

WORKPLACE BULLYING POLICY

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1. DEFINITIONS

Item	Definition
<i>Repeated behaviour</i>	Refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time
<i>Unreasonable behaviour</i>	Behaviour that a reasonable person, having regard to all the circumstances, would expect to result in victimising, humiliating, undermining or threatening another person.
<i>Workplace bullying</i>	Verbal, physical, social or psychological abuse by another person or group of people at work. that creates a risk to health and safety. It includes both physical and psychological risks and abuse

2. OBJECTIVE

- 2.1 To providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. Bullying is a risk to the health and safety of the workplace. It is unacceptable and will not be tolerated by the municipality.
- 2.2 To outline the municipality's commitment to a safe workplace and aims at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying while at work.
- 2.3 To detail the legal responsibilities of the municipality and employees in relation to preventing bullying in the workplace.
- 2.4 To provide a framework for preventing bullying in the workplace.

1. LEGAL FRAMEWORK AND REQUIREMENTS

- 1.1 Employment Equity Act, 55 of 1998
- 1.2 Labour Relations Act 66 of 1995
- 1.3 Occupational Health and Safety Act
- 1.4 Municipal Systems Act 32 of 2000
- 1.5 The Constitution of Republic of South Africa

2. APPLICATION OF THIS POLICY

- 4.1 This policy covers all employees of the municipality (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of the municipality (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively "workers").
- 4.2 This policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions. This Policy does not form part of any employee's contract of employment nor does it form part of any contract for service.

3. PRINCIPLES

- 5.1 Everyone at the workplace has a legal, as well as moral responsibility, to prevent bullying from occurring.

5.2 Under relevant health and safety legislation, the municipality's primary duty is to eliminate or minimise, as far as reasonable practicable, the risks to health and wellbeing in the workplace. This duty includes the implementation of strategies to prevent workplace bullying.

5.3 Workers are required to take reasonable care for their own health and wellbeing, as well as that of others at the municipality. They are required to also comply with any reasonable instruction given by the municipality.

4. FORMS OF BULLYING BEHAVIOURS

4.1 Bullying behaviours can take many different forms, from the obvious to the subtler:

- 4.1.1 Repeated hurtful remarks or attacks, or making fun of your work or you as a person (including your family, sex, sexuality, gender identity, race or culture, education or economic background ;)**
- 4.1.2 Sexual harassment, particularly stuff like unwelcome touching and sexually explicit comments and requests that make you uncomfortable;**
- 4.1.3 Excluding you or stopping you from working with people or taking part in activities that relate to your work;**
- 4.1.4 Playing mind games, ganging up on you, or other types of psychological harassment**
- 4.1.5 Intimidation (making you feel less important and undervalued);**
- 4.1.6 Giving you pointless tasks that have nothing to do with your job;**
- 4.1.7 Giving you impossible jobs that can't be done in the given time or with the resources provided**
- 4.1.8 Deliberately changing your work hours or schedule to make it difficult for you**
- 4.1.9 Deliberately holding back information you need for getting your work done properly**
- 4.1.10 Pushing, shoving, tripping, grabbing you in the workplace**
- 4.1.11 attacking or threatening with equipment, knives, guns, clubs or any other type of object that can be turned into a weapon**
- 4.1.12 Initiation or hazing - where you are made to do humiliating or inappropriate things in order to be accepted as part of the team.**

6.2 The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and are totally unacceptable at the municipality.

6.3 A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour. Your safety and wellbeing is important.

6.4 A person's Intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person actually have that effect.

6.5 Bullying in the workplace is harmful not only to the target of the behaviour but also damages the municipality's culture and reputation. It is unacceptable and will not be tolerated.

6.6 Some types of workplace bullying are criminal offences. If you have experienced violence, assault and stalking you should report it directly to the police.

5. EFFECTS OF BULLYING IN THE WORKPLACE

5.1 If you are being bullied at work, you might:

- 5.1.1 be less active or successful**
- 5.1.2 be less confident in your work**
- 5.1.3 feel scared, stressed, anxious or depressed**
- 5.1.4 have your life outside of work affected**
- 5.1.5 want to stay away from work**
- 5.1.6 feel like you can't trust your employer or the people who you work with**
- 5.1.7 lack confidence and happiness about yourself and your work**
- 5.1.8 have physical signs of stress like headaches, backaches, sleep problems**

6. WHAT DOES NOT CONSTITUTE WORKPLACE BULLYING?

8.1 Managing staff does not constitute bullying, if it is done in a reasonable manner. Managers do have the right, and are obliged to, manage their staff. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management practices include:

- 6.1.1 setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience**
- 6.1.2 allocating work fairly**
- 6.1.3 fairly rostering and allocating working hours**
- 6.1.4 transferring a worker for legitimate and explained operational reasons**
- 6.1.5 Deciding not to select a worker for promotion, following a fair and documented process.**
- 6.1.6 Informing a worker about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements.**
- 6.1.7 Informing a worker about inappropriate behaviour in an objective and confidential way**
- 6.1.8 implementing organisational changes or restructuring**
- 6.1.9 performance management processes**

7. STEPS TO PREVENT WORKPLACE BULLYING

9.1 The Municipality will take all reasonable steps to prevent bullying through a risk management process. This process includes:

- 7.1.1 identification of bullying risk factors- these are things and situations which could contribute to bullying such as the way in which staff are managed, or organisational change such as redundancies (refer to the common risk factors set out below);**

- 7.1.2 assessment of the likelihood of bullying occurring from the risk factors identified and their potential impact on the workers or workplace;
- 7.1.3 eliminating the risks, as far as reasonable practicable, or controlling, or minimising, them as far as reasonable practicable;
- 7.1.4 reviewing the effectiveness of the control methods put in place and the process generally;
- 7.1.5 Training workers about bullying, how to deal with it and its impact on the workplace.

8. REPORTING WORKPLACE BULLYING

10.1 When you are being bullied it's important that you know there are things you can do and people who can help. You have the right to be in a safe workplace free from violence, harassment and bullying.

10.2 Bullying may also be discrimination if it is because of your age, sex, pregnancy, race, disability, sexual orientation, religion or certain other reasons. Sexual harassment and racial hatred are also against the law.

10.3 We all have a moral responsibility to help create a positive, safe workplace. If you or someone in your workplace is experiencing harassment or bullying, there are steps you can take to solve it.

10. 4 If you feel that you have been bullied, you should not ignore it.

10.4.1 The municipality has a process for making a complaint and resolving disputes (see the Staff Grievance Policy), which might include a warning, requiring the bully to have counselling, a mediation process, or even firing the bully if the situation continues. The person to talk to in the first instance might be your supervisor/line-manager, or the HR Manager

10.4.2 Keep a diary. Documenting everything that happens, including what you've done to try stopping it. This can help if you make a complaint;

10.4.3 Get support from someone you trust

10.4.4 If you feel safe and confident, you can approach the person who is bullying you and tell them that their behaviour is unwanted and not acceptable. If you are unsure how to approach them, you might be able to get advice from a colleague or line-manager; and

10.4.5 If the situation has not changed after complaining to your line-manager, or if there is not anyone you can safely talk to at work you can get outside information and advice

10.5 If you have made a complaint to your line-manager or others at the municipality and feel that there have not been adequate steps taken to stop the bullying, there are a number of other options that you can take to get help.

11 BREACHES OF THIS POLICY

11.1 The takes very seriously its commitment to providing a safe and healthy work environment, free from bullying. All employees are required to comply with this policy.

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11.2 If an employee breaches this policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the municipality terminated or not renewed

11.3 If a person makes a false complaint, or a complaint in bad faith (e.g. making up a complaint to get someone else in trouble, or making a complaint where there is no foundation for the complaint), that person may be disciplined and or have their employment terminated.

12 COMMENCEMENT

12.1 This policy will come into effect on the date of adoption by council.

13 INTERPRETATION OF THIS POLICY

13.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.

13.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.

13.3 The Office of the Municipal Manager shall give a final interpretation of this policy in case of a written dispute.

13.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council or Arbitration

14 PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS policy

14.1 This policy may be partly or wholly waived or suspended by the Municipal Manager on a temporary or permanent basis after consultation between the Management and Trade Unions.

14.2 Notwithstanding clause No. 14.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

15 AMENDMENT AND/OR ABOLITION OF THIS POLICY


15.1 This policy may be amended or repealed by the Municipal Manager after consultation between Management and Trade Unions.

16. COMPLIANCE AND ENFORCEMENT


16.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

16.3 It will be the responsibility of Managers of different levels and Supervisors to enforce compliance with this policy.

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