



Millicent Community Access Radio

BULLYING POLICY – Code 1.5, 2.3

1 INTRODUCTION

Millicent Community Access Radio Inc. (also referred to herein as the Board) regards the dignity and autonomy of all people as a core value of the organisation. Bullying behaviour is based on the misuse of power in human relationships, and negates the dignity and autonomy of its victims.

Millicent Community Access Radio Inc. regards the health and safety of its staff, volunteers, and users as a primary responsibility. Bullying can affect health and wellbeing.

Millicent Community Access Radio Inc. is fully committed to eliminating, as far as possible, all forms of bullying in the workplace and in its relationships with its users through a culture of openness, support, and accountability.

2. PURPOSE

The purpose of this document is to outline Millicent Community Access Radio Inc.'s position on bullying and to document the process that is to be followed should any instances of bullying be reported.

3. DEFINITIONS

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

Bullying can occur at any level of the organisation, can be experienced by both men and women and may involve volunteers and/or volunteers and individuals from outside the organisation.

Formerly agreed behaviour may be found to be bullying when it continues after a request from the recipient for the behaviour to stop, or at the point it becomes intimidating, offensive or humiliating.

“Unreasonable behaviour” is behaviour that is offensive, humiliating, intimidating, degrading or threatening. It includes, but is not limited to:

- Verbal abuse
- Initiation pranks
- Excluding or isolating volunteers
- Giving a person the majority of an unpleasant or meaningless task
- Humiliation through sarcasm, or belittling someone's opinions
- Inappropriate use of social media to criticise someone
- Constant criticism or insults
- Spreading misinformation or malicious rumours
- Deliberately setting work routines or procedures to inconvenience certain volunteers
- Displaying written or pictorial material which may degrade or offend certain volunteers

“Repeated ... behaviour” refers to the nature of the behaviour, not the specific form of that behaviour. “Repeated unreasonable behaviour” may thus be a pattern of diverse incidents.



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Note (1): There are bound to be occasional differences of opinion, conflicts and problems in every workplace. Only when the treatment of another person is unreasonable, offensive or harmful does workplace bullying exist. Similarly, the exercise of a volunteer's legitimate authority through the direction and control of work responsibilities, the monitoring of workflow, and giving feedback on performance, is not bullying insofar as the volunteer's actions are intended to assist another volunteer to improve their tasks, their work performance, or the standard of their behaviour. If a volunteer has performance problems, however, these should be identified and dealt with in a constructive way that is neither humiliating nor threatening.

Note (2): Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter (see 7 e. Procedures for Dealing with Criminal Conduct).

4. POLICY

4.1 Bullying is prohibited. Millicent Community Access Radio Inc. will not tolerate any form of bullying under any circumstances.

4.2 The principles set out in this policy are intended to apply to any work-related context, including conferences, work functions, social events, and business trips.

4.3 A breach of this policy will result in disciplinary action. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate.

4.4 Millicent Community Access Radio Inc. strongly encourages any volunteer who feels they have been bullied, or have witnessed bullying taking place, to take action by making it clear that such behaviour is unwelcome and offensive; and/or by following the procedures set down for reporting the behaviour.

4.5 Any reports of harassment will be treated seriously and promptly with sensitivity and complete confidentiality, except insofar as:

- i) the rules of natural justice require the accused party to have knowledge of the identity of their accuser and the nature of the allegations made, and
- ii) disclosure is mandated under applicable occupational health and safety legislation.

4.6 Complainants have the right to determine how to have a complaint treated, have support or representation throughout the process, and have the option to discontinue a complaint at any stage of the process.

4.7 The alleged bully will have the right to have a support person of their own during any investigation procedures, to have representation and advice throughout the process, and to respond fully to any formal allegations made. No presumptions of guilt will be made and no determination reached until a full investigation has been completed.

4.8 No volunteer should be treated unfairly because of a complaint of bullying. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of bullying, or against any volunteer who has been alleged to be a bully.

4.9 Volunteers who fail to take appropriate corrective action when aware of bullying by another volunteer, or bullying directed towards another volunteer, will be subject to disciplinary action.



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5. RESPONSIBILITIES

5.1 It is the obligation and responsibility of every volunteer to ensure that the workplace is free from bullying. The responsibility lies with every volunteer to ensure that discrimination or victimisation does not occur.

5.2 It is the responsibility of the Chairperson and Board Members to ensure that:

- i) they understand, and are committed to, the right of all volunteers to attend work and perform their duties without fear of being bullied in any form.
 - ii) all reasonable steps to eliminate bullying are taken.
 - iii) all applicable occupational health and safety legislation is observed.
 - iv) all volunteers are regularly made aware of their obligations and responsibilities in relation to providing a workplace free from bullying.
 - v) they provide an environment which discourages bullying, and set an example by their own behaviour.
 - vi) all complaints are treated seriously and confidentially.
 - vii) they are as far as practicable aware of whether bullying is occurring, whether complaints are received or not, relying on such indices as sudden increases in absenteeism, unexplained requests for transfers, behavioural changes such as depression, sudden deterioration in work performance.
 - viii) they take immediate and appropriate corrective action if they become aware of any offensive action.
 - ix) guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying.
 - x) ongoing support and guidance is provided to volunteers in relation to the prevention of bullying.
 - xi) this policy is made available to all volunteers.
- i) they understand and are committed to the rights and entitlements of all volunteers to attend work and perform their duties without fear of bullying in any form.
 - ii) they provide an environment which discourages bullying.
 - iii) they immediately report any offensive action.

5.3 It is the responsibility of all Volunteers to ensure that:

- i) they understand and are committed to the rights and entitlements of all volunteers to attend work and perform their duties without fear of bullying in any form.
- ii) they provide an environment which discourages bullying.
- iii) they immediately report any offensive action.

6. PROCEDURES

6.1 Complaints Procedure

- i) Volunteers who believe they are the subject of bullying should take firm, positive and prompt action.
- ii) If deemed appropriate the volunteer should make the perceived bully (or bullies) aware that they find their behaviour offensive, unwelcome and unacceptable, and that it needs to stop immediately.
- iii) If the behaviour continues, or if the volunteer feels unable to speak to the person(s) directly, they should contact a member of the Board with whom they feel comfortable. The Board member will provide support and ascertain the nature of the complaint and the wishes of the complainant. The complainant does not have to request a full formal investigation if they will be satisfied by less formal treatment of the issue.



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6.2 Informal Intervention

- i) The Board member will explain the volunteer's rights and responsibilities under Millicent Community Access Radio Inc. Policy and procedures.
- ii) 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.
- iii) 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.

6.3 Formal Complaints Procedure

- i) Proceeding with a formal complaint requires the consent of the person complaining, particularly as witnesses or senior management may become involved. The formal procedure will be co-ordinated by the Appointed Representative of the Board under the guidance of the Board, where applicable.
- ii) The Appointed Representative of the Board should clarify the complaint and obtain a step-by-step account of the incident. In serious cases, more than one interview may be necessary.
- iii) The Appointed Representative of the Board will document all such interviews accurately and avoid irrelevant information. This record will include parties involved, timing, location, and nature of conduct complained against.
- iv) Records are to be kept and filed in a confidential and secure place. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.
- v) The Appointed Representative of the Board will organise an investigation, which in most cases will involve (but is not limited to):
 - a private interview to ascertain the facts and to find what the complainant expects to happen as a result of making the complaint
 - an interview with the alleged harasser(s) to ascertain their defence
 - interviews with other volunteers or individuals who may be able to assist
 - examination of any relevant documents.
- vi) All relevant evidence should be considered by the person conducting the investigation. Such evidence may include:
 - supporting (or contradictory) evidence provided by medical practitioners, counsellors, family members, friends, or co-workers
 - the Board representative's reports and personnel records
 - records kept by the person claiming to have been bullied;
 - information on whether the evidence was presented by the parties in a credible and consistent manner;
 - information on the absence of evidence where it should logically exist.
- vii) It may be necessary to provide affected volunteers with alternative working arrangements to avoid further conflict while the bullying complaint is being investigated. The complainant may also require counselling to develop coping strategies for dealing with the situation while the problem is being resolved.



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viii) The affected parties must be kept informed and all investigation actions and outcomes properly documented.

ix) On completion of the investigation the complainant and the Appointed Representative of the Board will determine a course of action to be taken. This may involve guidance from the Board of Barossa Broadcasting Board Inc or external authorities, where applicable.

x) Possible courses of action may include, but will not be limited to, any combination of the following:

- supporting (or contradictory) evidence provided by medical practitioners, counsellors, family members, friends, or co-workers
- the Board representative's reports and personnel records
- records kept by the person claiming to have been bullied;
- information on whether the evidence was presented by the parties in a credible and consistent manner;
- information on the absence of evidence where it should logically exist.
- counselling;
- disciplinary action against the bully or bullies (e.g. demotion, transfer, suspension, probation or dismissal);
- official warnings that are noted in the bully or bullies' personnel file;
- if there is strong evidence that the complaint was vexatious or malicious, disciplinary action against the person who complained;
- formal apologies and undertakings that the behaviour will cease;
- conciliation/mediation conducted by an impartial third party, where the parties to the complaint agree to a mutually acceptable resolution.

6.4. Determination and Outcome(s)

Determination of whether bullying has occurred will rest solely on the weight of the evidence.

i) If it is determined that bullying has taken place then outcomes will depend upon factors such as:

- the severity and frequency of the bullying;
- the wishes of the person who was subjected to the offensive behaviours;
- whether the bully could have been expected to know that such behaviour was a breach of policy;
- the level of contrition shown by the bully;
- whether there have been any prior incidents or warnings. ii) The relevant Appointed Representative of the Board will advise all relevant parties of the outcome.

iii) If the investigation determines that bullying has occurred, or that vexatious or malicious accusations have been made, the Appointed Representative of the Board must place on file a summary of the complaint and the action taken. A copy may be placed in the respondent's personnel file in accordance with performance counselling procedures.



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iv) If there is insufficient proof to decide whether or not bullying has occurred, the Appointed Representative of the Board concerned will:

- remind those involved of expected standards of conduct;
- conduct further training awareness raising sessions for volunteers;
- monitor the situation carefully.

v) The Appointed Representative of the Board will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews. If there has been any substantiated victimisation, appropriate disciplinary procedures will be followed.

7. Procedures for Dealing with Criminal Conduct

- i) Some forms of severe bullying (e.g., physical attack or obscene phone calls) may constitute criminal conduct.
- ii) Whilst Millicent Community Access Radio Inc is committed to treat most complaints about bullying at an in-house level as far as possible, this type of conduct is not suited to internal resolution.
- iii) Such complaints should be treated by the criminal justice system.
- iv) Volunteers should be advised of the option of Police support or intervention.
- v) It is not the obligation or duty of the organisation to report such matters to the Police on behalf of the complainant.