

# BULLYING POLICY

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Drafted by	Simon Hemmings	Approved by MC on	2 August 2023
Responsible person	Simon Hemmings	Scheduled review date	1 January 2025

## INTRODUCTION

Cycling Without Age Australia believes all people should work in an environment free from bullying.

Cycling Without Age Australia understands bullying is a threat to the health and wellbeing of its workers and customers.

Cycling Without Age Australia is committed to eliminating, so far as is reasonably practicable, all forms of bullying by maintaining a culture of openness, support, and accountability.

## PURPOSE

The purpose of this document is to communicate Cycling Without Age Australia does not tolerate any form of bullying and to set out the process which is to be followed should any instances of bullying be reported.

## DEFINITIONS

**“Worker”** refers to volunteers and employees of Cycling Without Age Australia.

**“Volunteer”** refers to the subset of workers who provide their skills and labour to Cycling Without Age voluntarily and without payment.

**“Employee”** refers to the subset of workers who are paid to provide their skills and labour to Cycling Without Age Australia.

**“Contractor”** refers to an external service provider who provides their services to Cycling Without Age under a contract or service agreement.

**“Management Committee”** refers to the duly elected Management Committee of Cycling Without Age Australia Inc

**“Executive Office Holder”** refers to a person currently elected to an Executive Officer position (President, Vice President, Secretary or Treasurer) of the Management Committee of Cycling Without Age Australia.

**“Local Chapter Sub-committee”** refers to the duly appointed Sub-committee responsible for the day to day operation of a local chapter and accountable to the Management Committee

**“Bullying”** is repeated and unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

**“Repeated behaviour”** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

- A single incident is not defined as “bullying” and is not covered in this policy.
- Single incidents are still not acceptable, and should be addressed within standard team management processes, or if serious enough to be considered criminal, referred to police.

**“Harasser”** refers to a person who engages in bullying behaviour.

**“Unreasonable behaviour”** is behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person’s skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

Bullying can be carried out in a variety of ways including through email, text or social media channels.

Bullying can occur between workers (sideways), from managers to workers (downwards), or workers to supervisors/managers (upwards).

Reasonable management action is not considered to be bullying if it is carried out lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- deciding not to select a worker for promotion where a reasonable process is followed
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- taking disciplinary action, including suspension or terminating employment.

Differences of opinion and disagreements are generally not considered to be bullying.

Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter.

## **POLICY**

Cycling Without Age Australia has a duty of care to provide a safe workplace, and ensure, so far as is reasonably practicable, that its workers and other people are not exposed to health and safety risks.

Cycling Without Age Australia accepts and acts on its duty of care. Any reported allegations of bullying will be promptly, thoroughly, and fairly investigated.

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

## **RESPONSE TO ALLEGATIONS**

When an allegation of bullying is made, the Local Chapter Sub-committee must consult with the Executive of the Management Committee to decide (based on this policy) if informal intervention, formal investigation or referral to police is warranted. This must be done as quickly as possible after the allegations are received.

## **INFORMAL INTERVENTION**

Informal interventions are run by the Local Chapter Sub-committee in consultation with the Executive of Management Committee.

An appropriate officer of the Local Chapter Sub-committee will explain the rights and responsibilities of the worker under the relevant policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the organisation's formal procedure should be followed.

Following completion of an informal intervention concerning a bullying complaint that is resolved without need for formal complaints procedure, the Sub-committee Officer concerned will consult with the parties involved to monitor the situation and their wellbeing. This should take place in a period between 1 week and 1 month after the completion of the informal intervention.

## **FORMAL COMPLAINTS PROCEDURE**

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally (by an Executive Office Holder of the Management Committee or their delegate) or by an external investigator.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, participants may be stood down from volunteering positions or provided with alternative duties during an investigation. Employees will be paid their normal pay during any such period.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

Based on the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling
- Disciplinary action (including termination of employment)
- Official warning
- Formal apology and/or an undertaking that the behaviour will cease
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a bullying complaint (irrespective of the findings), the Executive Office Holder or delegate concerned will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all workers and contractors of their obligations and responsibilities in relation to providing an environment free from bullying.

## **PROCEDURES FOR DEALING WITH CRIMINAL CONDUCT**

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While Cycling Without Age Australia is committed to treat most

complaints about bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Complainants should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

## **AUTHORISATION**

A handwritten signature in black ink that reads "Karen Oliver". The signature is written in a cursive style with a large initial 'K' and 'O'.

Secretary of Management Committee

Date: 2nd August 2023

Cycling Without Age Australia