

**Guide for preventing & responding to Workplace bullying:**

Beach Burrito Company is committed to active practices to avoid workplace bullying.

Workplace bullying is a risk to health and safety. Workplace bullying can adversely affect the psychological and physical health of a person.

‘Health’ is defined in the WHS Act as both physical and psychological health.

**What is workplace bullying?**

**Workplace bullying** is *repeated,* and *unreasonable behavior* directed towards a worker or a group of workers that *creates a risk to health and safety.*

**Repeated behavior** refers to the persistent nature of the behavior and can involve a range of behaviours over time.

**Unreasonable behavior** means behavior that a reasonable person, having considered the circumstances, would see as unreasonable, including behavior that is victimising, humiliating, intimidating or threatening.

**What are some examples of workplace bullying?**

Examples of behavior, whether intentional or unintentional, that may be workplace bullying if they are ***repeated*, *unreasonable*** and ***create a risk to health and safety*** include but are not limited to:

* Abusive, insulting or offensive language or comments
* Aggressive and intimidating conduct
* Belittling or humiliating comments
* Victimisation
* Practical jokes or initiation
* 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 worker
* Spreading misinformation or malicious rumours, and
* Changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

**\*If the behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.**

**What is NOT workplace bullying?**

A single incident of unreasonable behavior is not workplace bullying; however, it may be repeated or escalate and so should not be ignored.

### Reasonable management action taken in a reasonable way is also not workplace bullying:

* It is reasonable for Venue Managers and Kitchen Managers to allocate work and give feedback on an employee’s performance. These actions are not workplace bullying if they are carried out in a lawful and reasonable way.
* A Manager exercising their legitimate authority at work may result in some discomfort for an employee. The question of whether management action is reasonable is determined by considering the actual management action rather than an employee’s perception of it, and where management action involves a significant departure from established policies or procedures, whether the departure was reasonable in the circumstances.

**What is reasonable?**

* Setting realistic, achievable performance goals, standards, deadlines

fair, appropriate rostering and allocation of hours

* Transferring an employee to another area of the business for operation reasons

decisions on promotions made in a fair and reasonable way

* Informing employee about unsatisfactory work performance in a fair, constructive way
* Informing employee about unreasonable behavior in fair, reasonable way

implementing changes or restructuring

* Taking disciplinary action, incl suspension, or terminating employment where appropriate or justified.

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### Unlawful discrimination and sexual harassment: they are different…

Unreasonable behavior may involve unlawful discrimination or sexual harassment – BUT this by itself is not bullying.

Discrimination is unlawful under anti-discrimination, equal employment opportunity, workplace relation and human rights laws – but it’s not bullying.

E.g., it is unlawful for you to be terminated for raising health and safety concerns in your workplace.

**Sexual harassment:** includes unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature that could be expected to make a person feel offended, humiliated or intimidated.

**Workplace Conflict: it is conflict or bullying – what’s the difference?**

Differences of opinion & disagreements aren’t bullying. People can have differences and disagreements in the workplace without using repeated, unreasonable behavior that creates a risk to health & safety.

People take offence to action from Management sometimes, BUT this doesn’t mean the Management’s action was unreasonable.

However, in some cases, this does mean the conflict that arises from this may escalate to the point where it becomes workplace bullying.

**How can workplace bullying occur?**

Through the following ways:

* Verbal or physical abuse
* Email, text messages, online groups, instant messages, social media etc.
* It can be directed at an individual or a group.
* It can be sideways between workers
* Downwards from Management to workers
* Upwards from workers to Manager
* It can come from people outside the business, e.g., customers, suppliers, tradespeople.

**What are the impacts of Workplace bullying?**

**The effects are varying depending on the situation, and can include:**

* 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.

**It can also have the following negative impacts on the work environment:**

* 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 business.

**Who is responsible for addressing workplace bullying? All of us, actually!**

* Restaurant Managers and Kitchen Managers have a duty of care to address any form of bullying or harassment.
* All employeeswhether fulltime or casual have a duty to take reasonable care for their own health & safety at work and take care their actions do not adversely affect the health of others. They must also co-operate with the Beach Burrito Co. Workplace bullying policy.
* **Officers** (Company directors) must exercise due diligence to ensure the business complies with WHS Act.

**How do we prevent Workplace bullying?**

There is always a risk of bullying, wherever people work together.

Best practice is to take steps of prevention before occurrence.

* Regular communication with employees in all venues to see if workplace bullying is occurring.
* Seek feedback from employees in Exit interviews
* Seek feedback from Restaurant & Kitchen Managers regularly
* Monitor incident reports, workers comp claims, patterns of absenteeism, sick leave, staff turnover for patterns or unexplained changes.

**Beach Burrito Co. non-negotiables!**

* All workers are treated fairly with respect.
* **Management must be the Example!**
* Senior management, including Operations Manager, Area Managers, and HR Manager must effectively model Beach Burrito Company’s values and standards as a shining example to all employees.
* Unreasonable behaviour is not tolerated
* Workplace bullying Procedure given to all employees upon commencement of employment.
* Policy must be easily accessible by restaurant staff in each venue.
* Good management practice means Managers having effective communication with all their staff and aiming for respectful relations at all times.
* Managers must act swiftly when dealing with unreasonable behaviour

**Respectful and productive relationships**

* Managers should mentor and support new and also poor performing staff
* Ensure that management decisions and actions are defined and understood by all
* Employees must be clear on who in the business they can talk to about bullying, that their report will be taken seriously and that it will be confidential.
* Workplace bullying must be reported and dealt with fast, and in the same way every time.

**Employee Training**

* Early intervention in workplace conflict is key – before it escalates into bullying.
* Restaurant and Kitchen Managers should be aware of their roles in the company in relation to preventing bullying and also responding to conflict and potential bullying and have the skills to take action where needed.
* All employees must be aware of the standards of behaviour Beach Burrito Company expects This is outlined in the New Employee Handbook.
* All employees must understand how to report workplace bullying, who to report it to and how reports are managed.