

Anti-Workplace Bullying Pre-Law Policy Template

Each employer must adopt or amend, if necessary, a policy and procedure prohibiting bullying of any person and that, at a minimum, incorporates the elements described in this law.

Provisions

The policy must include the following elements:

1. Describe who is covered by the policy;
2. Provide that the employer is committed to providing a working environment free from bullying of any kind;
3. A statement that bullying is an unlawful employment practice prohibited by the anti-workplace bullying law;
4. Provide definitions of bullying under the anti-workplace bullying policy; note every example of bullying behavior is not described in this policy.
5. Notify the employees of their right to file a complaint with the State agency responsible for implementing applicable laws;
6. Persons reporting bullying and the accused can have a support person with them throughout the process. The support person has no standing in this administrative process thus they cannot speak on a person's behalf unless an ADA accommodation has been approved;
7. Identify the employee(s) who receive concerns or complaints. The policy should provide the complaint process and several avenues for an employee to raise complaints or concerns and should clearly identify the positions or entities charged with receiving these complaints;
8. Advise that complaints can be filed with a name or anonymously;
 - Anonymous claims will be investigated to the extent possible
 - Note that anonymous complaints may not lead to action if accusations cannot be proved without the complainant participation
9. Employers must refer perpetrators to law enforcement if behavior rises to real threats, damage to property, and/or physical violence;
10. Advise covered persons under the policy that the employer is legally obligated to respond to allegations concerning a violation of the policy;
11. Identify options that the employer will take to respond to alleged violations of the policy, such as:
 - Initial data collection
 - Formal investigation if necessary
 - Formal resolution
 - Alternative dispute resolution if complainant approves
 - Informal resolution if no evidence supports the complaint, but there is a workplace issue to resolve
12. Identify the agency's investigation or response procedure noting the importance of impartiality, that all processes will provide due process or fundamental fairness and complaint procedures, and procedures are detailed enough to promote consistent application; timelines and extensions must be transparent

13. Describe evidence types including recording under law;
14. Policy violations under law clearly defined; definitions will form the basis for policy violations; job actions will include status changes termination, suspension, probation, formal reprimand, warning, and employee development tasks determined by the employer
15. State that any person found to have violated the policy will be subject to corrective and/or disciplinary action, up to and including dismissal;
 - Violations of policy defined
 - Employment actions clearly spelled out for violations
16. A statement that the complainant will be informed of the status and the outcome of an investigation unless complainant is anonymous;
17. State timeframes for responses and conclusion of cases;
18. Alternative dispute resolution processes;
19. Define the roles and responsibilities of employees, managers, supervisors, and others covered by the policy with respect to the following:
 - Preventing and not engaging in bullying
 - Reporting bullying
 - Responding to concerns or allegations of violations of the policy
 - Participating in an investigation under the policy
 - Prohibiting and not engaging in retaliation
20. A statement that privacy is not applicable and confidentiality cannot be guaranteed;
21. A statement that responses to public records requests will be provided in accordance with applicable law;
 - This is an employment record so employment record laws apply
22. A statement that retaliation against individuals covered by the policy who report allegations of bullying and/or who participate in an investigation is prohibited;
23. Advise that any employee found to have retaliated against individuals covered by the policy who report allegations of bullying or who participate in an investigation will be subject to corrective and/or disciplinary action, up to and including dismissal;
24. A statement that an employer may not require an employee to sign an agreement that prevents the employee from disclosing or discussing conduct or the existence of a settlement involving conduct and that it is a violation for an employer to discharge or otherwise discriminate or retaliate against an employee for disclosing or discussing such conduct;
25. The employer must notify complainant that they can refer a case to law enforcement who will implement their process. The processes are separate and do not depend on each other

Policy Administration

1. This policy will be shared yearly prohibiting bullying of staff, volunteers, and or other employees in accordance with this policy.
2. Every employee is a mandated reporter but supervisors, HR and EEO are primary contacts regarding the policy and procedure prohibiting bullying. In addition to other duties required by law and this policy, the primary contact must:
 - Ensure the implementation of the policy and procedure prohibiting bullying;
 - Receive copies of all formal and informal complaints relating bullying;
 - Communicate with employees responsible for monitoring compliance with this policy
3. Maintain a summary of policies, procedures, programs, partnerships, vendors, and instructional and training materials on prohibiting bullying to be posted on their website.
4. Provide yearly training for reporters and contacts regarding the policy and procedure prohibiting bullying:
 - The training class must be based on the model policy and this law
 - Training must be provided to new staff and yearly to all staff
5. Publish a yearly report of bullying cases that is maintained in HR.
6. Implement a prevention campaign to include the following elements:
 - Educational prevention program on workplace bullying/mobbing
 - Educate on the policy
 - Impacts of bullying
 - Media messaging campaigns
 - Upstander and bystander Intervention
7. Employers must refer perpetrators to law enforcement if behavior rises to real threats, damage to property, and/or physical violence.
8. Decision-makers and investigators are obligated to respond to allegations concerning a violation of this policy.