



PROACTIVE
COMPLAINTS
MANAGEMENT

TRAINING • COACHING • CASE MANAGEMENT

Bullying and Harassment Process

“Kay, I need to speak to you confidentially right now! You need to promise me that you won’t mention my name or my workmates name – you must promise me”.

“O.K. Fred I promise, what is it?”

“John and Lou are bullying me and a couple of other guys, I can’t take this anymore, I feel sick each time I drive into the car park. You’ve got to stop them doing this....Please I beg you, I can’t take this anymore, I can’t sleep at night, I feel physically ill!!!”

“Don’t forget Kay, you promised me you wouldn’t tell John and the others that I have spoken to you about this – Don’t forget you promised”

This dilemma is played out on a daily basis in many organisations and in all types of industries.

Kay as the employer is now fully aware of the situation and therefore has a responsibility to act on this issue.

As an employer you will need to consider the following courses of action:

- i. You will need to read and familiarise yourself with your bullying and harassment policy;
- ii. Follow the steps contained within this policy and your responsibilities under Work Health and Safety Legislation;
- iii. You will need to ask yourself – *“do I need to investigate the allegations either internally or externally”*;
- iv. Then you will need to determine the following:
 - o Do I advise the alleged “bullies”, that an allegation has been raised against them re their behaviour towards certain staff - (keep in mind do you breach the confidentiality of the complainant and the significance of this decision – you may need to speak to the

- complainant re ways that they will be protected from any reprisals);
or
- Do you as a matter of urgency provide compulsory training to all staff to see whether this resolves the matter – you must always be communicating with the staff member who raised the allegation;
- v. What does your organisational policy on bullying and harassment advise you to do under the circumstances?
- vi. If the matter is not resolved then you will need to consider taking immediate control of the matter e.g. advising the complainant that the allegations are extremely serious that you are now required to formally investigate the matter as per your policy;
- vii. The opportunity to mediate i.e. bring the parties together to resolve the dispute (Notwithstanding the issues associated with Occupational Health and Safety (stress claim), and the reluctance of one of the parties to be identified);
- viii. Decide on whether to investigate the allegations and make a finding based on the evidence at hand and on the balance of probabilities;

The above questions are some of the significant factors that an employer will need to consider before making a decision on how to proceed.

All organisations should ensure the following policies/procedures are in place:

- i. A clear bullying and harassment policy which is in plain English and easily accessible by all staff;
- ii. Evidence of regular compulsory training of all staff on what constitutes bullying and harassment;
- iii. A Code of Conduct policy on what is acceptable conduct during working hours and even during official work functions held by an organisation which may be conducted out of work hours;
- iv. A Code of Conduct for visitors who enter your organisation and acceptable behaviour;
- v. An EAP (Employee Assistance Program), that staff can access to debrief or seek advice from;
- vi. A grievance procedure/policy including the contact person's name, phone number and email address. Consider including a statement on reprisals if a grievance was to be lodged by a staff member.

For further information please contact Steve Aivaliotis via email steve@proactivecm.com.au to discuss your training or policy review requirements.