

**Jewish Community Radio Vic Inc**  
**Workplace Bullying Policy**

**1. Policy Overview**

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- 1.1. Jewish Community Radio Vic Inc (**J-AIR**) is committed to providing all employees, broadcasters, contractors, volunteers and members of J-AIR with a healthy and safe environment which is free from behaviours, practices and procedures that may constitute bullying.
- 1.2. This policy should be read in conjunction with J-AIR's Equal Opportunity and Discrimination Policy and Sexual Harassment Policy.

**2. Application**

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- 2.1. This policy applies to:
  - 2.1.1. committee of management;
  - 2.1.2. employees;
  - 2.1.3. broadcasters;
  - 2.1.4. contractors;
  - 2.1.5. volunteers; and
  - 2.1.6. members,of J-AIR (collectively known as the **personnel**) and covers all activities related to J-AIR, including J-AIR broadcasts.
- 2.2. This policy will apply to the behaviour of all the personnel of J-AIR during the course of their work (collectively known as the workplace);
  - 2.2.1. in the workplace, including the physical premises of J-AIR and during normal work hours and outside normal working hours.
  - 2.2.2. during work activities, including J-AIR broadcasts.
  - 2.2.3. at work related events both onsite and off J-AIR premises, including conferences and social functions.
- 2.3. This policy does not replace existing complaint resolution processes, including where a member of the personnel has a complaint about legitimate and reasonable:
  - 2.3.1. performance management processes; or
  - 2.3.2. disciplinary action.
- 2.4. Business processes, such as the implementation of organisational change or the management of unsatisfactory performance, do not constitute a form of workplace bullying.

### **3. What is workplace bullying?**

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- 3.1. **Workplace bullying** is repeated, and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.
- 3.2. **Repeated behaviour** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
- 3.3. **Unreasonable behaviour** means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- 3.4. **Risk to health and safety** includes risk to the psychological or physical health of the staff member or visitor.
- 3.5. Bullying and intimidation is unsolicited action which may be direct or imposed by indirect means. It may occur in one-to-one situations, in front of the personnel, or customers or by written, visual, electronic communications such as letters, drawings, emails, social media or telephone communications.

### **4. Types of behaviour**

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- 4.1. Bullying behaviours range from the very obvious such as physical and verbal assault and abuse through to the very subtle such as continually undermining another person. The following are examples of the types of behaviour that might constitute bullying and intimidation:
  - 4.1.1. practical jokes or initiation;
  - 4.1.2. abusive, insulting or offensive language or comments;
  - 4.1.3. aggressive and intimidating conduct;
  - 4.1.4. belittling or humiliating comments;
  - 4.1.5. victimisation;
  - 4.1.6. unjustified criticism or complaints;
  - 4.1.7. deliberately excluding someone from work-related activities;
  - 4.1.8. withholding information that is vital for effective work performance;
  - 4.1.9. setting unreasonable timelines or constantly changing deadlines;
  - 4.1.10. setting tasks that are unreasonably below or beyond a person's skill level;
  - 4.1.11. denying access to information, supervision, consultation or resources to the detriment of the worker;
  - 4.1.12. spreading misinformation or malicious rumours; and
  - 4.1.13. changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

Bullying may comprise one or several of the types of behaviour listed above.

### **5. What is not workplace bullying?**

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- 5.1. Reasonable management actions carried out in a fair way are not bullying. It is reasonable for management to take actions to allocate and manage the work within a work group. This may include:
- 5.1.1. setting performance goals, standards and deadlines;
  - 5.1.2. allocating work;
  - 5.1.3. rostering and allocating working hours;
  - 5.1.4. transferring a worker;
  - 5.1.5. deciding not to select a worker for promotion;
  - 5.1.6. informing a worker about unsatisfactory work performance;
  - 5.1.7. informing a worker about inappropriate behaviour;
  - 5.1.8. implementing organisational changes;
  - 5.1.9. performance management processes;
  - 5.1.10. constructive feedback; and
  - 5.1.11. downsizing.
- 5.2. **The actions set out in clause 5.1 may be considered unfair if they are taken to be delivered in an unreasonable and abusive manner.**

## **6. Responsibility**

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- 6.1. All personnel have an obligation and responsibility to proactively promote a workplace free of workplace bullying and intimidation in any working relationship between different personnel members.
- 6.2. 2.1.1. committee of management is responsible for
- 6.2.1. endorsing this policy and related procedures; and
  - 6.2.2. proactively promoting a workplace free from bullying and intimidation and act on incidents;
  - 6.2.3. providing for appropriate training and information to personnel of the workplace about what are acceptable and unacceptable workplace behaviours;
  - 6.2.4. informing personnel of the actions they can take if they feel they are being bullied or intimidated;
  - 6.2.5. arranging or providing adequate and appropriate support to personnel who make a complaint about bullying, including ensuring that the matter is treated confidentially and that the complainant is not victimised; and
  - 6.2.6. dealing fairly with all persons involved in allegations of bullying and intimidation including ensuring due process.
- 6.3. Employees, broadcaster, contractors, volunteers and members are responsible for:
- 6.3.1. ensuring they are familiar with this policy and complying with this policy;

6.3.2. understanding the responsibilities and adhering to the policies and procedures associated with maintaining an environment free of bullying and violence;

6.3.3. maintain complete confidentiality if they provide information during the investigation of a complaint.

6.4. This policy recognises that in some situations, people may not be aware that their behaviour is unacceptable or offensive, because such behaviour has become part of the prevailing culture of the workplace. It is the 2.1.1. committee of management's role to set acceptable standards and apprise personnel of their expectations.

## **7. Complaint procedure**

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### **Making a formal complaint**

7.1. A personnel member who feels they are being bullied or intimidated is entitled to make a formal complaint to the chair of the committee of management (chair). The complaint may be made by another personnel member should they so choose, on behalf of a personnel member.

7.2. The complaint must be in writing and provide sufficient information for the chair to assess whether an investigation is warranted. The chair may seek further information from the complainant or the other personnel member in order to ascertain whether an investigation is warranted. The complaint should include details of what informal steps have been taken to seek to resolve the matter or, if these have not been taken, why they are inappropriate.

7.3. Unless the chair is convinced that the complaint is frivolous or malicious, the chair will instigate an investigation of the complaint in circumstances where:

7.3.1. informal efforts have not resolved the matter; and/or

7.3.2. someone complained against has refused to participate in, or withdrawn from, conciliation.

7.4. If the chair is convinced that the complaint is frivolous, vexatious or malicious, the chair may advise the committee of management to further investigate this and consider disciplinary action.

### **Investigation of formal complaints**

7.5. Where the chair assesses that an investigation of a complaint is warranted, the chair will instigate a formal investigation into whether bullying or intimidation has occurred and, if so, who have been the perpetrators.

7.6. The person(s) against whom the complaint is made will be informed of the allegations and advised of their entitlement to be assisted by a work colleague or another representative, should they so choose. They will also be advised that the outcome of the investigation could lead to disciplinary action.

7.7. The chair shall ensure that whatever the outcome of the complaint, the complainant is not victimised.

7.8. The investigation may include gathering evidence from the complainant, the person(s) against whom the complaint is made and other relevant persons. The investigation shall be made in a timely manner but ensure that everyone involved has adequate time and resources to provide

**Commented [RB1]:** Jim, should this be the chair of the CoM or a specific subcommittee or policy officer?

**Commented [JC2R1]:** Chair of the CoM

relevant information. The report of the investigation shall be provided to the committee of management, the complainant and the person(s) against whom the complaint was made.

#### **Action on the report**

7.9. The chair shall advise the committee of management on:

7.9.1. the appropriate action, based on the findings of the investigation, which made include:

- an apology.
- changes to work practices.
- disciplinary action.
- training.
- notes placed in personnel file etc,

7.9.2. whether or not disciplinary action is warranted against the person or persons subject to the complaint;

7.9.3. remedial actions which should be taken by the committee of management to prevent workplace bullying or intimidation;

7.9.4. Whether counselling, conciliation or mediation should be provided.

#### **Disciplinary action**

7.10. Any disciplinary action in regard to workplace bullying or intimidation will be taken in accordance with any Agreement under which the person subject to the complaint is engaged (if applicable). It is recognised that the report of the investigation into a formal complaint may be used to formulate allegations of misconduct or serious misconduct.

#### **8. Additional resources**

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SafeWork Guide for Preventing and Responding to Workplace Bullying – May 2016

Contact the Victorian Equal Opportunity and Human Rights Commission.

Phone: 1300 891 848  
Address: Level 3, 204 Lygon Street Carlton Victoria 3053  
Email: [enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au)  
Web: [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

Contact the Australian Human Rights Commission.

Phone: 1300 369 711  
Address: Level 3, 175 Pitt Street Sydney New South Wales 2000  
Email: [infoservice@humanrights.gov.au](mailto:infoservice@humanrights.gov.au)  
Web: [www.hreoc.gov.au](http://www.hreoc.gov.au)

Australian Human Rights Commission Act 1986 (Cth)

Age Discrimination Act 2004 (Cth)

Disability Discrimination Act 1992 (Cth)

Racial Discrimination Act 1975 (Cth)

Racial and Religious Tolerance Act 2001 (Vic)

Sex Discrimination Act 1984 (Cth)

Equal Opportunity Act 2010 (Cth)

Equal Opportunity Act 1995 (Personal Characteristics) (Vic)

Equal Opportunity Amendment Act 2011 (Cth)

Human Rights and Responsibilities Act 2006 (Vic)

Occupational Health and Safety Act 2004 (Vic)

Work Health and Safety Act 2011 (Cth)

Workplace Gender Equality Act 2012 (Cth)

Fair Work Act 2009 (Cth)