

Bullying and Workplace Harassment Policy

Mind Samba is committed to providing a workplace that is free from bullying, harassment, and discrimination.

This policy outlines our commitment to ensuring that all employees, contractors, and clients are treated with respect and dignity in line with relevant legislation, including the Fair Work Act 2009 and the Work Health and Safety Act 2011 (Australia).

Bullying and harassment of any kind, whether physical, verbal, or psychological, will not be tolerated to either a Mind Samba representative or a client.

All parties involved with Mind Samba—whether staff, contractors, clients, or their family or representatives—have a shared responsibility to contribute to a positive, safe, and respectful environment.

This policy will be available at [Mind Samba](#) web site and distributed to all employees (including subcontractors), clients, and other stakeholders as necessary.

Training and education sessions will be conducted as required to reinforce the standards outlined in this policy.

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1. Definitions of Workplace Bullying, Harassment, or Aggressive Behaviour

- **Workplace Bullying:** Repeated and unreasonable behaviour directed towards an individual or group of workers that creates a risk to health and safety. Bullying can be verbal, physical, or psychological.
- **Workplace Harassment:** Unwanted or offensive behaviour that creates an intimidating, hostile, or humiliating environment, which may include offensive jokes, insults, or inappropriate comments about an individual or their work.
- **Aggressive Behaviour:** Any behaviour that involves the use of force, threats, intimidation, or hostility, which damages the reputation, personal well-being, or mental health of an individual.

2. Responsibilities

- **Employer Responsibilities:** Mind Samba is committed to preventing workplace bullying and harassment and providing a safe environment. We will respond swiftly to any reports of bullying or harassment and take appropriate corrective action to prevent recurrence.
- **Employee and Contractor Responsibilities:** Employees and contractors are expected to behave respectfully towards each other. They are required to report any incidents of bullying, harassment, or aggressive behaviour to Mind Samba. All parties must cooperate with any investigation of such matters.
- **Client Responsibilities:** Clients receiving services from Mind Samba are expected to treat all staff, contractors, and other clients with respect and dignity. Clients are encouraged to engage in respectful and cooperative communication with Mind Samba staff and adhere to the principles of this policy. Any reports of bullying, harassment, or aggressive behaviour from clients will be addressed in accordance with our internal procedures, which may involve reassessing the client's service agreement, implementing interventions, or, in some cases, ceasing services if safety or dignity cannot be maintained and can include taking appropriate legal action, if required.
- **Client Family Members, Representatives, and Guardians Responsibilities:** Family members, representatives, and guardians of clients are expected to model and promote respectful behaviour when engaging with Mind Samba staff and other individuals within the workplace. They are encouraged to address any concerns or complaints in a constructive manner and are encouraged to report any incidents of bullying, harassment, or aggressive behaviour by others, including clients or staff,

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directly to Mind Samba. Family members, representatives, and guardians should support the client in understanding the importance of respectful behaviour and the impact of bullying and harassment. If a client's family members or representatives are involved in bullying or harassment, Mind Samba will review their involvement with the client's service delivery and take appropriate corrective action to prevent recurrence.

3. Reporting Procedure

Employees or contractors who believe they have been subjected to bullying, harassment, or aggressive behaviour should:

1. Document the incident(s) with specific details (e.g., date, time, nature of the behaviour).
2. Report the issue to Mind Samba.
3. If necessary, seek advice and support from an external body such as the *Fair Work Commission* or the *Safe Work Australia* helpline.

4. Investigation Process

Upon receiving a complaint, Mind Samba will:

1. Acknowledge receipt of the complaint and initiate an investigation.
2. Ensure confidentiality is maintained throughout the process, while providing an opportunity for all parties involved to present their case.
3. Take necessary steps to resolve the issue, which may include mediation, corrective actions, or disciplinary measures.
4. Follow-up with the individual to ensure that the issue has been resolved and that the individual is not subjected to retaliation.

5. Legal Avenues

Employees or contractors who believe they are victims of workplace bullying or harassment have the right to pursue legal action. Legal avenues may include:

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- **Fair Work Commission:** If the bullying or harassment relates to workplace relations or breaches of the *Fair Work Act 2009*, an individual may lodge a complaint with the *Fair Work Commission* for a resolution.
- **Safe Work Australia:** For health and safety concerns related to bullying or harassment, individuals may seek assistance from *Safe Work Australia*, which provides guidelines on workplace safety.
- **Australian Human Rights Commission (AHRC):** In cases where the bullying or harassment involves discrimination based on protected attributes (e.g., age, gender, race), individuals can lodge complaints with the AHRC.
- **Legal Action:** If bullying or harassment is severe or leads to damage to reputation, financial harm, or mental distress, employees or contractors may seek legal action through civil courts for damages or injunctive relief.

6. No Retaliation

Mind Samba will not tolerate retaliation against any employee or contractor who reports bullying or harassment or participates in an investigation. Any act of retaliation will be treated as a serious violation of this policy and may result in disciplinary or legal action.

7. Review and Amendments

This policy will be reviewed regularly to ensure it remains compliant with applicable laws and is effective in preventing workplace bullying and harassment. Updates and changes to the policy will be communicated to all employees, sub-contractors, and clients.

8. Conclusion

Mind Samba is committed to maintaining a workplace free from bullying and harassment. All employees and contractors, and clients and their family have a right to live and work in an environment that promotes respect and dignity.

Any breach of this policy will result in appropriate action, which may include termination of employment or contract, or appropriate legal avenues.