

## LATERAL VIOLENCE POLICY

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Drafted by:	YAC HR	Approved by Board on:	9th November 2021

### INTRODUCTION

Lateral violence, also known as horizontal violence or intra-racial conflict, is a product of a complex mix of historical, cultural, and social dynamics that results in a spectrum of behaviours that include gossiping, jealousy, shaming, social exclusion, bullying, family feuding, organisational conflict, and physical violence. Lateral violence is not just an individual's behaviour. It often occurs when a number of people work together to attack or undermine another individual or group. It can also be a sustained attack on individuals, families, or groups.

### PURPOSE

Yinhawangka Aboriginal Corporation (YAC) is committed to creating best practices and a great place to work; YAC understands the challenging nature of isolated work. The Lateral Violence Policy provides direction, as well as a framework for YAC to achieve the intended outcomes of the policy. Supporting the YAC vision of "Healthy People, Strong Spirit, Strong Culture, Strong Future & Healthy Country" YAC has adopted a zero-tolerance policy for Lateral violence.

### SCOPE

The policy applies to all employees, volunteers, contractors, board members, members, and visitors of YAC.

### CORE POLICY

YAC has a zero-tolerance policy on Lateral Violence and will promote a safe and respectful workplace by:

- Consulting with its employees to identify issues in relation to Lateral Violence.
- Training all Employees, Volunteers and Contractors on how to recognise Lateral Violence.
- Implement the stop light method on how and when to initiate respectful discussions around Lateral Violence.

- Promoting mental health and wellbeing of employees affected by Lateral Violence by way of referral to the Anglicare WA Employee Assistance Program.
- Continuous training through conversations, employee meetings and Toolbox meetings.
- Engaging in disciplinary action against employees and volunteers in breach of this policy.
- Refusing access to Members, Contractors and Visitors who are in breach of the policy.
- Providing a reporting and grievance process to investigate instances of Lateral Violence.
- YAC has engaged a provider who offers an Employee Assistance Program to all Full-time, Part-time and Casual Employees. Please see your manager for further details on how to access.

## **IMPACT OF LATERAL VIOLENCE**

Workplace Lateral Violence is “Level 3 Bullying” can be harmful to the person experiencing it and to those who witness it. It can also adversely impact people not directly involved such as family and friends. The effects will vary depending on individual characteristics as well as the situation and may include one or more of the following:

- distress, anxiety, panic attacks or sleep disturbance.
- physical illness, for example muscular tension, headaches, fatigue, and digestive problem.
- reduced work performance, concentration, and decision-making ability.
- loss of self-esteem and self-confidence.
- feelings of isolation.
- deteriorating relationships with colleagues, family, and friends.
- depression.
- thoughts of suicide.

## **ROLES AND RESPONSIBILITIES**

### **Employees’ responsibilities**

Employees are equally responsible for creating a positive, Lateral Violence free workplace by:

- adhering to the YAC Code of Conduct and incorporating these values in performance agreement.
- embracing diversity and supporting an inclusive workplace.
- recognizing and appreciating different working styles and perspectives.

- contributing to open communication and information sharing.
- taking seriously any incidents of bullying, harassment, and lateral violence both for yourself and other employees and reporting them promptly.

### **Manager | Supervisor's responsibilities**

In addition to employee responsibilities, Managers and Supervisors are equally responsible for creating a positive, Lateral Violence free workplace by:

- promoting open communication, sharing information
- being approachable and supporting others when required
- not diminishing or seeking to excuse reported instances of Lateral Violence
- providing constructive, regular, reasonable performance guidance
- embracing diversity and supporting an inclusive workplace
- fostering teamwork and rewarding collaborative behavior
- monitoring potential for and acting promptly on instances of Lateral Violence behavior.

### **Board Members | Members | Visitor's responsibilities**

In addition to employees of YAC, Board Members, Members and Visitors are equally responsible for complying with the Lateral Violence Policy and promoting an environment free from Lateral Violence at all YAC workplaces and events.

### **Chief Executive Officer's (CEO) Responsibilities**

The CEO will:

- take any complaint of bullying or harassment seriously.
- undertake prompt action to ensure all employees concerned feel safe in the workplace.
- conduct informal/formal investigations into any matter reported.
- protect the confidentiality of those who report and/or have experienced harassment or bullying to the extent possible.
- afford principles of natural justice to all relevant parties.
- facilitate mediation or professional counselling where appropriate.
- for formal investigations engage an external investigator where required.
- make recommendations to facilitate prompt resolution of all complaints of lateral violence.

- Remove person from the property who are not complying with the policy.

## **REPORTING AND INVESTIGATIONS**

All persons, whether they are an employee of YAC, Board Member or YAC Member have a responsibility to report inappropriate behavior informally or formally by email or face to face to the CEO when it meets the following criteria:

- is serious or has the potential to be a serious matter.
- is affecting the employee's health and/or well-being (i.e. they are in distress).
- is affecting the employees ability to attend work, or
- reports of this nature should include as much information as possible with the name of the complainant and the person who is displaying the alleged behavior.
- reports can be made verbally in the first instance, however, a reporting form Grievance Form must be completed.

Any employee or persons found to be victimizing or discriminating against another employee or person for making a complaint of Lateral Violence may be subject to an investigation under the YAC Code of Conduct and, if found to be in breach of the YAC Code of Conduct, the following disciplinary actions may apply:

- Verbal warning.
- Written warning.
- Termination of employment.
- Ban from entering the premises or YAC events.

Where possible it is preferable to resolve issues through an informal process to allow the accused person the opportunity to take positive action to correct or alter their behavior.

The complainant, however, may decide to lodge a formal complaint. The formal process will involve investigations which could take the form of a Code of Conduct investigation.

## **OUTCOME OF AN INVESTIGATION**

While there is no specific timeframe for an investigation, it will be undertaken in a prompt manner. Where an investigation has been carried out, the investigator will provide their findings to the CEO. The complainant will be advised of the outcome of the investigation. YAC will not disclose the

contents of a report prepared by an investigator. The complainant will not be privy to details of the investigation. If a complainant is not satisfied with the outcome of the investigation, they can request a Review of Action or complain externally to the Australian Human Rights Commission.

### **Frivolous and Vexatious Claims**

YAC will take care to determine whether a claim is frivolous or vexatious, and deal with such cases quickly, firmly, and fairly. Frivolous claims are those that are 'obviously unsustainable'. Vexatious claims are those that are brought for a 'collateral purpose, as a means of obtaining some advantage for which the proceedings were not designed'. Bringing a vexatious complaint against an employee may, itself, constitute unacceptable behavior and may initiate a code of conduct investigation against the complainant. However, YAC will take great care when dismissing a claim on these grounds, undertaking at least sufficient inquiries to establish that the complaint is either frivolous or vexatious.

### **Records and Procedural Fairness**

YAC records assist in identifying patterns of behavior or continuing problems. Adequate records are essential if the matter leads to formal disciplinary action or to a request for information under the Freedom of Information Act 1982. Any formal action taken should be documented. Records of complaints will be maintained for a minimum of 18 months in accordance with the Privacy Act 1988.

### **Procedural Fairness**

All allegations will be treated in accordance with the rules of procedural fairness. In summary this means:

- a decision-maker will be impartial and be free of actual or apparent bias
- a person whose interests will be affected by a proposed decision receives a fair hearing, including the opportunity to respond to any adverse material that could influence the decision
- findings are based on evidence that is relevant and logically capable of supporting the findings.

## DEFINITIONS

<b>YAC</b>	Yinhawangka Aboriginal Corporation RNTBC
<b>CORPORATION</b>	Yinhawangka Aboriginal Corporation RNTBC
<b>CEO</b>	Chief Executive Officer
<b>EMPLOYEE</b>	Full-time, Part-time, Casual Employees who are currently employed at YAC.
<b>VOLUNTEER</b>	Any Volunteer who are currently Volunteering at YAC.
<b>CONTRACTORS   SUB-CONTRACTORS</b>	A person or firm that undertakes a contract to provide materials or labor to perform a service or do a job.

## RELATED DOCUMENTS AND LEGISLATION

- Letter of Engagement
- HR\_POL\_001 Code of Conduct Policy & Procedure
- HR\_FORM\_001 Witness Statement Form
- HR\_FORM\_007 Grievance Form
- WA Occupational Safety and Health Act 1984
- WA Occupational Safety and Health Regulations 1996
- WA Freedom of Information Act 1992

## ADMINISTRATION

Printed copies of this policy are uncontrolled, and values can only be assured at the time of printing

## AUTHORISATION

Name: Kupa Teao - YAC CEO

Signature:  \_\_\_\_\_

Board Secretary for Yinhawangka Aboriginal Corporation RNTBC.