NTEU Workplace Bullying – Draft Policy

PREAMBLE

1. NTEU declares that:
   (a) workplace bullying is a form of harassment in employment which is unacceptable in the workplace;
   (b) employers have a clear responsibility for the prevention and elimination of bullying in the workplace.

2. NTEU recognises that:
   (a) workplace bullying potentially and actually adversely affects the health and well-being of individual employees or groups of employees;
   (b) workplace bullying has been found to be a serious issue in workplaces and affects a significant proportion of employees in the tertiary education industry;
   (c) workplace bullying is predominantly undertaken by managers against staff; and
   (d) all employees have the right to work in an environment free from workplace bullying.

OBJECTIVE

3. NTEU endorses this policy with a view to the reduction and eventual elimination of workplace bullying in the tertiary education industry, through:
   (a) education relating to the nature and extent of workplace bullying;
   (b) development of policy and procedures on workplace bullying at the institutional level;
   (c) awareness campaigns; and
   (d) workplace information and training on strategies for prevention and handling of workplace bullying.

DEFINITION

4. Workplace bullying may involve:
   (a) behaviour aimed to demean, humiliate or intimidate employees either as individuals or as a group;
   (b) the less favourable treatment of a person by another in the workplace, beyond that which may be considered reasonable and appropriate workplace practice;
   (c) unwelcome and unreasonable behaviour that creates a hostile, uncomfortable, offensive or 'charged' work atmosphere leading to stress;
   (d) misuse of relative and / or assumed power;
   (e) occurrence of the following:
• continual unjustified and unnecessary comments about an employee, their work or capacity for work
• comments aimed to discredit or undermine an employee or devalue their work
• continual ignoring or exclusion of an employee or group of employees from normal conversation, work assignments, work-related social activities and networks
• the making of derogatory or intimidating remarks
• unreasonable demands and impossible targets
• phone calls, letters or emails which are threatening, abusive or offensive
• taking deliberate advantage of a lack of understanding or knowledge due to inexperience
• constant, intrusive surveillance or monitoring
• the unnecessary intrusion into the personal relationships of an employee
• restrictive and petty work rules
• being intentionally overworked and being forced to stay back or perform additional tasks
• open or implied threats of demotion, dismissal or disciplinary action
• emotional blackmail
• constant criticism or denigration of employee(s) in front of others

5. Workplace bullying is not always a simple abuse of power from supervisors to subordinate employees: for example, employees or students can bully their supervisors, and workplace bullying can occur between members of an ostensibly equal group.

EMPLOYER RESPONSIBILITIES

6. Given the clear responsibility of employers for the maintenance of a safe work environment and for the prevention and elimination of workplace bullying, NTEU calls upon all employers in the tertiary education industry to develop and support policies and strategies to combat workplace bullying. These should include:

(a) a clear definition of workplace bullying;
(b) a statement that the institution’s management is strongly opposed to workplace bullying and is committed to ensuring it does not occur;
(c) effective procedures for dealing with complaints of workplace bullying fairly, involving proactive arbitration and penalties where appropriate;
(d) promotion of information on these procedures and other remedies and resources available both within and outside the institution; and
(e) information and training on workplace bullying in staff development programmes for all staff, especially those in management roles.

7. Employers should address the issues of workplace bullying by clients, students or members of the public where employees are working in the relevant circumstances.
8. Institutional procedures for dealing with complaints of workplace bullying should:

(a) be clearly defined and effective;
(b) identify and publicise names and locations of appropriate contact people in each work area;
(c) abide by the principles of natural justice;
(d) indicate serious and sympathetic treatment of all complaints;
(e) provide for immediate response and resolution of complaints of workplace bullying without delay;
(f) include an assurance of protection for all interested parties, such as the person complaining of bullying and the person accused of bullying;
(g) address appropriate action to be taken where there has been an improper use of procedures relating to workplace bullying; and
(h) provide for ongoing monitoring of the procedure’s effectiveness.

NTEU RESPONSIBILITIES

9. NTEU is committed to eliminating workplace bullying as part of its overall strategy to achieve equal opportunity and fairness at work.

10. NTEU recognises that a key to the prevention and elimination of workplace bullying is the collective response of workers to any instances of such bullying. NTEU and its members bear a collective responsibility to take positive steps to eliminate this harassment, through education and through solidarity in the workplace.

11. NTEU regards all forms of bullying and harassment in employment as an industrial issue. Members subject to workplace bullying have the support of their union.

12. To pursue these objectives NTEU will develop and pursue the following strategies:

(a) initiation of development of institutional policies and procedures to deal with workplace bullying where these do not exist;
(b) continued involvement in research and education on the issue of workplace bullying;
(c) inclusion of a workplace bullying component in delegate and member training courses;
(d) provision of information on workplace bullying, including relevant procedures and resources, to all levels of the membership;
(e) monitoring of the incidence of workplace bullying in employment in the tertiary education industry;
(f) inclusion of appropriate provisions dealing with workplace bullying in Enterprise Agreements;
(g) taking of legal action against employers who breach such provisions of those Enterprise Agreements; and
(h) pursuing the furtherance of this policy at all levels, both within the union movement and with government.
13. Where employers’ procedures are inadequate to deal with complaints of workplace bullying in a fair manner, Divisions and Branches are encouraged to negotiate the development of adequate procedures.

14. NTEU encourages all representatives of the union to take up the issue of workplace bullying and to assist members in accordance with NTEU policy.

15. NTEU officials dealing with incidents of workplace bullying are required to ensure that due process is observed.

REPRESENTATION OF NTEU MEMBERS

16. Nothing in this policy precludes a member from seeking union representation in relation to any matter, including disciplinary proceedings arising from a workplace bullying complaint. However, workplace bullying is inimical to the basic trade union principle of a safe working environment free from intimidation or harassment.

17. NTEU will therefore not support or condone the behaviour of any member properly found guilty of workplace bullying through institutional disciplinary procedures.