



**NSW
ENVIRONMENT PROTECTION AUTHORITY**

**Anti-Bullying
Policy**

Healthy Environment, Healthy Community, Healthy Business

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1. The Environment Protection Authority's Stance on Bullying

The Environment Protection Authority (EPA) does not accept workplace bullying behaviour in any form, from any of its staff. Bullying behaviour is not acceptable behaviour.

2. Purpose of the Policy

This policy is intended to assist all staff to:

- Fulfil their obligations to eliminate or minimise the risk of bullying,
- Provide staff with information on their rights and obligations when they make a complaint; and
- Manage complaints related to bullying.

3. Coverage

This policy applies to all EPA staff including staff in ongoing, temporary or casual employment.

4. Definition of workplace bullying

Not all behaviour that makes a person feel upset or undervalued at work is classified as workplace bullying.

4.1 What is workplace bullying?

Workplace bullying can be directed at a staff member or a group of staff members, and occurring at the place of work or outside work.

Workplace bullying will generally meet the following criteria:

1. It is repeated and systematic (although a serious single incident may constitute bullying).
2. It is unwelcomed and unsolicited.
3. The recipient(s) consider(s) the behaviour to be offensive, intimidating, to humiliate or threatening.
4. A reasonable person would consider the behaviour to be offensive, intimidating, to humiliate or threatening.
5. Creates a risk to health and safety

In the context of the above definition, bullying behaviour can take many different forms. It can range from more overtly aggressive behaviour such as shouting and physical confrontations. It may involve using an abusive or aggressive tone in speaking to other staff members. It can include more subtle behaviours, such as passive bullying, or tacitly supporting bullying by allowing it to continue.

Workplace bullying can be carried out in a variety of forums including in person, through email, text messages, internet chat rooms, instant messaging or other social media channels. In some cases workplace bullying may be conducted outside the workplace and normal working hours.

Bullying behaviour can be by one or more persons against any other person or persons. Managers and staff at any level can either be responsible for carrying out bullying or be the recipient of bullying conduct.

In considering what is workplace bullying, it is necessary to apply common sense. The above points should not be applied rigidly or without regard to all relevant factors. All bullying complaints must be treated seriously and confidentially, and acted on promptly.

4.2 What is not bullying behaviour?

Legitimate and reasonable managerial actions

Legitimate and reasonable managerial actions to direct and control how work is done in the workplace do not constitute workplace bullying.

Legitimate managerial actions may include:

- Providing appropriate, fair and reasonable feedback on a staff member's work performance (the fact that a staff member may find the feedback upsetting, does not on its own constitute bullying).
- Managing performance or underperformance issues.
- Issuing reasonable directions about work allocation and performance, and about attendance at the workplace.
- Transferring a staff member or taking action to make a staff member redundant where the process is conducted fairly and equitably.
- Making justifiable decisions related to recruitment, selection and other development opportunities.
- Ensuring that workplace policies, procedures and reporting are implemented.
- Managing allegations of misconduct and utilising disciplinary actions where appropriate.
- Overseeing injury and illness processes in accordance with Work Health and Safety, injury management and workers compensation legislation and policies.

Workplace conflict

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements in the workplace without engaging in bullying. However, in some cases, conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

If workplace conflict is affecting you, you should raise your concerns with your manager, supervisor, or Office of Environment and Heritage (OEH) People & Culture Branch (formerly HR Branch).

Discrimination or sexual harassment

Discrimination and sexual harassment in employment is unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

Discrimination generally occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people.

Sexual harassment is associated with unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature.

The EPA does not condone any of these behaviours.

It is possible for a person to be bullied, sexually harassed and discriminated against at the same time.

5. Prevention – managing risk of bullying

Managers or supervisors should take opportunities to consult with staff to identify and assess the potential for bullying in the workplace. WorkCover NSW publication *Prevention and Responding to Bullying at Work* may assist with this process.

Controlling the risk of bullying will involve implementing preventative and management policies and procedures, and training to eliminate, avoid or minimise the risk of harm occurring through bullying.

Strategies can include:

- Ensure that all staff understand what constitutes bullying and have an awareness of their obligations not to engage in bullying behaviour.
- Promote an anti-bullying workplace environment by their own conduct and behaviour in the workplace.
- Ensure that this document, related internal procedures and the OEH *Respectful Workplace: Policy and Procedures for addressing workplace issues and formal grievances* is communicated to all staff.
- Encourage and support staff in the self-resolution of conflict and workplace grievances by providing appropriate information and training, where necessary e.g. conflict resolution.
- Provide a clear and simple process for reporting bullying.

- Ensure support is offered and provided to the complainant and the person subject to the complaints.
- Ensure induction programs and other training address that bullying is not acceptable behaviour.
- Review related training to ensure its appropriateness.
- Promote a positive workplace culture including communicating and discussing the EPA's values and Code of Conduct with staff.

6. Confidentiality

All staff have rights and responsibilities in relation to confidentiality. Information about a bullying complaint should only be provided on a 'need to know' basis and should not be provided to third parties with no legitimate involvement in the process. Those involved in a bullying complaint have both the *right* to confidentiality, and the *responsibility* for maintaining confidentiality in respect of both the identity of those involved, as well as the subject matter. Documentation will be kept on a confidential file retained by OEH People & Culture Branch and will not be made available for another purpose.

7. Natural Justice

Natural justice should be afforded everyone involved in the complaint; decisions must be fair and respectful. Everyone has the right to be heard, explain their perspective and to respond to other people's perspectives. Additional support mechanisms will be available for all parties, where the party/ies choose to use them.

Managers/ supervisors must be impartial and unbiased and follow all related internal procedures. Managers/ supervisors may determine if the complaint would be better managed through another policy and process, following consultation with OEH People & Culture Branch.

8. Procedural Fairness

Bullying complaints must be dealt with fairly, promptly and efficiently as possible. Ideally, procedures including timeframes will be adhered to, and information that is relevant and reliable will be taken into account.

9. Availability

A copy of this policy will be placed on the EPA's internet site.