



**Southern
Waste
Solutions**

**COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
TRADING AS SOUTHERN WASTE SOLUTIONS**

ANTI BULLYING POLICY

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1 CHANGES TO POLICY

The Chief Executive Officer must approve any changes to this policy.

2 PURPOSE

Southern Waste Solutions (SWS) is committed to providing its employees, including members of the Board, and contractors with a healthy and safe work environment. This includes elimination of all forms of bullying behaviour in the workplace.

This policy has been developed to clearly explain SWS policy in respect to bullying in the workplace and to provide a process to assist with the resolution of bullying complaints. Nothing in this policy limits an employee's right to refer a bullying complaint to a relevant statutory authority (such as the Fair Work Commission).

3 SCOPE

This policy applies to all SWS employees, including members of the Board, and contractors.

4 DEFINITIONS

Bullying occurs when a person or a group of people *repeatedly behaves unreasonably* towards a worker or group of workers at work *and that behaviour creates a risk to health and safety*.

Bullying behaviour is repeated unreasonable behaviour that creates a risk to health and safety and may involve:

1. Aggressive or intimidating conduct;
2. Belittling or humiliating comments;
3. Refusing to communicate with others in the workplace;
4. Victimisation;
5. Spreading malicious rumours;
6. Teasing, practical jokes or 'initiation ceremonies';
7. Exclusion from work-related events;
8. Unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level.
9. Displaying offensive material; and
10. Pressure to behave in an inappropriate manner.

Contractor is any person or organisation that undertakes work for SWS in accordance with a contract for services (whether verbal or written).

Employee is any person employed by SWS, whether on a permanent or casual basis, and includes members of the Board.

Reasonable management action may include (but is not limited to):

1. Performance management processes;
2. Disciplinary action for misconduct;
3. Informing an employee about unsatisfactory work performance or inappropriate work behaviour;
4. Directing an employee to perform duties in keeping with their job; or
5. Maintaining reasonable workplace goals and standards.

Any management actions must be conducted in a reasonable manner. If not, they could be construed to be bullying.

5 RESOLVING A COMPLAINT

Bullying complaints may be reported and resolved within the workplace or reported to an external statutory authority (such as the Fair Work Commission).

Resolving the complaint within the workplace

Where possible, an employee should report any bullying concerns to their manager or the Chief Executive Officer if the complaint relates to the employee's manager. If the complaint relates to the Chief Executive Officer, an employee may report the matter to a Board member. If the complaint relates to a Board member the matter should be reported to the Secretary.

When reporting an alleged bullying complaint, an employee ('the complainant') must provide details of the alleged bullying behaviour. In most cases this will include the time, date and location of the alleged conduct; what was said / done; who was involved and if there were any witnesses. The management representative investigating the complaint may speak with the complainant to clarify the complaint details.

Following receipt of a complaint and clarification of the complaint matters, the management representative will notify the alleged bully ('the respondent') of the complaint, provide details of the complaint and seek a response. The respondent will be provided with a reasonable period of time in which to respond.

Once both parties have had an opportunity to state their position and provide relevant evidence, the management representative will meet with the parties to advise on how the complaint will proceed. This will include advising the complainant and respondent that, based on the complaint and response provided and in the opinion of the management representative:

1. there is evidence that bullying has occurred; or
2. there is no evidence that bullying has occurred.

If the complaint is substantiated, the management representative will discuss the reasons for substantiating the complaint and will discuss options with the parties for resolving the complaint in an agreed manner. Having received options from both parties in respect to resolution, the management representative will advise both parties in writing how the complaint is to be resolved, including any specific requirements in terms of future behaviour and conduct. If possible, complaints are to be resolved by agreement between the parties.

Notwithstanding the manager's decision or any agreement referred to above, if the respondent has acted in a manner contrary to this policy or relevant statutory requirements (such as the *Work Health and Safety Act 2012* (Tas)), the management representative may advise the respondent that disciplinary action is a possible outcome. The respondent will be provided with an opportunity to provide a response to any proposed disciplinary action. The respondent will be given a reasonable time in which to respond. At the completion of this process the respondent will be advised of disciplinary action to be taken, if any.

If the complaint has not been substantiated, the parties will be advised as soon as possible. The parties will be provided with reasons for the decision.

At all times during the above process, an employee (whether complainant or respondent) may be represented by a person of their choice (other than a manager, Board member, the Secretary or Authority member of SWS).

Resolving the complaint through an external agency

An employee may, at any time, lodge a bullying complaint with an external statutory agency. Any complaint lodged with an external agency will be subject to the rules and requirements of that agency.

There are two primary statutory agencies that can investigate and resolve a bullying complaint:

1. **Fair Work Commission** – offers a process to resolve bullying complaints. The process commences by lodging an application (Form F72 Application for an order to stop workplace bullying) and paying a fee. The Form is available on the Commission's web site www.fwc.gov.au, or by phoning 1300 799 675, or from the Commission's offices at 1st Floor, 39-41 Davey Street, Hobart.

The Fair Work Commission can issue an order to stop bullying behaviour from continuing.

2. **WorkSafe Tasmania** – can assist you to resolve a bullying complaint. Call the Help Line – 1300 366 322 for advice.

6 SUPPORT

If you need confidential support in relation to alleged bullying, please contact Lifeline 13 11 14, or SWS’s employee support provider Workplace Health and Wellbeing 1800 316 616, <https://www.whwb.com.au/contact-us/>, samara@whwb.com.au or lorette@whwb.com.au

7 LANGUAGE TRANSLATION

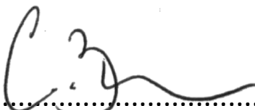
Where a worker’s preferred language is not English, a translated copy of this policy and applicable specific OHS&W policies and procedures will be provided by SWS on request or when deemed necessary.

8 ACTIONS FOLLOWING BREACH

Any breach of this policy will result in investigation and may result in disciplinary action in accordance with applicable SWS policies, processes or practices.

9 FURTHER INFORMATION AND DATE OF REVIEW

Please contact the Chief Executive Officer swstas@me.com or 0408 253 770.

Policy authorised by: 

Date:30/12/2021.....

Date to be reviewed:January 2023.....