



## BULLYING POLICY

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Policy number	NA	Version	4.16
Drafted by	BCSA	Approved by Board on	02/09/2025
Responsible person	Market Manager	Scheduled review date	01/12/2027

### 1. INTRODUCTION

Broome Community Stallholders Association – BCSA believes that all people should work/trade in an environment free from bullying and align with the enforcement of the bylaws.

Broome Community Stallholders Association – BCSA understands that workplace/marketplace bullying is a threat to the health and wellbeing of its staff, stallholders, committee and customers.

Accordingly, BCSA is committed to eliminating, so far as is reasonably practicable, all forms of workplace bullying by maintaining a culture of openness, support, and accountability. The BCSA has Zero tolerance for physical or verbal abuse, bullying, harassment or intimidation.

### 2. PURPOSE

The purpose of this document is to communicate that Broome Community Stallholders Association – BCSA does not tolerate any form of marketplace bullying and to set out the process which is to be followed should any instances of stallholder/marketplace bullying be reported.

### 3. DEFINITIONS

“Bullying” is repeated and unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

“Repeated behaviour” refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

“Unreasonable behaviour” is behaviour that a reasonable person, having considered the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace/marketplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from workplace/marketplace activities
- withholding information that is vital for effective work/market performance
- persistent emailing on closed subjects
- physical harassment
- spreading misinformation or malicious rumours

Workplace/Market bullying can be carried out in a variety of ways including through email, text or social media channels.

Workplace/ Market bullying can occur between workers/stallholders (sideways), from managers to workers/stallholders (downwards), or workers/stallholders to supervisors/managers (upwards).

Reasonable management action is not considered to be workplace/marketplace bullying if it is carried out lawfully and in a reasonable manner in the circumstances, disagreements are generally not considered to be workplace bullying.

Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter (see below).

## 4. POLICY

Broome Community Stallholders Association – BCSA has a duty of care to provide a safe workplace, and ensure, so far as is reasonably practicable, that workers and other people are not exposed to health and safety risks. Verbal, physical and bullying will not be tolerated.

Broome Community Stallholders Association – BCSA accepts and acts on its duty of care, any reported allegations of workplace/marketplace bullying will be promptly, thoroughly, and fairly investigated.

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

## BULLYING RESPONSE PROCEDURES

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### 1. RESPONSIBILITIES

1.1 It is the obligation and responsibility of every person to ensure that the workplace/marketplace is free from bullying. The responsibility lies with every manager,

stallholder or their stall/staff representative to ensure that bullying does not occur in the workplace.

1.2 All workers/stallholders have:

- an entitlement to work/trade in a safe and healthy workplace and to be treated with dignity and respect
- entitlement to make a complaint in respect of any bullying behaviour
- a responsibility to take reasonable care for their own health and safety
- a responsibility to ensure they do not promote or engage in bullying and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
- a responsibility to co-operate and comply with this policy and any other relevant policy.

1.3 It is the responsibility of all managers to ensure that:

- they understand, and are committed to, the right of all stallholders, employees and volunteers to attend work/market and perform their duties without fear of being bullied in any form
- all reasonable steps to eliminate bullying are made so far as is reasonably practicable
- all applicable occupational health and safety legislation is observed
- all stallholders and their employees are regularly educated and made aware of their obligations and responsibilities in relation to providing a workplace/marketplace free from bullying
- they provide an environment which discourages bullying, and set an example by their own behaviour
- all complaints are treated seriously and confidentially
- they are as far as practicable aware of whether bullying is occurring, whether complaints are received or not, relying on such indices as:
  - sudden increases in absenteeism
  - unexplained requests for transfers
  - behavioural changes such as depression
  - sudden deterioration in work performance
- they take immediate and appropriate action if they become aware of any bullying or offensive behaviour
- any reported allegations of workplace/marketplace bullying are promptly, thoroughly, and fairly investigated
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying
- ongoing support and guidance is provided to management, stallholders, employees and volunteers in relation to the prevention of bullying
- this policy is displayed on the BCSA website

## 2. PROCEDURES

### 2.1 Complaints Procedures

If a stallholder, employee or visitor feels comfortable, they are encouraged to raise concerns directly with the person involved by calmly identifying the behaviour, explaining why it is inappropriate or unwelcome, and asking that it stop.

If the behaviour continues, or if the stallholder, employee or visitor does not feel safe addressing the issue directly, the matter should be reported to the Market Coordinator and/or escalated to a Committee Executive if required. Formal complaints must be submitted in writing with details of the concern, and will be reviewed in line with BCSA bylaws. The Committee will respond in writing and take appropriate action, which may include warnings, or disciplinary measures. All complaints will be handled fairly and respectfully to protect stallholders and ensure the market remains a safe community space.

## 2.2 Informal Intervention

The manager will explain the rights and responsibilities of the employee, stallholder or volunteer under the relevant policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the organisation's formal communication procedure should be followed.

## 2.3 Formal Complaints Procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally (by a manager and/or BCSA committee) or by an external investigator.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, workplace/marketplace participants may be immediately removed from the market and membership revoked without reimbursement of funds.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings as to whether bullying has occurred will be determined on the basis of the evidence, and on the balance of probabilities.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling
- Disciplinary action (including termination of market BCSA membership)
- Official warning
- Formal apology and/or an undertaking that the behaviour will cease
- Instant removal from market and site revoked.

## 2.4 Next steps

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a bullying complaint (irrespective of the findings), the manager concerned will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all employees, stallholders and volunteers of their obligations and responsibilities in relation to providing a workplace/marketplace free from bullying

## 2.5 Procedures for Dealing with Criminal Conduct

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While Broome Community Stallholders Association – BCSA is committed to treat most complaints about bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Employees, stallholders or volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

# AUTHORISATION

Melissa Andrae  
02/09/2025