**WORKPLACE BULLYING POLICY**

**PURPOSE**

This policy explains [EMPLOYER’S NAME]’s commitment to preventing bullying in the workplace and sets expectations for maintaining a safe, respectful, and healthy working environment.

We are committed to providing a workplace that is free from bullying, ensuring all employees can perform their duties without fear of mistreatment. Bullying in the workplace is strictly prohibited and will not be tolerated.

This policy applies to all employees, contractors, clients, and members of the public. If anyone feels bullied, whether by a supervisor, coworker, client, or another individual, they are covered under this policy.

This policy will be made available to all employees and contractors. New hires will receive a copy during their onboarding process, and managers will periodically remind staff about its existence and importance.

[EMPLOYER'S NAME] ensures that all workplace bullying complaints and resolutions comply with applicable South Dakota state laws and federal workplace safety and anti-harassment regulations.

**POLICY SCOPE**

This policy covers behaviors that occur:

* In connection with work, even if outside normal working hours.
* During work-related activities, such as interactions with clients or colleagues.
* At work-related events, including conferences or social gatherings.
* On social media, where interactions with colleagues may directly or indirectly impact them.

**QUESTIONS ABOUT THIS POLICY**

All employees are responsible for reading and understanding this policy.

If you have concerns or questions about this policy, your direct supervisor should be your first point of contact. For additional queries, please reach out to your designated HR contact. Other workers should consult [POSITION].

You should contact [your direct supervisor OR your designated HR contact] if:

* You are uncertain whether your behavior may violate this policy.
* You are unsure if the behavior of others may breach this policy.

**NON-CONTRACTUAL STATUS**

This policy is not part of any employment contract, award, or enterprise agreement with [EMPLOYER'S NAME]. [EMPLOYER'S NAME] reserves the right to amend this policy at its sole discretion at any time.

**FAILURE TO COMPLY WITH THIS POLICY**

[EMPLOYER'S NAME] is committed to maintaining a workplace free of health and safety risks, including bullying. Compliance with this policy is required from all workers.

Failure to comply with this policy may result in disciplinary action, depending on the nature and circumstances of the breach. Potential consequences include:

* Providing a verbal or written apology.
* Requiring participation in counseling or training.
* Issuing a verbal or written reprimand.
* Transfer, demotion, or dismissal of the individual responsible for bullying.

Contractors, including subcontractors, who violate this policy may have their agreements terminated or not renewed.

Employees suspected of violating this policy must cooperate with any investigation. Failing to comply with such directions may independently result in disciplinary action, including termination.

Even if workplace bullying is not substantiated after an investigation, [EMPLOYER'S NAME] may take steps to address any workplace concerns that contributed to the report.

**UNDERSTANDING WORKPLACE BULLYING**

Definition

Workplace bullying is repeated, unreasonable behavior directed at an individual or group of workers that poses a risk to health and safety, encompassing both physical and psychological harm.

Examples of direct bullying

* Abusive, insulting, or offensive language or comments.
* Aggressive or intimidating behavior.
* Belittling or humiliating remarks.
* Victimization.
* Practical jokes or initiation practices.

Examples of indirect bullying

* Unjustified criticism or complaints.
* Deliberately excluding someone from work-related activities.
* Withholding information critical to effective work performance.
* Imposing unreasonable timelines or frequently changing deadlines.
* Assigning tasks that are unreasonably below or beyond a person's skill level.
* Denying access to necessary information, supervision, or resources.
* Spreading misinformation or malicious rumors.
* Altering work arrangements, such as rosters or leave schedules, to deliberately inconvenience a worker or group.

Clarifications

* These examples are illustrative and not exhaustive. If you are uncertain whether certain behaviors constitute bullying, employees should contact their supervisor or HR representative for guidance. Contractors or other workers should reach out to [POSITION].
* Single incidents of unreasonable behavior, while not classified as bullying, can also pose risks to health and safety and are not acceptable at [EMPLOYER'S NAME].

**WHAT IS NOT WORKPLACE BULLYING**

Reasonable management action

Workplace bullying does not include reasonable and lawful actions taken by managers or supervisors to direct, manage, and control work in a fair and constructive manner.

Examples of reasonable management action

* Setting realistic and achievable performance goals, standards, and deadlines.
* Allocating work hours or rostering fairly and appropriately.
* Transferring an employee to another role or area for operational reasons.
* Making promotion decisions through a fair and transparent process.
* Providing honest, fair, and constructive feedback on unsatisfactory work performance.
* Addressing unreasonable behavior in an objective and confidential manner.
* Implementing organizational changes or restructuring initiatives.
* Taking disciplinary action, including suspension or termination of employment, when warranted and justified.

**CONSEQUENCES OF WORKPLACE BULLYING**

Impact on individuals

Workplace bullying can severely harm individuals, causing:

* Distress and anxiety.
* Withdrawal from colleagues or workplace activities.
* Loss of self-esteem and self-confidence.

Impact on the business

Bullying also negatively affects the workplace by:

* Creating an unsafe and unhealthy working environment.
* Leading to the loss of skilled and experienced workers.
* Damaging team dynamics and workplace relationships.
* Reducing overall efficiency and productivity.

**EXPECTED WORKPLACE BEHAVIORS**

Expectations for workers

Workers have a responsibility under workplace laws to ensure they act in ways that do not negatively affect the health and safety of others. Workers are expected to:

* Understand and comply with this policy.
* Take reasonable care of their own health and safety and that of others.
* Behave professionally and responsibly.
* Treat colleagues with courtesy and respect.
* Listen to and appropriately respond to the views and concerns of others.
* Act fairly and honestly in dealings with others.
* Follow all reasonable and lawful instructions from [EMPLOYER'S NAME].

Workers may also be legally obligated to intervene or report conduct posing a health and safety threat. If unsure about the nature of observed conduct, workers should consult their manager or HR representative. Workers are not required to confront alleged perpetrators directly.

Expectations for managers and supervisors

Managers and supervisors play a key role in fostering a positive workplace environment. They are responsible for:

* Promoting and modeling acceptable workplace behaviors.
* Communicating standards of behavior to workers.
* Taking reasonable steps to create a workplace free from health and safety risks.
* Addressing inappropriate behavior promptly and fairly.

Managers should proactively seek HR or appropriate support when necessary to ensure smooth workplace operations and compliance with this policy.

**INVESTIGATINGM WORKPLACE BULLYING COMPLAINTS**

Reporting complaints

[EMPLOYER'S NAME] has established procedures for reporting, investigating, and resolving workplace bullying complaints, outlined in [Workplace Bullying Complaints Procedure OR [NAME OF PROCEDURE]].

If you have a workplace bullying complaint, you should contact [NAME OF CONTACT OR THE APPROPRIATE PERSON OUTLINED IN THE PROCEDURE].

Investigation process

Complaints will generally be addressed internally in the first instance, regardless of whether bullying is ultimately found to have occurred.

[EMPLOYER'S NAME] treats all complaints seriously and aims to resolve them in a timely and efficient manner, though specific timelines may vary based on circumstances.

[EMPLOYER'S NAME] may need to discuss complaints with other parties in the workplace to investigate and resolve the matter. For serious cases or where unlawful conduct is suspected, external investigators may be engaged. Any external party will be required to handle the matter confidentially.

Confidentiality retaliation protection

Workers involved in a complaint are expected to maintain confidentiality. Breaches of confidentiality, including gossip or spreading rumors, may result in disciplinary action or even defamation claims.

Retaliation or victimization of individuals making or witnessing complaints is strictly prohibited and will result in disciplinary action.

Recordkeeping

Information related to complaints may be documented and stored in personnel files. This includes the complaint itself, investigation notes, and the final resolution. [EMPLOYER'S NAME] ensures all records are handled in accordance with applicable confidentiality and privacy standards.

**ACKNOWLEDGEMENT OF RECEIPT AND REVIEW**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employee name), acknowledge that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date), I received and reviewed a copy of [EMPLOYER'S NAME]’s [NAME OF POLICY]. I understand that it is my responsibility to familiarize myself with the policy and adhere to its terms.

I also acknowledge that this policy is not intended to create an employment contract or alter my at-will employment status, unless otherwise specified in a written agreement signed by an authorized representative of [EMPLOYER'S NAME]. Any delay or failure by [EMPLOYER'S NAME] to enforce the provisions of this policy does not constitute a waiver of its rights to enforce them in the future.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date