

Call upon Northern NSW LHD to sign Dignity and Respect Charter

Dear Member,

Last October, the Lismore Base Sub Branch of the HSU passed a resolution at a protest against the alleged bullying of one of our members, calling on the Northern NSW LHD to sign the *HSU Dignity and Respect in the Workplace Charter*.

The LHD has only now written to the HSU refusing to sign the Charter.

What have they got to hide? Numerous LHDs across the state have signed it, but your LHD won't.

What can you and your sub branch do about this?

You can start by passing a resolution, calling on the LHD to sign the charter and get a photo of your sub branch holding copies of the attached charter.

Contact your sub branch and Organiser Peter Kelly via email peter.kelly@hsu.asn.au to organise a meeting.

Together we will win!

In unity,



Gerard Hayes
Secretary, HSU NSW/ACT/QLD



11 December 2018

Mr Gerard Hayes
Secretary
Health Services Union
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AUSTRALIA SQUARE NSW 1215
E: info@hsu.asn.au
Peter.kelly@hsu.asn.au

Dear Mr Hayes

I refer to the kNOw Workplace Bullying Guide published on your website and a recent request made by local organisers and members of the HSU for Northern NSW Local Health District (NNSWLHD) to sign the guide.

The LHD is committed to managing bullying and harassment in the workplace consistent with the values and requirements outlined in the NSW Health Code of Conduct, the NSW Health Prevention and Management of Bullying policy and other policy directives.

I consider the NSW Health and LHD frameworks already in place adequately represent and guide the commitment of NNSWLHD in relation to bullying and harassment.

Thank you for your interest in this important topic.

Should you require any further information, please contact the Director of Workforce on (02) 6620 2958.

Yours sincerely

Wayne Jones
Chief Executive



Dignity and Respect in the Workplace Charter

This organisation is committed to a workplace that ensures dignity and respect for all workers.

Dignity and respect requires acceptable behaviour from everyone in our workplace.



Preamble

Everyone in the workplace, irrespective of their position, deserves to be treated with dignity and respect. No one should suffer bullying, harassment or violence while going about their work or returning to work after an injury or illness. Behaviour that places the physical and mental health, safety and wellbeing of workers at risk is unacceptable.

It is important for everyone to speak up or speak out against unacceptable behaviour. Remember “the standard that you walk by - is the standard you accept”

Definitions

“Dignity and Respect” requires an organisation to have and maintain a certain behavioural culture that is inclusive, supportive, positive and productive. Acceptable and unacceptable behaviour are defined below.

What is unreasonable or inappropriate behaviour?

Bullying

Workplace bullying, is repeated unreasonable behaviour directed toward a worker or group of workers, that creates a risk to health and safety.

Within this definition:

‘repeated’ refers to the persistent nature of the behaviour and can refer to a range of behaviours over time. Behaviour is considered ‘repeated’ if an established pattern can be identified. It may involve a series of diverse incidents – e.g. verbal abuse and deliberate damage to personal property.

‘unreasonable behaviour’ means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten a worker or group of workers.

‘behaviour’ includes actions and comments towards an individual or a group and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

‘risk to health and safety’ includes risk to the mental or physical health of the worker.

Types of Bullying Behaviour

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:

- Being overloaded with work or not being given enough work to do;
- Being required to perform tasks without proper training or instruction and which may place a worker at risk from injury;
- Unreasonable overtime, unfair rostering, allocation of work or being asked to perform non-work related tasks;
- Being excessively supervised or criticised in an unconstructive manner;
- Being subject to constant ridicule and being put down in front of co-workers;
- Damage or interference with personal belongings, sabotage or undermining of work;
- Being the victim of loud and abusive, threatening or derogatory language usually when co-workers are present;
- Stalking an individual in person or via telephone, computer or social media;
- Open or implied threat of termination or demotion or being pressured to resign;
- Creation of an oppressive and/or unhappy work environment to coerce or intimidate workers;
- Intimidating or threatening workers not to report or complain about conditions, unacceptable behaviour or health, safety and welfare;
- Leaving offensive and inappropriate messages by email, telephone or via social media;
- Maliciously excluding and isolating a person from workplace activities and promotional opportunities;
- Humiliating a person through gestures or sarcastic, racist or derogatory comments;;
- Making vexatious complaints or spreading gossip, false or malicious rumours about a person;
- Taking action to cause damage to a worker’s employment or reputation;
- Inequitable use of performance management systems and personnel processes.

All workplaces experience occasional differences of opinion, tension and conflict. It is a part of working life. However, if ‘unreasonable behaviour’ is repeated then it is likely to amount to workplace bullying that will not be tolerated by the organisation.

Single Incidents of Unreasonable Behaviour

A **single incident** of unreasonable behaviour may not be considered bullying. Nevertheless, this will not be ignored or allowed. This organisation will intervene to ensure that these incidents do not escalate. This will help prevent future incidents occurring.

Workplace Violence

Workplace violence can be a single incident where a worker is subjected to unacceptable aggressive behaviour that could result in criminal prosecution. It is behaviour that places the physical or mental health and safety of a worker at risk, and it will not be tolerated by the organisation. The attacker’s intent is generally irrelevant and situations where a worker is attacked by a person who may not be able to form intent, but who is capable of violence, are covered. Examples of workplace violence could include:

- Severe threats to cause grievous bodily harm, maim, dismember or to kill;
- Throwing objects or equipment at a person;
- Attacking a person with a weapon or a makeshift weapon;
- Taking a person hostage; and
- Aggressive pushing, shoving, tripping, kicking, striking, punching, biting, spitting or other unwelcome and intentional physical contact or assault.

Reasonable Management Action

The definition of “bullied” in excludes “reasonable management action carried out in a reasonable manner.”

- It is important to differentiate between reasonable management action and workplace bullying.
- Feedback and counselling on work performance and other behaviours intended to assist workers should be dealt with in a constructive way which is not humiliating or threatening. The performance management process requires two way communication regarding work expectations.
- Disciplinary processes must incorporate principles of procedural fairness and provide appeal or review processes.
- Any workplace change or restructuring should be conducted consistent with legislative obligations and include genuine consultation with workers and their representatives.

Management and Supervisory Responsibilities

This organisation has a legal ‘duty of care’ in relation to the health, safety and welfare of all our workers. This includes a commitment to the mental health and psychological wellbeing of all our workers.

Worker participation is a key element in effective Health and Safety management systems. It promotes commitment to health and safety and develops a positive health and safety culture. This organisation is committed to fostering an environment consistent with consultative processes.

Employers (persons conducting a business or undertaking – PCBU) have responsibilities under legislation, including the responsibility to provide a safe workplace.

Key areas of legislation that provide for dignity and respect at work include:

- Workplace Health and Safety (WHS) Act 2011
- Workplace Health and Safety (WHS) Regulation 2011

Clause 34 of the Regulation requires all employers, in managing risks to health and safety to identify reasonably foreseeable hazards that could give rise to risk to health and safety for both physical and psychological health. This clearly identifies bullying, as a psychological hazard, to be a risk. The WHS Regulation requires employers to eliminate risks associated with bullying and workplace violence. The only way to eliminate these risks is to have policies and procedures that ensure dignity and respect in the workplace, effectively dealing any issues by clearly setting out processes for complaints and appeals. Training for managers and supervisors, and promotion of awareness amongst workers, are essential elements.

Employers, in order to meet their primary ‘duty of care’ obligations under **S 19 of the WHS Act and the WHS Regulation**, have an obligation to be proactive by conducting risk assessments to ensure risks from hazards, including bullying are appropriately managed. This includes having processes to ensure respect and dignity exists in the workplace, as well as an anti-bullying policy program.

Steps for Workers

- Promote dignity and respect in your workplace
- Get a copy and follow your workplace policy and procedures for Dealing with Workplace Bullying.
- If you witness unacceptable behaviour, speak to that person who may not be aware of their behaviour.
- If you believe you have been bullied report the incident to the Health and Safety Rep (HSR) or Manager/ Supervisor or your elected union representative.
- Complete an Incident Report form.
- Ensure the complaint is dealt with promptly and in a fair manner.
- Follow the agreed workplace grievance procedures for this process.

Five Steps To A Bully-Free Workplace

This organisation is committed to the five steps to a workplace with dignity and respect:

STEP 1 – Workplace Consultation

Set up appropriate consultative mechanisms involving our workers and their representatives to develop this organisation’s **Dignity and Respect in the Workplace Charter**.

Workers must be involved in the development of this code. It is important that the **Dignity and Respect in the Workplace Charter** reflects the needs and nature of the organisation.

A risk assessment will be conducted to ensure that this organisation is not ‘at risk’ by allowing or fostering a culture that encourages or tacitly condones bullying, harassment or violence.

STEP 2 – Workplace Awareness Campaign

All workers from senior management down will be made aware of the meaning and application of the **Dignity and Respect in the Workplace Charter** and will be given the ability to identify workplace bullying, harassment or violence in circumstances including:

- How to recognise bullying;
- The possible effects of bullying;
- Where to get further information.

The organisation will do this through OH&S induction and other training, posters, stickers and flyers explaining the **Dignity and Respect in the Workplace Charter**.

STEP 3 – Training and Development

The organisation will establish an effective training program for management and supervisors specifically tailored to the needs of our organisation and to meet its legislative and ethical objectives.

Management and supervisors will be trained in how to develop a workplace culture that ensures dignity and respect and is consistent with **Dignity and Respect in the Workplace Charter**. The training will include the skills necessary to manage the issue including skills in mediation and negotiation.

In addition to the training, all supervisors, managers, OH&S representatives and staff will be provided with a Dignity and Respect toolkit to assist them in the ongoing risk management process.

STEP 4 – Procedures to Deal with Complaints

This organisation will establish a complaints mechanism that includes:

- A time frame for complaints – complaints investigated immediately.
- A process that includes a record of the problem (e.g. an incident report form) and any other relevant information about the allegation, which should be forwarded to a designated responsible person and acted upon immediately.
- A trained, designated and impartial mediator who has authority to act to resolve the problem to ensure a fair and equitable outcome. In some instances it may be appropriate for the mediator to be sourced from outside the organisation.
- Support for parties involved; including counselling, formal apologies and any other appropriate action.

Ultimately prevention through an effective **Dignity and Respect Workplace Policies and this Charter** is the best way to ensure a productive and harmonious workplace.

STEP 5 – Consultation and feedback

A six monthly review of the Dignity and Respect in the Workplace Charter and grievance procedure and mechanisms ensure that the policy remains effective and relevant.

The review will involve consultation between senior management, relevant unions, WH&S Representatives and workers on the performance of the organisation on how it has met the objectives of the **Dignity and Respect in the Workplace Charter** in the previous six month period.

The review will identify any relevant matter, strategy or performance targets for inclusion in the **Dignity and Respect in the Workplace Charter** for the next six months.

The organisation is committed to the wellbeing of our entire workforce and has agreed to meet the objectives outlined in this Charter.

SIGNATURES

WORKPLACE UNION REPRESENTATIVES

EMPLOYER REPRESENTATIVES

HEALTH REPRESENTATIVES

