

## Model Anti-Bullying Policy

1. **Statement of Purpose/Commitment/Scope:** *should outline the intent of the policy, for whom it covers, an overview of the complaint process and that retaliation for exercising rights under the policy will not be tolerated.*

### **Example:**

The employer is firmly committed to providing a safe and healthy work environment in which all employees are treated fairly, with dignity and respect. The employer considers workplace bullying unacceptable behavior and provides this policy by which staff can have a complaint of workplace bullying addressed. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially. The employer encourages all employees to report any instance of bullying behavior. Employees who file complaints in good faith will not suffer negative consequences for reporting.

This policy applies to all employees, regardless of his/her employment status, during normal working hours, at work-related or sponsored functions, and while traveling on work-related business.

2. **Definitions:** *Policy should define workplace bullying (might also use the term “abusive conduct”) ... here are some examples to consider.*

### **Examples:**

- a. [Company Name] defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment (Society for Human Resource Management).
- b. Workplace bullying refers to repeated, unreasonable actions of individuals (or a group) directed towards an employee (or a group of employees), which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the employee(s) (Washington State Department of Labor and Industries).
- c. Workplace bullying is repeated, unreasonable behavior directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse. Unreasonable behavior is behavior that a reasonable person having regard to all circumstances would expect to victimize, humiliate, undermine or threaten a worker (Bully Zero Australia Foundation).

- d. The Occupational Safety and Health Administration defines workplace violence as “An action, whether verbal, written, or physical aggression, that is intended to control, cause, or is capable of causing injury to oneself or other, emotional harm, or damage to property.” (OSHA Field Health and Safety Manual).
- e. Abusive conduct includes acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive environment, which can include, but is not limited to
  - a. Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
  - b. Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
  - c. The sabotage or undermining of an employee’s work performance in the workplace (Model Abusive Conduct Prevention Policy – State of Tennessee).

3. ***How Workplace Bullying Can Occur:*** *Having a description on how workplace bullying happens can either be a separate section or included in the definition section of the policy.*

**Example:**

Workplace bullying can be carried out in a variety of ways including through verbal or physical abuse, through email, text messages, internet chat rooms, instant messaging or other social media channels. In some cases workplace bullying can continue outside of the workplace.

Workplace bullying can be directed at a single worker or group of workers and be carried out by one or more workers.

It can occur:

- Sideways between workers
- Downwards from supervisors or managers to workers, or
- Upwards from workers to supervisors or managers.

Workplace bullying can also be directed at or perpetrated by other people at the workplace such as clients, patients, students, customers and members of the public.

4. ***Examples of WPB:*** *Policy should describe examples of specific workplace bullying – both direct and indirect – but the list should state it is not inclusive of all examples of workplace bullying.*

**Examples:**

a. Direct Bullying includes, but is not limited to:

- i. Abusive, insulting or offensive language
- ii. Spreading misinformation or malicious rumors
- iii. Behavior or language that frightens, intimidates, humiliates, belittles or degrades, including over criticizing, or criticism that is delivered with yelling or screaming.
- iv. Staring, glaring or other nonverbal demonstrations of hostility
- v. Excessive monitoring or micro-managing
- vi. Consistent ignoring or interrupting of an employee in front of co-workers
- vii. Teasing or regularly making someone the brunt of pranks or practical jokes
- viii. Interfering with a person's personal property or work equipment
- ix. Making threats about job security without foundation
- x. Cyber bullying

b. Indirect Bullying includes, but is not limited to:

- i. Unreasonably overloading a person with work, or not providing enough work
- ii. Holding different standards from the rest of an employee's work group
- iii. Setting timeframes that are difficult to achieve, or constantly changing them
- iv. Setting tasks that are unreasonably below, or above, a person's skill level or giving someone the majority of unpleasant tasks
- v. Deliberately excluding or isolating a person from normal work activities
- vi. Withholding information that is necessary for effective work performance
- vii. Deliberately denying access to resources or workplace benefit and entitlements, such as training and leave
- viii. Copying emails that are critical about someone to others who do not need to know
- ix. Encouragement of others to turn against the targeted employee
- x. Sabotage of a employee's work product or undermining of an employee's work performance

5. **What is not workplace bullying?** *It may be appropriate to state the behaviors that do not constitute workplace bullying, such as reasonable management practices. Examples might include setting reasonable performance goals, standards and deadlines in consultation with employees and after considering their respective skills and experience.*

**Example:**

Management may take reasonable action to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and give feedback on a worker's performance. These actions are not workplace bullying if they are carried out in a lawful and reasonable way, taking the particular circumstances into account. Examples of reasonable actions include:

- a. Setting realistic and achievable performance goals, standards and deadlines •
- b. Fair and appropriate rostering and allocation of working hours
- c. Transferring a worker to another area or role for operational reasons
- d. Deciding not to select a worker for a promotion where a fair and transparent process is followed
- e. Informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- f. Informing a worker about unreasonable behavior in an objective and confidential way
- g. Implementing organizational changes or restructuring
- h. Taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

6. ***Impact of Workplace Bullying:*** *You might want to consider including the potential mental and physical harm that can result from both experiencing and/or witnessing workplace bullying.*

**Example:**

Workplace bullying can be harmful to the person experiencing it and to those who witness it. The effects will vary depending on individual characteristics as well as the specific situation and may include one or more of the following:

- Distress, anxiety, panic attacks or sleep disturbance
- Physical illness, for example muscular tension, headaches, fatigue and digestive problems
- Loss of self-esteem and self-confidence
- Feelings of isolation • deteriorating relationships with colleagues, family and friends
- Negative impact on work performance, concentration and decision making ability
- Depression, and
- Thoughts of suicide.

Workplace bullying can also have a negative impact on the work environment and incur direct and indirect costs for a school district/state agency/institution/ agency, etc., including:

- High staff turnover and associated recruitment and training costs
- Low morale and motivation
- Increased absenteeism
- Lost productivity
- Disruption to work when complex complaints are being investigated

- Costs associated with counselling, mediation and support
- Costly workers' compensation claims or legal action, and
- Damage to the reputation of the employer.

7. **Employer and Employee Responsibilities:** *The policy should specify the responsibilities of the employer, including expectations of supervisors and employees and how the policy will be communicated to all employees. It should also outline reporting expectations of all employees, including those that are witness to bullying behavior. This might also be covered in the first section on purpose/commitment/scope.*

**Example:**

The employer shall provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with threatening or potentially violent situations.

The employer shall respond promptly, sensitively and confidentially to all situations where bullying behavior is observed or alleged to have occurred.

The employer shall ensure that all employees have access to and are provided training on this policy; including what constitutes workplace bullying and what procedures are to be followed if a complaint is made.

Employees are encouraged to report incidents that may violate this policy and participate fully and in good faith in any investigation regarding such allegation.

8. **Training and Education:** *The policy should outline a training protocol for both supervisors and employees that includes the definition of workplace bullying, risk factors associated with workplace bullying, how the employer is addressing the issue, which includes reporting and investigation procedures and available resources for those who have been affected by workplace bullying. Training is a significant factor in preventing and managing workplace bullying, particularly to enable early intervention in workplace conflict before it potentially escalates into bullying. Workers including managers and supervisors should be aware of their roles in relation to preventing and responding to workplace bullying and have the appropriate skills to take action where necessary.*

**Example:**

**Employee Training:**

Training for all employees should include information on:

- The standards of behavior expected in the workplace including the use of social media if relevant
- Awareness of the impact certain behaviors can have on others
- The work health and safety duties and responsibilities relating to workplace bullying
- Measures used to prevent workplace bullying from occurring
- How individuals can respond to workplace bullying
- How workplace bullying should be reported, and
- How workplace bullying reports will be responded to, including timeframes.

**Specific Manager and Supervisor Training:**

Managers and supervisors need the skills to be able to identify psychological hazards and put the right control measures in place. They should be trained in how to prevent and respond to workplace bullying, and in skills that will help develop productive and respectful workplace relationships, for example training that covers:

- Communicating effectively and engaging workers in decision-making
- Managing difficult conversations and providing constructive feedback both formally and informally
- Conflict management
- Effectively managing workloads and performance, and
- Diversity and tolerance

9. **Complaint Process:** *The policy should outline the actual process for filing complaints, how complaints will be investigated, the resulting actions for violators of the policy, and what corrective action will be taken as a result of the investigation. The policy should encourage the prompt reporting of complaints and concerns so that they can be addressed quickly before the situation becomes severe or pervasive. The complaint process might include two levels - informal and formal.*

**Example:**

Any employee who feels he/she has been subjected to workplace bullying is encouraged to report the matter immediately to a supervisor or to the human resources office. Employees or witnesses should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of others.

If the employee and the supervisor agree that it is appropriate, the complaint can be addressed informally whereby the supervisor can discuss the issue with the person against whom the

complaint is made and/or; facilitate a meeting between the parties in an attempt to resolve the issue and move forward.

If, however, the employee feels a formal complaint should be filed, a written complaint will be generated and a formal investigation will be initiated. Formal complaints should consist of precise written details of each incident of bullying behavior, including dates, times, locations and any witnesses. The person complained against will be notified that an allegation has been made against him/her and informed of the investigative procedure.

***10. Investigation Process:*** *The complaint investigation process should follow the same type of process as the employer would investigate a claim under EEOC requirements, such as sexual harassment. This most likely will include collecting information about the complaint and making a finding based upon the available information as to whether or not the alleged behavior occurred.*

**Example:**

Investigations of workplace bullying shall be conducted as soon as practicable and in accordance with the policies and practices of the employer. The objective of the investigation is to ascertain whether the behaviors complained of occurred, and therefore will include interviewing the complainant, accused, and witnesses with direct knowledge of the alleged behaviors. The investigation will be conducted thoroughly, objectively, with sensitivity, and with due respect for all parties. All affected parties will be informed of the investigation's outcome.

If the employer considers it appropriate for the safe and efficient conduct of an investigation, employees may be required not to report to work during the period of an investigation. Alternate duties may be assigned during the investigation period. Employees will be paid their normal pay during any such period.

***11. Corrective Action:*** *The policy should state what corrective actions are possible if the findings show workplace bullying was founded. This will be different for every work place. However, some general examples are provided below.*

**Examples:**

In the event of finding workplace bullying, the employer will take immediate and appropriate corrective action. Remedies may be determined by weighing the severity and frequency of the incidences and in accordance with existing disciplinary policies. Any disciplinary action is a confidential matter between the affected employee and the employer.

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, monitoring and oversight, mentoring and support, training, and disciplinary action up to and including termination, or changes in job duties or location. Individuals falsely accusing another of violations of this policy will be disciplined in accordance with existing disciplinary policies.

Any employees exhibiting continuing emotional or physical effects from the incident in question should be informed of established employee assistance programs or other available resources.

**12. Confidentiality:** *The policy should state that, as far as possible, the investigation process should be kept confidential.*

**Example:**

To the extent feasible, the employer will maintain the confidentiality of each party involved in a workplace bullying investigation, complaint or charge, provided it does not interfere with the ability to investigate the allegations or to take corrective action.

**13. Retaliation Prohibited:** *Policy should clearly state that retaliation is prohibited for those exercising their rights.*

**Example:**

Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy. (Tennessee) This includes retaliation against any employee or third party who:

- i. Initiates a complaint;
- ii. Reports an incident that may violate this policy;
- iii. Participates in an investigation related to a complaint; or
- iv. Is associated or perceived to be associated with a person who initiates a complaint or participates in the investigation of a complaint under this policy (Minnesota Respectful Workplace Policy).