- Burdekin Productivity Services Limited.)

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