



Workplace Bullying procedure

Section 1 - Preamble

(1) This Procedure is effective from 7 March 2017.

Section 2 - Purpose

(2) This Procedure provides staff and associates with information to assist in the prevention, identification and management of workplace bullying and to set out the process to deal with behaviour which may constitute workplace bullying.

Section 3 - Scope

(3) This Procedure applies to all staff and associates of the University. This procedure does not apply to students of the University. Students may raise any concern with Student Complaints and Appeals. This Procedure may be used by the University to respond to complaints raised by students about University staff and associates.

Section 4 - Policy

(4) This Procedure is pursuant to the [Workplace Bullying policy](#).

Section 5 - Procedure

Workplace bullying complaints

(5) Workers should seek advice if they believe they are experiencing, or are observing workplace bullying. Advice may be sought from:

- a. a supervisor,
- b. an HR Client Partner,
- c. any member of the Health, Wellbeing and Safety or Workplace Relations teams in Human Resources Division (HRD) or
- d. [Harassment and Discrimination Contact Officers](#).

Further information is also contained in the Inappropriate Workplace Behaviours website.

(6) A supervisor may request an investigation into any observed behaviours that, if proven would constitute workplace bullying. In these circumstances, a supervisor is encouraged to seek advice from their HR Client Partner or any member of the Health, Wellbeing and Safety or Workplace Relations teams in HRD.

(7) The Manager, Student Complaints, Appeals and Conduct may refer matters to the Executive Director, Human Resources to investigate complaints raised by students about University staff and associates.

(8) Individuals only can make complaints. No group complaints will be accepted.

(9) Where a complaint involving the same fact or circumstances has already been investigated and an outcome determined by the University through another University process, further investigation will not be undertaken in accordance with this procedure.

(10) Where a worker's actions involve actual or threatened physical violence, the University may refer the matter to Deakin Security, the University's Safer Community Services and/or to the police for action or take any other actions necessary to ensure the safety of individuals.

(11) A worker may seek the assistance of a support person other than an Australian legal practitioner, at any stage during this procedure.

Informal resolution

(12) All reasonable attempts to resolve reports of workplace bullying should be made at the local and informal level, before proceeding to a formal complaint.

(13) If the worker feels comfortable doing so, the worker should attempt to resolve the issue directly with the other party by talking or writing to the person in relation to their behaviour. This process may be assisted by their HR Client Partner, or any member of the Health, Wellbeing and Safety or Workplace Relations teams in HRD. Further information is also available on the [Inappropriate Workplace Behaviours website](#).

(14) Where an informal direct approach has not resolved the matter, or it is not appropriate to attempt informal resolution, the worker, or their supervisor, may refer their complaint to their HR Client Partner, or any member of the Health, Wellbeing and Safety or Workplace Relations teams in HRD.

(15) If appropriate, Human Resources Division will arrange a meeting with both parties who will be provided the opportunity to explain their views and attempt, wherever possible, to resolve the matter.

(16) Any resolution will be recorded in writing and provided to both the parties. Further information on possible resolutions are provided on the [Inappropriate Workplace Behaviours website](#).

(17) If the matter is not resolved, the worker or a supervisor may make a formal complaint.

Formal complaints

(18) A formal complaint must be made in writing and lodged with the Manager, Workplace Relations using the [Workplace Bullying Complaint Form](#). Formal complaints can be made where the complaint has not been resolved during the informal resolution stage or the Manager, Workplace Relations or nominee determines that it is not appropriate to use the informal complaints process.

(19) If the Manager, Workplace Relations or nominee determines that the behaviour complained about does not constitute workplace bullying, the Manager, Workplace Relations or nominee will advise the complainant of any alternative University processes to address their complaint. If this occurs, this Procedure will cease to apply.

(20) Where the Manager, Workplace Relations or nominee determines that the behaviour complained about may constitute workplace bullying, they will appoint a HR Case Coordinator.

(21) The HR Case Coordinator will acknowledge receipt of the complaint and advise the complainant in writing of their appointment.

(22) At any stage in this procedure, a decision may be made by the Manager, Workplace Relations Human Resources Division or nominee as to whether any interim arrangements need to be put in place to prevent any further risk to the

health and wellbeing of any party involved. Such interim arrangements may include a change in a reporting line, an alternative work location or work arrangement.

(23) The HR Case Coordinator will recommend to the Manager, Workplace Relations or nominee an external investigator from the pool of available investigators to investigate the complaint.

(24) The HR Case Coordinator will advise the complainant and the respondent of the investigator and confirm the next steps to be taken, including the findings that might be made as a result of an investigation and the potential outcomes.

(25) Respondent/s are encouraged to seek advice and support from their HR Client Partner, or any member of the Health, Wellbeing and Safety or Workplace Relations teams in HRD.

(26) In conducting the investigation, the investigator will:

- a. treat matters seriously and confidentially
- b. investigate matters impartially and in a timely way
- c. identify and speak to relevant witnesses
- d. assess complaints on their merits and facts
- e. hear parties separately
- f. record the facts surrounding the matter and
- g. obtain any further information considered relevant.

(27) The investigator will provide to the Executive Director, Human Resources or nominee a confidential report, which will include:

- a. the allegations investigated
- b. the investigation process
- c. an outline of the relevant evidence
- d. a summary which includes:
 - i. whether any/all of allegations were substantiated, in part or in full
 - ii. whether any substantiated allegation constitutes a breach of the [Workplace Bullying policy](#) and/or procedure and/or the [Code of Conduct](#) and/or the [Health, Safety and Wellbeing policy](#)
 - iii. whether any/all of the allegations were vexatious and/or frivolous and should be dismissed; and
 - iv. any other relevant information, including any recommendations in relation to (i—iii above).

(28) The investigator's report will normally be provided to the Executive Director, Human Resources within 20 working days from the date the complaint is referred to the investigator unless, in exceptional circumstances, further time is required in which case the parties will be advised.

(29) The Executive Director, Human Resources or nominee will consider the investigator's report and determine any further action that should be taken, including any recommendation to pursue disciplinary action in accordance with the [Staff Discipline policy](#) or whether the matter should be referred to the police.

(30) The HR Case Coordinator will advise the parties of the decision of the Executive Director, Human Resources or nominee and will provide both parties with a confidential summary of the outcome of the investigation.

(31) A confidential record of the matters will be retained by the University.

Victimisation

(32) The University will take reasonable steps to ensure that the complainant, respondent or other persons participating in the complaints process, are not victimised.

(33) If a person believes they are being victimised for having made a complaint, being a respondent to a complaint, or having participating in a complaints process, they should advise their supervisor, a Harassment and Discrimination Contact Officer, their HR Client Partner or any member of the Health, Wellbeing and Safety or Workplace Relations teams in HRD.

Support

(34) The University acknowledges that experiencing or observing workplace bullying can be difficult and stressful and strongly encourages that the person/s seek any necessary support or assistance. Further information is available on the [Inappropriate Workplace Behaviours website](#) including details for accessing [Employee Wellbeing Support \(EWS\)](#).

Section 6 - Definitions

(35) For the purpose of this Procedure:

- a. Associates: contractors, consultants, volunteers, visiting appointees and visitors to the University.
- b. Repeated behaviour: persistent nature of the behaviour and can involve a range of behaviours over time.
- c. Staff: a member of the Academic or Professional staff, executive or honorary staff member.
- d. Unreasonable behaviour: behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- e. Victimisation: any form of detriment directed at a person for alleging, making or participating in, supporting or resolving a complaint of workplace bullying; or a person associated with a person who alleges, makes or participates in, supports or resolves a complaint of workplace bullying.
- f. Worker: staff and associates.
- g. Workplace bullying: repeated, unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Status and Details

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