



The Buddhist Society of Western Australia (Inc.)

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## **Violence, Aggression and Bullying Policy**

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## OVERVIEW

Violence, Aggression and Bullying are serious occupational safety and health issues and are all workplace hazards. Bullying incidents may include aggression and escalate into violence. Similarly, repeated violence and aggression towards other employees is often associated with bullying.

Workplace violence, aggression and bullying can be separated into three areas:

- **External:** perpetrated by someone from outside the organisation;
- **Client-Initiated:** inflicted on workers by BSWA members or visitors; and
- **Internal:** occurs between workers within the organisation.

Due to the effect on the safety and health of employees and others at the workplace, violence, aggression and bullying are unlawful under the Occupational Safety and Health Act 1984 (the Act).

## 1. VIOLENCE & AGGRESSION

Violence and aggression are workplace hazards. They may cause physical and psychological injury or harm and may result in permanent disability or death. There can also be considerable direct and indirect costs for the organisation, including loss of members, loss of credibility as a place of religious worship, reduced productivity while people are not working, repairing property damage, medical and legal expenses. Violent or aggressive behaviour can attract criminal charges and can also be unlawful under State and Federal Equal Opportunity Legislation.

### 1.1 Definition – What Is Violence & Aggression

Workplace violence and aggression are actions or incidents that may physically or psychologically harm another person. Violence and aggression are present in situations where workers and other people are threatened, attacked or physically assaulted at work.

### 1.2 Consequences of Violence and Aggression

Violence or aggression in the workplace can be harmful to the organisation as well as individuals, resulting in:

- Reduced efficiency & productivity
- Increased absenteeism
- Increased staff and volunteer turnover
- Loss of members
- Poor workplace morale
- Increased counselling and mediation costs
- Increased workers' compensation claims or
- Possible legal action

### 1.3 Who Is at Risk?

All workers and other people at workplaces are potentially at risk of experiencing some form of violence or aggression. Internal violence can occur between staff members/volunteers and may involve managers and supervisors or co-workers/volunteers. People from different cultural backgrounds, people with different religious or political views, and apprentices or trainees may be particularly at risk.

### 1.4 Procedures

- Staff member/Volunteer to contact the Caretakers immediately who will take charge of the situation
- Caretakers or Staff member/Volunteer to contact Police if the situation is building up and not ceasing
- The Caretakers will provide immediate psychological first aid and support if it is within their means and if not call the ambulance
- Staff member/Volunteer to raise a claim of being treated with violence /aggressive behaviour in writing with their nominated supervisor or in the case of there not being a supervisor, the Vice President of the BSWA to resolve the claim.
- While the procedural requirements vary, BSWA aims to ensure that:
- 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
- Appropriate records are maintained throughout the resolution process;
- Persons who notify a violence and aggressive behaviour complaint are protected from victimisation or reprisal;
- Persons who notify a violence and aggressive behaviour complaint are regularly informed of the progress of the matter and of the consequences of any finding if the grievance is substantiated

## 2. BULLYING

### 2.1 Definition – What Is Bullying?

Bullying at work, as defined by the Fair Work Act 2009, occurs when:

*a person or a group of people behaves unreasonably and repeatedly towards a worker or a group of workers while at work, and the behaviour creates a risk to health and safety.*

Bullying behaviour may involve, for example, any of the following types of behaviour:

- Aggressive or intimidating conduct
- Belittling or humiliating comments &
- Spreading malicious rumours including by electronic means such as email, notice boards, blogs and social networking websites

- Teasing, practical jokes or 'initiation ceremonies'
- Exclusion from work-related events
- Unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level or giving someone the majority of unpleasant tasks;
- Displaying offensive material
- Pressure to behave in an inappropriate manner
- Verbal abuse or threats, including yelling, screaming or offensive language;
- Deliberately changing work rosters to inconvenience particular staff members/volunteers;
- 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;
- Cyber bullying; and
- Physical abuse.

However, in order for it to be bullying the behaviour must be repeated and unreasonable and must create a risk to health and safety.

Bullying does not include reasonable management action carried out in a reasonable manner.

## 2.2 What Is Not Bullying?

Some actions, though they feel uncomfortable and unpleasant for a worker, are not considered bullying behaviour. According to the Fair Work Act 2009, bullying does not include reasonable management action carried out in a reasonable manner.

- Reasonable management action may include:
- Performance management processes
- Disciplinary action for misconduct
- Informing a worker/volunteer about unsatisfactory work performance or inappropriate work behaviour
- Asking a worker/volunteer to perform reasonable duties in keeping with their job
- Maintaining reasonable workplace goals and standards.
- A direction to comply with BSWA Constitution and policies

A manager is entitled to carry out actions and give directions that are consistent with managing the workplace. However, these actions must be conducted in a reasonable manner. If they are not, they could still be bullying.

## 2.3 Procedures

2.3.1 Staff member or Volunteer should raise a claim of bullying in writing with their nominated supervisor or in the case of there not being a supervisor, the Vice President of the BSWA and attempt to resolve such claims locally and informally. At this stage, the staff member or volunteer, at their discretion, may also report their attempt to resolve their claim to Hon. Secretary on [secretary@bswa.org](mailto:secretary@bswa.org)

2.3.2 Where the attempt to informally resolve the matter fails or is not appropriate, staff /volunteer should discuss the matter with the President of the BSWA. At this stage, the staff member or Volunteer must report their attempt to resolve their issue to Hon. Secretary on [secreatry@bswa.org](mailto:secreatry@bswa.org)

2.3.3 In the case of all bullying complaints, the BSWA will review the allegations and respond to the staff member or volunteer who raised the complaint. While the procedural requirements of the various bullying resolution mechanisms vary, BSWA aims to ensure that:

- Bullying complaints are addressed sensitively, promptly and in accordance with relevant BSWA 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

2.3.4 As advised in clause 2.3.1 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/Vice President of the BSWA, or President of the BSWA.

2.3.5 In circumstances where the bullying complaint is unable to be resolved at the informal stage or local level, the nominated supervisor/Vice President or President who has received the complaint may refer the matter to the Spiritual Director. The Spiritual Director in consultation with the Executives (President, Vice President, Treasurer and Secretary) 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:

- Conduct the investigation with due regard to procedural fairness, timeliness, and the individual's safety and well-being;
- Notify the parties of the investigation;
- Seek sufficient particulars of the alleged conduct to enable the complaint/concern to be factually investigated;
- Provide the respondent with a summary of allegations and/or a statement of the alleged conduct;
- Provide the respondent with an opportunity to respond to the complaint and/or alleged conduct;

- Interview the parties and, where necessary, any witnesses;
- Review any relevant documentation; and
- Prepare a report setting out the complaint, how the investigation was conducted, relevant facts, and findings, and present this to the Spiritual Director and the Executives.

#### 2.3.6 The Spiritual Director and the Executives will then make a decision based on the investigation

Reports 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 Admin Officer.

If the complaint is dealt with formally, the BSWA 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

### **3. OUTCOME AND REFERRAL - VIOLENCE, AGGRESSION AND BULLYING**

The BSWA, through its investigation of the complaints and findings, seeks to prevent the staff member from being further bullied or faced with violence and aggressive behaviour and enable normal working relationships to resume.

If a violence and aggressive behaviour /bullying complaint is investigated and findings are made that substantiate any or all of the allegations made, the Spiritual Director and the Executives may refer the matter to the relevant nominated supervisor in order for them to take appropriate action to prevent any behaviours that are identified as violence and aggressive behaviour /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 Executives;
- Restraining orders being taken against the offender
- Requiring compliance with this policy and procedure and any other relevant BSWA policy; and
- Provision of information, additional support and training of relevant staff.

The relevant nominated supervisor/Executives/Spiritual Director may also:

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

- Commence disciplinary action as detailed above including termination of employment voluntary or paid;
- 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 violence and aggressive behaviour / bullying 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.

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

#### **4. CONFIDENTIALITY AND VICTIMISATION**

- 4.1 The parties to a violence and aggressive behaviour /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 (as defined under the Agreement (or its successor) or a qualified counsellor.
- 4.2 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.
- 4.3 Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by the BSWA and may result in disciplinary action.

#### **5. INFORMATION SOURCES**

- <https://www.commerce.wa.gov.au/publications/code-practice-violence-aggression-and-bullying-work>
- [https://www.fwc.gov.au/disputes-at-work/anti-bullying#id\\_0](https://www.fwc.gov.au/disputes-at-work/anti-bullying#id_0)
- <https://www.safeworkaustralia.gov.au/bullying>
- [https://policies.acu.edu.au/hr/workplace\\_behaviour/workplace\\_bullying\\_policy2](https://policies.acu.edu.au/hr/workplace_behaviour/workplace_bullying_policy2)
- Code of practice, Violence, aggression and bullying at work 2010 – Government of Western Australia, Department of Commerce (Information, PDF File)
- Guide-Anti Bullying jurisdiction, Fair Work Commission (Information, PDF File)