

Bullying Policy

Kangaroo Island Community Broadcasters Inc. regards the health, safety and welfare of its volunteers and users as a primary responsibility and are 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.

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

Policy

Bullying is prohibited. Kangaroo Island Community Broadcasters Inc. will not tolerate any form of bullying under any circumstances.

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

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

Kangaroo Island Community Broadcasters 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.

Any reports of harassment will be treated seriously and promptly with sensitivity and complete confidentiality.

The person making the complaint has the right to determine how to have the complaint treated, have support or representation throughout the process, and have the option to discontinue a complaint at any stage of the process.

The alleged bully will have the right to have a support person / representation of their own during any investigation procedures, 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.

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.

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.

Responsibilities

The obligations and responsibilities lie with every volunteer to ensure that discrimination or victimisation does not occur.

It is the responsibility of the **President and Board Members** to ensure that:

- 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.
- all reasonable steps to eliminate bullying are taken.
- all applicable work, health and safety legislation is observed. (Work Health and Safety Act 2012)
- all volunteers are regularly made aware of their obligations and responsibilities in relation to providing a workplace free from bullying.
- they provide an environment which discourages bullying and set an example by their own behaviour.
- all complaints are treated seriously and confidentially.
- 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, behavioural changes.
- they take immediate and appropriate corrective action if they become aware of any offensive action.
- guidance is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying.
- ongoing support and guidance are provided to volunteers in relation to the prevention of bullying.
- this policy is made available to all volunteers.

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

- 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.
- they provide an environment which discourages bullying.
- they immediately report any offensive action.

Bullying Procedures

Complaints Procedure

Volunteers who believe they are the subject of bullying should take firm, positive and prompt action. 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.

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 of Kangaroo Island Community Broadcasters Inc. 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.

Informal Intervention

The Board member will explain the volunteer's rights and responsibilities under Kangaroo Island Community Broadcasters Inc. 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.

Formal Complaints Procedure

Proceeding with a formal complaint requires the consent of the person complaining, particularly as witnesses 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.

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.

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.

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.

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.

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.

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.

The affected parties must be kept informed and all investigation actions and outcomes properly documented. 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 Kangaroo Island Community Broadcasters Inc. or external authorities, where applicable.

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

- 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.

Determination and Outcome(s)

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

The relevant Appointed Representative of the Board will advise all relevant parties of the outcome. 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.

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.

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.

Procedures for Dealing with Criminal Conduct

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While Kangaroo Island Community Broadcasters Inc. is committed to treat most complaints about bullying at a company 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. Volunteers 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.

Related Documents

- Sexual Harassment Policy
- Internal Conflict Policy
- Internal Conflict Procedure