



DISTRICT 9675

BULLYING, HARASSMENT AND WORK-RELATED VIOLENCE PREVENTION POLICY

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1. Definitions

Bullying: is defined as repeated unreasonable behaviour directed towards a worker or group of workers or volunteers (see below) and the behaviour creates a risk to the health and safety of the worker or workers. It includes physical and psychological risks and abuse. The following behaviours could be considered bullying:

- aggressive and intimidating conduct
- belittling or humiliating comments
- victimisation
- spreading malicious rumours
- practical jokes or initiation
- exclusion from work-related events
- unreasonable work expectations
- consistent allocation of demeaning or meaningless tasks
- leaving offensive messages via email, telephone, social media or other communication devices.

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and are therefore unacceptable.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour, and if of sufficient seriousness, can be bullying and/or workplace violence.

A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine, or threaten a person actually have that effect.

Bullying can result from several different factors in a workplace including poor work relationships. This can be characterised by poor communication or negative relationships between workers, excessive criticism or the exclusion or isolation of workers.

Category 3 offence – A person commits a Category 3 offence if they have a health and safety duty and fail to comply with that duty.

District: means Rotary International District 9675, as defined by Rotary International from time to time.

Guide: Guide for Preventing and Responding to Workplace Bullying. Issued by Safe Work Australia in May 2016.

Harassment: Unwelcome behaviour that intimidates, offends or humiliates, as defined by the recipient

Discrimination: treating people less favourably based on particular personal characteristics which are illegal, including gender, sexual preference, marital status, race, religion, culture or cultural heritage, ethnicity, age, disability, pregnancy or the likelihood thereof or other personal characteristics.

Physical attack: means the direct or indirect application of force by a person to the body of, or the clothing or equipment worn by another person

Reasonable management action: conducted in a reasonable manner does not constitute workplace bullying or harassment.

Repeated behaviour: refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities – i.e. a pattern is being established from a series of events).

Rotary: means Rotary International.

Rotary Club: means a group of representative business and professional people and community leaders who have accepted the Rotary philosophy of service and are members of a club recognised by Rotary International.

Threat: a statement or behaviour that causes the person to believe that they are in danger physically or emotionally / psychologically.

PCBU: means a Person or Business Conducting an Undertaking. In Rotary, this is any person holding an office, any person 'in charge' of an activity.

Unreasonable behaviour: means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person.

Worker: is defined for the purposes of this Policy as:

- an employee of Rotary or a District or a Rotary Club
- a member of a Rotary Club
- a visitor to a Rotary Club meeting or event
- a volunteer working on a Rotary project

Work-related Violence –

can be any incident where a person is abused, threatened or assaulted in circumstances relating to their work.

Work-related violence covers a broad range of actions and behaviours that create a risk to the health and safety. Examples include:

- any form of assault, such as biting, spitting, scratching, hitting, kicking, punching, pushing, shoving, tripping, grabbing or throwing objects

- any form of indecent physical contact
- intimidating behaviour that creates a fear of violence, such as stalking or threatening to do any of the above.

2. District's Responsibility under the Work Health and Safety Act of 2020 (NSW)

Under the NSW Work Health and Safety Act of 2020, a District (as an organisation) is considered to be a Person or Business Conducting an Undertaking (PCBU). Safe Work Australia has issued a document "Guide for Preventing and responding to Workplace Bullying" and this policy conforms with that document issued in May 2016.

As such, all Rotarians, Rotaractors and the Boards or Committees of District and Rotaract are accountable under the Act, and in accordance with the Guide.

Rotarians, Rotaractors and our volunteers qualify as a "worker", even though they are volunteers.

3. Policy Statement

3.1 This policy aims to:

- promote a working environment which is free from bullying, harassment, and work-related violence
- promote a workplace environment where all workers are treated with dignity, courtesy, and respect
- facilitate training and awareness raising strategies to ensure that all workers know their rights and responsibilities
- provide an effective procedure for complaints
- ensure all complaints are managed in a sensitive, fair, timely and confidential manner
- encourage the reporting of behaviour which breaches this policy
- promote 'Rotary's 4 Way Test'
- ensure compliance with relevant legislation and industrial standards.

4. Introduction

4.1 Rotary District 9675 is fully committed to this policy and recognises that everybody has the right to be treated with respect and dignity. Bullying, harassment and violence can have a serious impact on the health, safety and wellbeing of people and will not be tolerated by Rotary.

- 4.2 District will endeavour to develop and maintain an organisational culture which respects the dignity of its workers and which also promotes high ethical standards and reasonable behaviour amongst members. District places an equally strong emphasis on the prevention of bullying, harassment and work-related violence as well as responding once it has occurred. This means Rotary Officers need to be active in identifying rumours, conflict or indicators of unreasonable behaviour in the same way they go looking to expose other risks. Causes of unreasonable behaviour need to be identified and addressed effectively and promptly.
- 4.3 All allegations of unreasonable behaviour, bullying, harassment and work-related violence will be confidentially investigated by Officers where appropriate, or external mediators, with strong disciplinary and/or corrective action being taken when necessary. All parties are to sign a Confidentiality Agreement before commencing any investigation.
- 4.4 This policy should be read in conjunction with other Rotary and District policies and standards, including:
- The 4 Way Test
 - Anti-Discrimination and EEO Policy.

5. Application

- 5.1 This policy applies to all workers as defined i.e. all Rotary members, visitors to Rotary meetings or events, and volunteers on Rotary projects.
- 5.2 This policy extends to all functions and places that are Rotary service work related.

6. Policy Accountability by Role

6.1 District Governor

Overall responsibility for the Policy in their District, specifically:

- To promote and motivate the Rotary Clubs in the District to adopt, discuss and implement the Policy in each Club;
- To promote the Policy within the District Leadership Team, including training District Leaders and Club Leaders on:
 - Educating Rotary Members on the Policy at Club level, and
 - Educating District and Club Officers on how to respond to and deal with complaints.

6.2 Assistant Governors

- Assistant Governors are responsible for promoting the Policy to the Clubs within their AG Group.
- Assistant Governors may organise training sessions for the Clubs in their AG Group on all Rotary Members responsibility to conduct themselves with acceptable behaviour at all times in Rotary settings. When requested by a Club, the District will organise for Club Officers to receive training on investigation, counselling and mediation, where appropriate and required.

6.3 Club Presidents and Officers

- Responsible for Policy implementation, promoting it to the Members, and monitoring Member behaviour in their own Club. Note that bullying and harassment can occur subtly; all Club officers should be aware of this and take action to CHECK and FOLLOW UP rumours, conflicts, or other indicators of unwelcome or unreasonable behaviour. Do NOT wait until a formal complaint or escalation is made; it is often too late to restore good relationships at this point.
- Responsible for seeking guidance from District (or a third-party professional) in respect to advising, counselling and/or resolving low level complaints of bullying, harassment, unreasonable behaviour and Work-related violence brought to their attention, where it is feasible to do so. Otherwise, immediately refer the complaint/situation to District for advice on external independent mediators. Complaint resolution is best undertaken by those specifically trained to do so. All situations must be actioned with urgency, as the highest priority.

6.4 All Rotarians

- Acceptance of personal involvement in the practical application of this Policy including not engaging in any of the wrong behaviours outlined herein, in their personal Rotary related activities.
- Reporting any instances of unreasonable behaviour, harassment, bullying, discrimination or work-related violence.
- Creating respectful workplaces which uphold District's values.
- Promoting an environment free of unreasonable behaviour, harassment, bullying and Work-related violence and take all reasonable steps to prevent such behaviour.
- Identify and promptly address behaviour of workers that could lead to bullying, harassment, or Work-related violence.
- Setting a positive example by treating everyone with respect and modelling appropriate behaviour to all.

6.5 Work-related Violence

- Any substantiated incident of work-related violence or sexual assault will be considered serious misconduct and may result in action being taken to terminate the membership of a Rotarian in a Club. Rotary or District may also refer these matters to the NSW Police for investigation.

7. Reasonable Management Action

7.1 Legitimate and reasonable managerial action, conducted in a reasonable manner, does not constitute workplace bullying or harassment.

7.2 These actions include, but are not limited to:

- Providing appropriate feedback on performance. The fact that a member may find such feedback upsetting does not of itself constitute bullying.
- Ensuring that workplace policies are implemented

7.3 Managing allegations of misconduct and taking appropriate action.

8. Resolution Options

8.1 Complaints relating to unreasonable behaviour, harassment, bullying or workplace violence will be dealt with promptly, and in a confidential and fair manner. All parties will have the right to have their side heard.

8.2 Depending upon their nature, Complaints of unreasonable behaviour, bullying or harassment may be managed either:

- Informally: By resolving the issue at the lowest possible level, or
- Formally: When
 - an informal approach has failed
 - the impact on the target has been so severe that they are unable to confidently use the informal options
 - the complaint involves Work-related violence when a worker lodges a complaint that requests a formal investigation, in line with reporting procedures.

Notes:

- If you receive/are dealing with a situation or formal complaint of unreasonable behaviour, Bullying or Harassment, decide whether you can work with the complainant and the other party/parties to independently resolve the matter. Independence, and the appearance of independence, are critical to effective resolution.

- If you believe you cannot independently resolve the matter, refer to District who can advise on next steps, including the possible use of an external independent mediator, skilled and knowledgeable in this area. An independent mediator has the goal of making sure all sides are confidentially heard and reaching a legal and fair conclusion that all parties understand. Often an independent mediator provides the confidential and independent environment that it is hard to achieve within the Club itself.
- 8.3 Any substantiated incident of Work-related violence or sexual assault will be considered serious misconduct and may result in action being taken to terminate a Rotarian's membership in a Rotary club. Rotary or District may also refer these matters to the NSW Police for investigation.
- 8.4 The penalties applicable under the Act in terms of Work-related Bullying or Harassment (if an allegation is upheld in a court of law and it is determined that all reasonable and practicable steps were not taken to mitigate the risk) are as follows:
- 8.4.1 Failure to comply with health and safety duty – Category 3
A person commits a Category 3 offence if:
- (a) the person has a health and safety duty, and
 - (b) the person fails to comply with that duty
- 8.4.2 Maximum penalty for Class 3 offence:
- (a) In the case of an offence committed by an individual (other than as a PCBU or as an officer of a PCBU) – the maximum penalty which may be imposed by the court is \$50,000
 - (b) in the case of an offence committed by an individual as a PCBU or as an officer of a PCBU - the maximum penalty which may be imposed by the court is \$100,000.