

Workplace bullying

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Policy Statement

NSW Department of Industry (the department) is committed to providing a safe workplace for all workers that is free from bullying. This policy sets out how the department will fulfil this commitment. This policy should be read in conjunction with the department's Code of Conduct.

Scope

This policy applies to all departmental workers including employees, contractors, visitors, labour hire employees, volunteers and students. The workplace includes any place of work where work is carried out for the department or any place where a worker goes, or is likely to be, while at work.

Requirements

Departmental workers have a duty to ensure that they treat other workers with respect and dignity. This duty also extends to developing worker awareness about the impact of their behaviour on others.

The department will adopt a systematic risk management approach to managing workplace bullying. To achieve this objective, a workplace bullying procedure has been developed to support the practical implementation of this policy by prescribing how reported incidents of workplace bullying will be managed across the department.

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Repeated behaviour is that which occurs more than once, and may involve a range of behaviours over time. Unreasonable behaviour is behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening. Workplace bullying is not considered a single incident of unreasonable behaviour.

The following behaviours do not constitute bullying:

- reasonable management practices undertaken in a reasonable manner such as performance management and disciplinary procedures
- a direction to carry out reasonable duties and all relevant operational instructions
- workforce and workload scheduling to ensure effective business continuity
- reasonable consideration of business needs prior to the approval of leave or training.

Procedures

Workplace Bullying Procedure.

Roles and responsibilities

NSW Department of Industry (PCBU)

The department will demonstrate due diligence to ensure that it complies with its obligations with regard to managing workplace bullying. The department will:

- develop and implement a workplace bullying prevention procedure
- ensure that workers are trained in bullying prevention strategies
- investigate reported bullying notifications in a timely manner

- ensure that workers are trained in respectful behaviour.

Workers:

Are responsible to:

- apply bullying prevention strategies as determined by the department
- take reasonable care that they don't affect the health and safety of others
- comply with all conditions of employment and the associated Code of Conduct
- report incidents of workplace bullying
- comply so far as reasonably practicable with any reasonable instructions given by the department such as cooperating with reasonable policies and procedures including the workplace bullying policy.

Delegations

- Nil

Legislation

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulations 2011*

Related policies

- Health and Safety policy
- Code of Conduct
- Grievance Resolution policy

Other related documents

- Safe Work Australia: Guide for preventing and responding to workplace bullying
- Health and Safety Strategy
- Accountability Statement
- Grievance Resolution procedure

Definitions

- *NSW Department of Industry (PCBU):* a PCBU is an entity in accordance with the Work Health & Safety legislation. A PCBU is determined to be a person or duty holder such as a company or partnership that operates the business such as NSW Department of Industry.
- *Officer:* a senior executive who makes or participates in making decisions that affect the whole or a substantial part of the department's business undertakings. This may also pertain to a division, branch and/or agency.
- *Worker:* includes employees, contractors or sub-contractors, labour hire employees, apprentices or trainees, students and volunteers.

Superseded documents

- A-108 Bullying and harassment prevention

Revision history

Version	Date issued	Notes	By
1.0	17 July 2014		Executive Director, PLC
2.0	13 Feb 2018	Update logo and review date.	Director, Health & Safety

Contact

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