



# **Bullying and Harassment Policy**

July 2014

# VOLUNTEER FIREFIGHTERS ASSOCIATION

## ANTI BULLYING POLICY

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# Scope

This policy applies to all volunteer rural firefighters who are members of the Volunteer Firefighters Association (VFFA).

# Purpose

VFFA identifies bullying as a form of harassment and deems any form of bullying unacceptable when members are in a volunteer capacity with the Rural Fire Service. The purpose of this policy is to prevent and eliminate all forms of workplace bullying.

# Definitions

*Repeated behaviour:* Repeated behaviour refers to the constant nature of the behaviour, not the specific type of bullying behaviour. Behaviour is considered repeated if an established pattern can be identified and it may involve a series of diverse incidents.

*Victimisation:* Victimisation occurs where a person subjects, or threatens to subject, another person to detriment on the basis that the person has made or proposes to make a complaint or act as a witness to a complaint made by another person.

# Policy Intention

VFFA is committed to ensuring its members are provided a safe and harmonious environment whilst volunteering with the RFS that is free from all forms of harassment, including bullying.

The VFFA is committed to representing all members who believe they have been subject to bullying and harassment whilst volunteering with the RFS.

Any form of bullying towards volunteer rural firefighters is unacceptable and will not be tolerated under any circumstances.

## Procedure

The VFFA will hold accountable RFS staff or volunteers for preventing bullying/harassment and ensuring that volunteer rural firefighters who make a complaint, or any witnesses who report bullying, are not victimised.

VFFA will make every reasonable effort to distribute and publicise this Policy throughout the organisation and elsewhere as appropriate.

Key components of this policy include:

- All VFFA members are encouraged to report instances of bullying/harassment.
- VFFA will take all allegations of bullying/harassment seriously and provide support on ensure that the RFS investigate such reports promptly, confidentially and impartially.
- All VFFA members subject to bullying/harassment will be provided with access to appropriate support and assistance.
- VFFA will ensure that there is no victimisation or retaliation against volunteer rural firefighters who report bullying/harassment. If it is found that a member has been subjected to bullying behaviour, their membership status with VFFA will not be disadvantaged in any way.
- VFFA will keep all information confidential to protect both complainants and alleged offenders.
- It is the responsibility of RFS to monitor and prevent bullying and harassment of volunteer rural firefighters under their control.

# Application

## *1.1 What is Bullying?*

Bullying can be defined as the repeated, unreasonable behaviour directed towards a volunteer or group including volunteers that creates a risk to their health, safety and welfare (including psychological welfare). Bullying is often, but not exclusively, an abuse of power.

Single incidents of bullying type behaviour should not be ignored or permitted in order to prevent the situation escalating. It is also important to note that although bullying is often a series of behaviour or incidents, a once-off incident may be deemed as bullying under the relevant legislation dependent upon the facts of an individual case.

The offending behaviour does not have to occur at the fire station or on the fire ground to constitute bullying – it can happen on the journey to or from the fire station, at RFS organised/sponsored events, or during RFS training or conferences held offsite.

Bullying may involve:

- Behaviour aimed to demean, humiliate, threaten or intimidate volunteer rural firefighters either as individuals or as a group
- The less favourable treatment of a volunteer by RFS staff or another volunteer rural firefighter whilst in their capacity as a RFS volunteer, beyond that which may be considered reasonable and appropriate practice
- Unwelcome and unreasonable behaviour that creates a hostile, uncomfortable atmosphere leading to stress.

Examples of such behaviour include:

- Continual unjustified and unnecessary comments about an volunteer or colleague
- Continual ignoring or exclusion of an volunteer, or group of volunteer rural firefighters from normal conversation, volunteer assignments, volunteer-related social activities and networks
- Teasing, baiting or practical jokes
- 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
- Restrictive and petty work rules
- Deliberately delaying the approval of requests for leave or training

- Being intentionally overworked and being forced to stay back or perform additional tasks
  - Unjustified open or implied threats of demotion, dismissal or disciplinary action
  - Constant criticism or denigration of volunteer(s) or colleague(s) in front of others
  - Denying access to training and promotion opportunities
  - Disclosing, or threatening to disclose, another person's personal information to work colleagues without their consent
  - Cyber bullying via social media and electronic communication devices.
- These examples are indicative rather than exhaustive.

## ***1.2 What is not Bullying?***

Bullying should not be confused with the legitimate exercise of managerial or supervisory

Authority by the RFS or RFS Captain of a brigade. It is not bullying for a supervisor, within the framework of RFS policies and procedures, to counsel a volunteer on their performance or institute proceedings for unsatisfactory performance, misconduct or dismissal or deal with complaints from others.

It is not bullying for volunteers to express differences of opinion or difficulties they may have with

RFS staff members provided that it is done in the appropriate manner.

## ***1.3 Legislative Context***

### **Legal Consequences of Bullying and Harassment**

- Volunteer rural firefighters who bully or harass may, in addition to disciplinary penalties under RFS service standard, also be prosecuted under the NSW Anti-Discrimination Act 1977, the Racial Discrimination Act 1975, the Sex Discrimination Act 1984 or the Disability Discrimination Act 1992.
- Under the NSW WHS Act rural firefighters when volunteering are technically in a workplace and workplace bullying is not a safe working environment and could result in criminal charges.
- Under s104 of the NSW Industrial Relations Act 1996, if the volunteer rural firefighter alleges that their resignation as a result of bullying

conduct was a “constructive dismissal”, they may succeed in a claim of unfair dismissal???

- Bullying or harassment may constitute unlawful discrimination under the *Fair Work Act 2009* where the behaviour can be shown to be an adverse action linked to one of the named attributes in the Act.
- Bullying may also amount to a criminal offence. Types of bullying that could amount to a criminal prosecution include:
  - Physical or sexual assault or threatened assault
  - Deliberate damage to property
  - Harassing phone calls
  - Stalking.

## **1.4 Responsibilities**

### **President VFFA**

The VFFA responsibilities are to:

- Ensure that VFFA meets its commitment to this policy.
- Foster the development of a culture within RFS that is respectful of individual volunteer rural firefighters, and discourages bullying and harassment of any sort.
- Ensure that allegations of bullying and harassment against VFFA members by RFS staff are promptly investigated by the RFS in accordance with RFS policy and addressed appropriately.
- Ensure that the RFS is held accountable for ensuring the workplace for volunteer rural firefighter is safe and free from bullying and harassment.
- Promptly deal with complaints of bullying or harassing behaviour within the VFFA in a sensitive and unbiased manner and resolve them with the assistance of the appropriate person(s).
- Do not ignore witnessed or rumoured incidents of bullying. Ensure any actual or alleged incidents are addressed appropriately.

### **Executive Team & VFFA members**

The Executive Team are in key positions and must ensure that the volunteer rural firefighters when volunteering with the RFS are working in an environment that is healthy, safe and free from all forms of bullying &, harassment, degrading and humiliating behaviour that may harm the health, welfare and morale of staff.

Their responsibilities are:

- Take all reasonable steps to ensure that follow up complaints / allegations from VFFA members of all forms of bullying and harassment.
- Provide an appropriate support that ensures that all volunteer rural firefighters are treated with dignity and compassion when going through the complaint resolution process
- Actively promote this policy and ensure that volunteer rural firefighters know that they do not have to be the recipients of bullying and harassing behaviour and that there are procedures to deal with it when it occurs.
- Consult with relevant volunteer rural firefighters, and the RFS to ensure strategies are in place to prevent or minimise the incidence of bullying or harassment in their Rural Fire District.
- Provide information, referral services and support to volunteer rural firefighters who lodge bullying and harassment complaints against RFS staff and other volunteers.
- Promptly deal with complaints of bullying or harassing behaviour in a sensitive and unbiased manner and resolve them with the assistance of the appropriate person(s).
- Do not ignore witnessed or rumoured incidents of bullying. Ensure any actual or
- Alleged incidents are addressed appropriately.

### **Volunteer rural firefighters**

Work Health and Safety legislation imposes responsibilities on volunteer rural firefighters in relation to ensuring that while they are volunteering their environment is safe. In relation to this policy, the responsibilities of volunteer rural firefighters are as follows:

- Ensure that they protect their own health, welfare and safety from bullying and harassing behaviour if it exists in the workplace.
- Report any incidences of workplace bullying and harassment that they are aware of.
- Do not engage in the bullying or harassment of colleagues or remain a silent witness to such behaviour.

### ***1.5 Reporting and Resolution Process***

Any complaints or issues concerning bullying should be addressed in one of the following ways:

- Following the grievance resolution process outlined in RFS Service Standard Grievance Handling Policy; or
- Referring the matter to VFFA for further advice.

## **REFERENCES**

NSW Industrial Relations Act 1996  
NSW WHS Act 2011  
NSW Anti-Discrimination Act 1977  
Racial Discrimination Act 1975  
Sex Discrimination Act 1984  
Disability Discrimination Act 1992  
NSW Crimes Act 1900  
Fair Work Act 2009

## **POLICIES**

RFS Code of Conduct  
Equal Employment Opportunity Policy  
Grievance and Dispute Handling Policy

Draft