



**HELEN & JOEY**  
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## **Bullying, Harassment & Hostile Work Environment Policy July 2023**

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### **POLICY STATEMENT:**

Helen & Joey Estate and Re'em Yarra Valley have a zero-tolerance approach to any form of bullying, harassment and/or hostility in the workplace, and makes every effort to provide a work environment that is free from all forms of such behaviour for all team members.

It is against the policies of Helen & Joey Estate and Re'em Yarra Valley for any team member to make any unwelcome conduct of a bullying and/or harassing nature towards any person in the business. It is likewise against the policies of Helen & Joey Estate and Re'em Yarra Valley for any team member to make any unwelcome advances, request favours, engage in verbal or physical conduct of a sexual nature and/or demonstrate any harassing conduct inside or outside work hours that creates an intimidating work environment for any person in the company.

This policy applies to the actions of team members, contractors, clients, customers, outsiders and any other persons who come in contact with a team member from Helen & Joey Estate and Re'em Yarra Valley.

Employers are obligated under the Fair Work Act to provide a psychosocial safe workplace and bullying may be subject to civil liability and criminal charges as well as Stop Bullying orders under Section 789FF of the Act.

### **1. What is Bullying?**

Workplace bullying is defined as unreasonable behaviour by an individual(s) towards another person more than once which creates a risk to health and safety. Bullying behaviour can range from obvious to subtle psychological abuse.

It can include physical or verbal abuse, and can take many forms:

- Yelling, screaming or offensive language
- Overpowering communication
- Putting down techniques
- Excluding or isolating team members
- Psychological harassment including 'picking on' and making the person the ongoing butt of 'jokes'
- Intimidation, offence, or humiliation
- Assigning meaningless tasks unrelated to the job
- Retaining knowledge that should be shared or regularly calling into question another person's abilities
- Giving team members impossible jobs
- Deliberately changing work rosters to inconvenience particular team member
- Sabotaging someone's work performance by providing inappropriate or inaccurate advice or information



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- Undermining work performance by deliberately withholding information vital for effective work performance
- Cyber Trolling (when someone makes a deliberately provocative comment or post and waits for people to take the bait)
- Image-based abuse (sharing, or threatening to share, an intimate image or video of a person without their consent)
- Sextortion (a form of blackmail where someone threatens to share intimate images of you online unless you give in to their demands)
- Impersonation and/or fake cyber account
- Doxing (the act of revealing someone's sensitive information online)
- Deep Fake/Morph/Face Swap (a digital photo, video or sound file of a real person that has been edited to create an extremely realistic but false depiction of them doing or saying something that they did not actually do or say)
- Defamatory comments

## 2. What is Harassment?

Behaviour directed towards an individual that is neither sought nor welcomed. Harassment may offend, upset, humiliate, or scare another person. It makes the workplace uncomfortable and unpleasant.

### a. Some forms of verbal harassment are:

- Suggestive remarks
- Making fun of someone
- Imitating someone's accent
- Propositions
- Spreading rumours
- Obscene telephone calls/unsolicited letters, faxes or email messages
- Repeated unwelcome invitations
- Offensive jokes
- Repeated questions about your personal life
- The use of language that is not suitable in the workplace
- Name-calling
- Gaslighting

### b. Some forms of non-verbal harassment:

- Suggestive looks or leers
- Unwelcome practical jokes
- Displaying or circulating racist cartoons or literature
- Mimicking someone with a disability
- Being followed home from work
- Ignoring someone or being particularly cold or distant with them



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- Not sharing information
- Offensive hand or body gestures
- Unnecessarily leaning over someone
- Sending offensive material through computer, fax or email
- Continually ignoring or dismissing someone's contribution in a meeting/discussion
- Wolf-whistling

**c. Some forms of physical harassment:**

- Unnecessary physical contact
- Pushing, shoving or jostling
- Indecent or attempted assault
- Taking away a person's physical possessions
- Blocking a person from going somewhere

### **3. What is a Hostile Work Environment?**

Where the words and actions of a team member negatively or severely impact another team member's ability to complete their work. This may include severe, pervasive, and unwelcome behaviour or words or actions that, if not amended, would make the team member unable to function in their role.

An environment can become hostile when:

- Unwelcome conduct, or harassment, is based on race, sex, pregnancy, religion, national origin, age, disability or genetics
- Harassment is continued and long-lasting
- Conduct is severe enough that the environment becomes intimidating, offensive or abusive

The creation of a hostile work environment is different to sexual harassment in that the behaviour does not need to be directed at any one individual.

### **4. What is Victimisation?**

Subjecting or threatening a person to some form of detriment because they have:

- Lodged, or is proposing to lodge, a complaint of discrimination or harassment.
- Provided information or documents to an internal investigation or an external agency.
- Attended a conciliation conference.
- Reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws.
- Alleged that a person has acted unlawfully under federal anti-discrimination laws.



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Any person in authority with Helen & Joey Estate and Re'em Yarra Valley who gives poor performance appraisals, assigns demeaning tasks, demotes, or is found to take any kind of adverse action against a person who makes a complaint will be subject to immediate disciplinary action, up to and including termination of employment.

Any retaliation against any person who complains about bullying and/or harassment will be considered an act of Victimisation.

## **5. What is Gaslighting?**

Highly covert form of bullying behaviour. Whilst we usually believe bullies to be obvious in their behaviour with repeated and sustained attacks on their complainant(s) in which humiliation is often an end goal, those engaging in gaslighting will be far more subtle. They plant doubt by making a complainant question their own reality. Gaslighting is intentional; a systematic process that uses lying and false information to make the complainant doubt themselves, their capabilities, their instincts, and their own sense of reality.

There are definite signs of gaslighting you should be aware of. It is important to recognise these and understand that the behaviour usually happens gradually over time. These behaviours can include:

- Take credit for your work
- Reticulation in front of others
- Make subtle but pointed remarks designed to make you uncomfortable
- Pretend not to understand you
- Falsify evaluation
- Micromanage every aspect of your work
- Blame everything on you
- Question your memory
- Cancel scheduled events and do not tell you
- Spread lies and deny doing so if confronted
- Tell half-truths aimed at undermining you
- Provide you with inaccurate information that sabotages your work performance including the way you provide advice to clients

## **6. Addressing Gaslighting Behaviour**

Before you can document evidence of gaslighting, you need to be aware of exactly what is happening.

Gaslighting usually only works when a complainant isn't aware of what's going on. Once you become alert to the pattern, it will likely not affect you as much. That's not to say you ignore the issue, but it does allow you to understand that you are dealing with an insecure person who needs to feel superior in order to function. In other words, you are in no way to blame; you are right, and they are wrong.

You can preempt some of the practices gas lighters use:



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- When they tell you the date and time of an important meeting, confirm that information by email. Copy the entire group or meeting organiser in order to force the gaslighter to make their position public.
- When you have ideas on a project, offer them in writing so you are seen as the originator and given credit.
- Meet regularly with the Direct Manager at Helen & Joey Estate and Re'em Yarra Valley (who is someone other than the gas lighter) to update them on the projects you're working on.
- Have a witness present with you in every interaction you have with the gaslighter and never be alone with them.
- Document exactly what goes on, especially in instances where you are being given incorrect information.
- Record the information on a private device that you own, not on a business phone or tablet, which will be confiscated in the event you are terminated or quit.
- Report the gaslighting behaviour to your Direct Manager. Due to the covert nature of gaslighting, they may not be able to do much, to begin with, but the behaviour will be on their radar, and they will then be able to look for gaslighting activities and address them accordingly when they are observed.

### **7. Guidelines for Addressing and Reporting Bullying, Harassment and Hostile Behaviour**

- a. A team member who believes they are being bullied or harassed should follow these guidelines:
  - If you feel safe and confident, approach the person and politely but firmly confront the harasser and ask them to stop. State how you feel about the actions and explain how you feel harassed or discriminated against by these actions. Be specific about the exact behaviour you want to be stopped and if practical, have a witness present. If expressing concerns verbally, document what you have said, and the responses made by the alleged and document the location, time, and date of the discussion.
  - Any team member who is uncomfortable with a face-to-face discussion with their respondent(s) may put their concerns in writing to the accused.
  - If the bullying and/or harassment does not stop, the team member may wish to speak to their Direct Manager. They can listen to the concern(s), talk with you about options, where to get support and the different ways Helen & Joey Estate and Re'em Yarra Valley may help to resolve the concern. Your Direct Manager can also provide feedback to the person who engaged in the behaviour on your behalf or support provide you support to have a conversation with that person.

Reporting bullying, harassment and hostile behaviour can be made by people directly impacted or by others who observe or know of the bullying and/or harassing behaviour. It is important to understand that reporting an incident and raising a concern does not necessarily trigger a formal investigation, although that may be appropriate in some cases. Support, advice and early intervention may resolve the concern and it will also help Helen & Joey Estate and Re'em Yarra Valley understand what is happening



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in the business.

Depending on the nature and seriousness of the complaint Helen & Joey Estate and Re'em Yarra Valley may engage an external HR Professional or an independent licensed investigator to investigate a complaint. The purpose of this provision is to maintain impartiality and confidentiality. Both the individual making the complaint (complainant) and the accused (respondent) have equal privacy rights under the law.

## **9. Investigations**

Investigations will generally follow these guidelines:

- The complainant will be asked for specifics about what happened, where and when it happened and if they know why this may have happened.
- The respondent will be interviewed. They will be informed of the complaint and asked to explain their alleged actions. They will be warned not to retaliate against or victimise the complainant and advised not to discuss the matter with anyone directly or indirectly associated with the complaint or the complainant.
- Other people can often be questioned, as they themselves may often be complainants or may have witnessed the activities reported by the complainant.
- All team members are expected to participate openly, fully and honestly in any investigation.

### **Prioritising the Safety and Well-Being of the Complainant(s)**

- a. If you make a report of bullying, harassment and/or gaslighting, Helen & Joey Estate and Re'em Yarra Valley will ensure you are supported and consulted in the decision about how to resolve the concern. Helen & Joey Estate and Re'em Yarra Valley will respect your wishes and your best interests, but this does not mean you have responsibility for Helen & Joey Estate and Re'em Yarra Valley's response or the outcome of the investigation.
- b. Helen & Joey Estate and Re'em Yarra Valley takes all concerns seriously and treats all complainants with respect and integrity. We may choose to take interim action that is supportive and sensitive to the possibility that the reported behaviour occurred. Any such action taken does not represent any acceptance of the complainant's claim or any assumption or pre-emptive conclusion of any subsequent investigation, rather any action taken will be solely in the interests of the health and safety of all parties.



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### **Procedural Fairness and Natural Justice**

All investigations will be conducted with consideration of procedural fairness and natural justice, irrespective of your position with Helen & Joey Estate and Re'em Yarra Valley. This means:

- Giving someone the opportunity to understand the allegations made against them and to respond to these allegations providing appropriate support for both the complainant and the respondent, as well as any witness required to provide evidence within the investigation.
- Facilitating a timely and objective process and ensuring that investigations are conducted by an independent person, without bias or any perceived or real conflict of interest.
- Making decisions on the basis of a balance of probabilities.
- Ensuring outcomes are reasonable and proportionate.
- Maintaining confidentiality throughout the process.

### **Corrective Action**

- a. At the conclusion of an investigation, a determination will be made as to whether or not bullying or harassment has occurred.
- b. The complainant and the respondent will be served notice of the businesses' findings of the investigation.
- c. Prompt corrective action, if warranted, will follow immediately. This may include disciplinary action or termination of employment of the respondent or the complainant, in the case that a falsified complaint or contributory behaviour was discovered.
- d. Whenever any disciplinary action is taken against a respondent, the complainant will be informed only that "corrective action was taken."
- e. It will be an ongoing policy of Helen & Joey Estate and Re'em Yarra Valley that all prior complainants be contacted by authorised team members, external HR Consultants, and management of Helen & Joey Estate and Re'em Yarra Valley, periodically, to be certain they are currently working in an environment free from all forms of bullying, harassment, gaslighting and victimisation.
- f. Bullying, harassment and behaviour that contributes to a hostile work environment in connection to employment may be considered serious misconduct and may lead to disciplinary action up to and including termination of employment.

### **Confidentiality**

- a. The nature of bullying and harassment and the obligations that Helen & Joey Estate and Re'em Yarra Valley have when a report is made means that there are limits to what may or may not be



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disclosed. Confidentiality means only those who need to know about the concern in order to help resolve it and prevent further incidents will know the details.

- b. Helen & Joey Estate and Re'em Yarra Valley will prioritise and protect the identity of a person impacted, and anyone else that the investigation reveals have been subjected to the same treatment as the complainant.
- c. Helen & Joey Estate and Re'em Yarra Valley preserves the right to keep all details of the concern raised confidential while investigations are underway. Helen & Joey Estate and Re'em Yarra Valley, therefore, expects everyone to keep all details of the concern(s), the complaint and any subsequent investigation confidential. Failure to do so may result in disciplinary action up to and including termination of employment.