

BULLYING & HARASSMENT POLICY

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OVERVIEW

Pro Health Care and any subsidiary companies (“**Pro Health Care**”) seeks to provide a work environment that is safe and enjoyable for all.

Workplace bullying has a detrimental effect on Pro Health Care and its people. It can create an unsafe working environment, result in a loss of trained and talented employees, cause the breakdown of teams and individual relationships, increase absenteeism and reduce efficiency and productivity. People who are bullied can become distressed, anxious, withdrawn and can lose self-esteem and self-confidence. Workplace bullying is also in some circumstances against the law. For these reasons, bullying will not be tolerated by Pro Health Care.

Pro Health Care recognises that workplace bullying may involve comments and behaviours that offend some people and not others. Pro Health Care accepts that individuals may react differently to certain comments and behaviour. That is why a minimum standard of behaviour is required of employees. This standard aims to be respectful of all employees.

Pro Health Care recognises that workplace bullying can take place though a number of different methods of communication including face to face, email, text messaging and social media platforms. As such, this Policy applies to all methods of communication through which workplace bullying can take place.

This Policy applies to behaviours that occur:

- In connection with work, even if it occurs outside normal working hours;
- During work activities, for example, when dealing with clients;
- At work related events and functions, for example, at Christmas parties; and
- On social media platforms where employees interact.

This Policy applies to all employees including but not limited to casual and permanent employees, members of the board, volunteers, contractors and consultants. Employees are required to be familiar with and comply with the terms of this policy at all times. Failure to do so may result in disciplinary action, up to and including termination of employment.

In so far as this policy imposes any obligations on Pro Health Care (i.e. those additional to those set out under legislation), those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees (i.e. those additional to those set out under legislation), they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee’s written employment contract.

Pro Health Care may unilaterally introduce, vary, remove or replace this policy at any time.

WHAT IS WORKPLACE BULLYING?

Workplace bullying occurs when an individual, or a group of individuals, repeatedly behaves unreasonably towards an employee, or a group of employees, and the behaviour creates a risk to health and safety. It includes both physical and psychological abuse.

Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect).

The following are some examples of direct bullying:

- Abusive, insulting or offensive language or comments;

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- Violent, aggressive or intimidating conduct;
- Belittling or humiliating comments;
- Victimisation; and
- Practical jokes or initiation.

The following are some examples of indirect bullying:

- Unjustified criticism or complaints;
- Deliberately excluding someone from work-related activities;
- Withholding information that is vital for effective work performance;
- Setting unreasonable timelines or constantly changing deadlines;
- Setting tasks that are unreasonably below or beyond a person’s skill level;
- Denying access to information, supervision, consultation or resources to the detriment of the employee;
- Spreading misinformation or malicious rumours; and
- Changing work arrangements such as rosters and leave to deliberately inconvenience a particular employee or employees.

The above examples are not an exhaustive list of bullying behaviours. They are indicative of the type of behaviours that may constitute bullying and are therefore unacceptable to Pro Health Care.

If you are unsure whether behaviour not provided on this list constitutes bullying you should contact your direct manager in the first instance.

WHAT IS NOT WORKPLACE BULLYING?

Reasonable management action taken by managers or supervisors to direct and control the way work is carried out is not considered to be workplace bullying, if the action is taken in a reasonable and lawful way.

The following are some examples of reasonable management action:

- Realistic and achievable performance goals, standards and deadlines;
- Fair and appropriate rostering and allocation of working hours;
- Transferring an employee to another area or role for operational reasons;
- Deciding not to select an employee for a promotion where a fair and transparent process is followed;
- Informing an employee about unsatisfactory work performance in an honest, fair and constructive way;
- Informing an employee about unreasonable behaviour in an objective and confidential way;
- Implementing organisational changes or restructuring; and
- Taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

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WHAT IS WORKPLACE HARASSMENT?

Single incidents of unreasonable behaviour (such as harassment, violence or threatening behaviour) can also present a risk to health and safety and will not be tolerated.

Harassment is considered to be any form of behaviour that is:

- Unwanted;
- Offends, humiliates or intimidates; or
- Creates a hostile environment.

Where such conduct occurs towards a person due to a particular characteristic of that person (such as when based on sex, sexual orientation, pregnancy, marital status, age, disability, ethnicity or race,) this may be unlawful under discrimination and equal opportunity law, even if it is limited to a single incident.

For example, sexual harassment is unlawful even where it is not repeated conduct.

WHAT IS WORKPLACE SEXUAL HARASSMENT?

Workplace sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- Comments about a person’s private life or the way they look;
- Sexually suggestive behaviour, such as leering or staring;
- Brushing up against someone, touching, fondling or hugging;
- Sexually suggestive comments or jokes;
- Displaying offensive screen savers, photos, calendars or objects;
- Repeated unwanted requests to go out;
- Requests for sex;
- Sexually explicit posts on social networking sites;
- Insults or taunts of a sexual nature;
- Intrusive questions or statements about a person’s private life;
- Sending sexually explicit emails or text messages;
- Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites;
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment occurs in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

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All employees and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Pro Health Care will not tolerate or accept any form of sexual harassment, in the workplace or in any work-related context such as conferences, work functions and business trips. All employees are responsible for their own behaviour, and under the law may be held personally liable if they engage in sexual harassment.

WHAT IS WORKPLACE VIOLENCE?

Pro Health Care will also not tolerate any form of workplace violence. Workplace violence is considered to be any incident where a person is physically attacked or threatened in the workplace, whether this is directed to a co-worker, subcontractor, client, customer or visitor.

It includes (but is not limited to):

- Any type of direct physical contact such as punching, pushing, tripping, spitting or blocking of someone's way;
- Any form of unwanted physical contact.

MANAGERS AND SUPERVISORS ROLES

Managers and supervisors have an important role to play in terms of fostering a culture that does not tolerate or encourage harassment, bullying or workplace violence and should ensure that they do not engage in any conduct of this nature themselves.

Managers and supervisors should also ensure that employees understand this Policy and consequences of non-compliance. When managers and supervisors observe harassment, bullying or workplace violence occurring, they should take steps to prevent this conduct from continuing and warn the person or people involved of the consequences if the behaviour continues (including disciplinary measures, up to and including termination of employment).

Managers and supervisors must also treat all grievances raised by workers in accordance with Pro Health Care's Grievance Handling Policy.

EMPLOYEES ROLE

The Company expects employees to:

- Not to engage in harassment, bullying or workplace violence;
- Not to aid, abet or encourage others to engage in harassment, bullying or workplace violence;
- To behave in a responsible and professional manner;
- Treat others in the workplace with courtesy and respect;
- Listen and respond appropriately to the views and concerns of others; and
- To be fair and honest in their dealings with others.

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ARE YOU EXPERIENCING BULLYING AND HARASSMENT?

Complaints of bullying, harassment and workplace violence will be taken seriously and will be handled in accordance with Pro Health Care’s Grievance Handling Policy.

If you make a complaint of workplace bullying, harassment or violence it will be taken seriously and will be dealt with sympathetically and in a confidential manner (except where Pro Health Care deems it is necessary to disclose information in order to properly deal with the complaint).

You will not be victimised or treated unfairly for making a complaint.

If the claim is found to be substantiated, Pro Health Care will act in accordance with its Disciplinary & Termination Policy.

Please note that any employee found to have fabricated a complaint may be subject to disciplinary action under the Disciplinary & Termination Policy, up to and including termination of employment.

RELATED POLICIES AND PROCEDURES

Employees are encouraged to read this policy in conjunction with other relevant Pro Health Care policies, including:

- Code of Conduct;
- Values & Ethos;
- Mobile and Internet Policy;
- Social Media Policy;
- Grievance Handling Policy;
- Discipline & Termination Policy;
- Equal Opportunity & Discrimination Policy;
- Inclusion & Diversity Policy.

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