

Respectful Workplace Policy

Rationale

Sacred Heart College Geelong recognises the importance of demonstrating respect for the dignity of each person and of creating an environment where a sense of belonging is experienced by all. These aspirations are central to the wellbeing of individuals and to a workplace where all parties feel safe and respected.

The College is committed to building and nurturing a workplace that is free from bullying. It is important that all parties share a responsibility for upholding professional standards of conduct and fostering a workplace where bullying does not occur. It is therefore expected that workplace participants and community members will not engage in or condone such behaviours and practices.

It is also expected that those who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

This policy and its accompanying procedures are compliant with the legislative framework under which the College operates. The College is guided by the applicable legislation and intervention measures in preventing bullying and harassment. This policy reflects the Mercy Education Values of Respect and Justice.

Policy Statement

The College is committed to building and nurturing a workplace that is free from bullying and harassment.

It is committed to implementing awareness-raising programs and strategies that heighten understanding of the impact of relevant parties' behaviour on others and awareness of their rights and responsibilities. The College achieves resolution of complaints of perceived or actual incidents of bullying promptly and will endeavour to ensure that any offending behaviour stops. It aims to respond to complaints or reports of bullying in a sensitive, fair and timely manner. The College encourages the reporting of behaviour that is perceived to be in breach of this policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

Policy Coverage

This policy applies to all workplace participants.

Definitions

What is bullying?

- **Workplace bullying**

Workplace bullying is repeated, persistent negative behaviour directed at a workplace participant or group of participants that creates a risk to health and safety. It can include a range or pattern of behaviours over time and can be physical, psychological, verbal, in writing and/or online, for example via text, internet chat rooms, instant messaging, SMS or MMS.

- **Unreasonable behaviour** means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the person to whom the behaviour is directed.
- **Risk to health and safety** includes risk to the physical or mental health of a person.

Bullying can take the form of both direct and indirect bullying. Examples of *direct* bullying include, but are not limited to:

- Verbal abuse
- Putting someone down
- Spreading rumours or innuendo
- Interfering with a person's property
- Sending inappropriate emails or communications

Examples of *indirect* bullying include, but are not limited to:

- Unjustified criticism or complaints

- Deliberately excluding someone from meetings / workplace activities
- Setting timelines that are difficult to achieve
- Deliberately changing work arrangements, e.g. rosters / leave to inconvenience

What is not bullying?

Many things occur in the workplace that are not considered to be bullying. Reasonable management actions and behaviour carried out in a fair way are not considered to be workplace bullying. Examples of reasonable management actions include, but are not limited to:

- Setting reasonable performance goals, standards and deadlines
- Allocating work to a worker in a transparent and appropriate way
- Fairly rostering and allocating working hours
- Transferring a worker for reasonable and explained reasons
- Deciding not to select a worker for promotion following a reasonable selection process
- Informing a worker about unsatisfactory work performance

Relationships

Bullying can occur between any parties involved with the College, including but not limited to:

- between workplace participants
- workplace participant and student
- parent and workplace participant

All parties listed above are considered in the scope of this policy.

Incidents of perceived or alleged student to student bullying is covered by the Inclusive Communities Bullying Awareness Policy.

Victimisation

Punishing or threatening to punish someone. It is against the law to punish or threaten to punish someone because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation in the workplace can include:

- bullying and intimidation by co-workers
- being denied a promotion or being moved to a position with lower responsibility
- dismissal from employment
- being refused further contract work

Contact Officer

A Contact Officer is an employee trained in and responsible for being a contact point for workplace participants with concerns about whether they may have been bullied.

Workplace Participants

All College employees, contractors, consultants, students on placement and volunteers (hereafter referred to as Workplace Participants), both inside and outside of the workplace.

Responsibilities

The College takes seriously its responsibilities to help eliminate bullying in the workplace and to handle complaints about such behaviours promptly, impartially and confidentially.

The College Leadership Team, Supervisors and Human Resources will:

- ensure all workplace participants understand their responsibilities and are made aware of this policy and procedure
- take immediate action if they observes bullying
- deal with reported bullying matters in accordance with this policy and procedure

- ensure workplace participants making a complaint are not victimised
- lead by example and foster a culture that does not encourage nor tolerate bullying

Workplace participants will:

- comply with this policy by avoiding actions which lead to, support or condone bullying and harassment
- treat others fairly and with respect at all times
- report instances of bullying
- foster a culture amongst other workplace participants that does not encourage nor tolerate bullying

Contact Officers will:

- provide workplace participants with information on bullying, clarifying any questions or concerns a person may have, and providing advice on the options that are available for dealing with bullying

Procedures for resolving complaints

A complaint can be resolved using *informal* resolution processes and/or *formal* resolution processes. The approach taken should reflect the seriousness of the matter. For less serious matters, informal resolution processes should be explored prior to a formal resolution procedure. For more serious matters, or where informal approaches have been unsuccessful, a formal procedure may be appropriate.

The College will endeavour to commence investigations into the complaint (whether informal or formal processes are being followed) within two working days of the receipt of the complaint.

For the purposes of complaint resolution processes:

- a person who makes a complaint is a *Complainant*, and
- a person about whose actions or behaviour a complaint relates is a *Respondent*.

The Principal or nominee will communicate the outcome of the complaint to both the Complainant and Respondent.

Informal resolution processes

Informal resolution processes do not involve an investigation or making findings based on an investigation, but generally involve the parties coming to an understanding or agreement as to how the issues can be resolved.

The *informal* options open to a Complainant to attempt to resolve a complaint include:

- **Speaking directly with the Respondent**

In the first instance, if the Complainant feels comfortable about speaking directly with the Respondent, this may be the quickest and easiest way of resolving the matter. The Complainant should address the issue with the Respondent in unambiguous terms and in plain language.

- **Consulting with a Contact Officer**

If the Complainant does not feel comfortable about approaching the Respondent directly (this may be the case particularly where the Respondent is in a position of authority), the Complainant may prefer to seek the assistance of a Contact Officer. A Contact Officer can provide information and support to the Complainant and/or Respondent regarding bullying issues, including options for resolving the matter. Contact Officers do not take any action on behalf of the workplace participant, such as approaching the Respondent or conducting mediation.

- **Reporting the matter to a member of the Human Resources Team**

The Complainant may report the matter to a member of the HR Team who can assist with exploring resolution strategies. This may include suggesting that the Complainant speak directly with the Respondent.

Where appropriate, and in consultation with the Complainant, the member of the Leadership Team may approach the Respondent and talk to them informally about the matter.

Other informal resolution options that may also be considered at this stage include:

- facilitated discussion
- mediation
- entering into mutual agreements on workplace practices

Referral to formal investigation

Note that, at this stage, if a matter raised is sufficiently serious that a formal investigation is warranted, then the College reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal investigation (see below).

Formal Resolution Processes - Internal

If a matter is not able to be resolved using informal resolution methods, or for more serious matters, a formal process may be appropriate.

Lodging a formal complaint

A formal complaint can be made by a Complainant to Human Resources and should be in writing and set out the details of the specific allegations including dates, times, locations, what happened, what was said, names of witnesses (if any), and steps already taken to attempt to resolve the matter. Wherever possible, it should be supported by relevant documentation. Note that a complaint may not be pursued if it relates to events that occurred more than 12 months earlier.

Initial response

Following receipt of a formal complaint, HR, the Principal or Principal's delegate will meet with the Complainant to discuss the complaint. This will involve canvassing options for resolution, which may include informal resolution processes. In the event that the complaint is to be dealt with formally, the Complainant will be informed of:

- how the complaint will be investigated (eg. interviews, viewing documents)
- the expected timeframe for any investigation
- who can be present at investigation interviews
- what support is available for persons involved in the process
- the interim measures, if any, that will be implemented to ensure the health, safety and welfare of any person pending the resolution of the complaint, and
- if the complaint raises issues that place the College under a legal obligation to report the matter to law-enforcement agencies

Formal internal investigation

Where appropriate, a formal investigation may be conducted into a complaint. An Investigating Officer will be appointed by the Principal to conduct the investigation. The Investigating Officer will be someone who is independent and will conduct the investigation impartially. The Investigating Officer will:

- interview the parties involved, and witnesses, if any
- review relevant evidence, such as emails and other documentary evidence, and
- report to the Principal on whether or not the complaint is substantiated

Investigation outcomes and action to be taken

If a complaint is substantiated, appropriate action(s) will be taken, which may include:

- an apology
- changes to work practices
- disciplinary action, including dismissal
- an undertaking that the behaviour will not be repeated
- reversal of an action or decision, or substitution of a different action or decision, and/or
- training

Assistance may also be offered to a Complainant or other persons involved, which may include:

- counselling
- redressing any inequality resulting from the action or decision on the subject of the complaint
- mentoring and support

If an investigation is inconclusive (ie. a complaint cannot be proven due to a lack of evidence) further action may nevertheless be taken that may include counselling, mediation, changed working arrangements and/or conducting training for any or all parties on relevant policies.

Formal Resolution Processes - External

A Complainant may choose to seek assistance or information at any time during the process from statutory support agencies in Victoria. Information and contact details for the support agencies are outlined in Appendix 2. Each agency will have specific requirements for lodging a complaint and will have its own investigation procedures.

In dealing with complaints, HR, the Principal or Principal's delegate may seek external advice and assistance from professional mediators, investigators, external agencies and any other appropriate persons.

Confidentiality

Anyone involved in a complaint or investigation into bullying must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution. In particular, it is important that staff who either make a complaint, or who may have been witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.

Counselling support

In confronting and/or resolving experiences or allegations of bullying, a workplace participant and his/her immediate family members may utilise the services of counselling support at any stage of the process. The College utilises Access EAP for confidential, free counselling for employees. Employees can self-refer for counselling or may be referred by another employee. The contact phone number for this support is 1800 81 87 28.

Vexatious claims

The College will not deal with complaints that:

- are made anonymously without sufficient detail being provided so as to allow investigation or resolution of the matter;
- taken at their highest, do not constitute bullying or harassment as defined by this policy.

Where a Complainant makes frivolous, vexatious or malicious claims against a Respondent (eg. where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution), then depending on the circumstances, disciplinary action may be taken against a Complainant.

Appendices

Appendix 1: Complaints Procedure Flow Chart

Appendix 2: Support Agencies

Related Documents

Sacred Heart College Occupational Health and Safety Policy

Sacred Heart College Equal Opportunity Policy

Sacred Heart College Grievance Policy and Grievance Procedure

MEL Code of Conduct

MEL Workplace Health and Safety Policy 5.04A

Catholic Education Commission of Victoria: Anti-Bullying Guide for Principals and School Leaders

VIT Code of Conduct

Social Media Policy for Workplace Participants

Relevant Legislation


Victoria

Occupational Health and Safety Act 2004

Commonwealth

Fair Work Act 2009

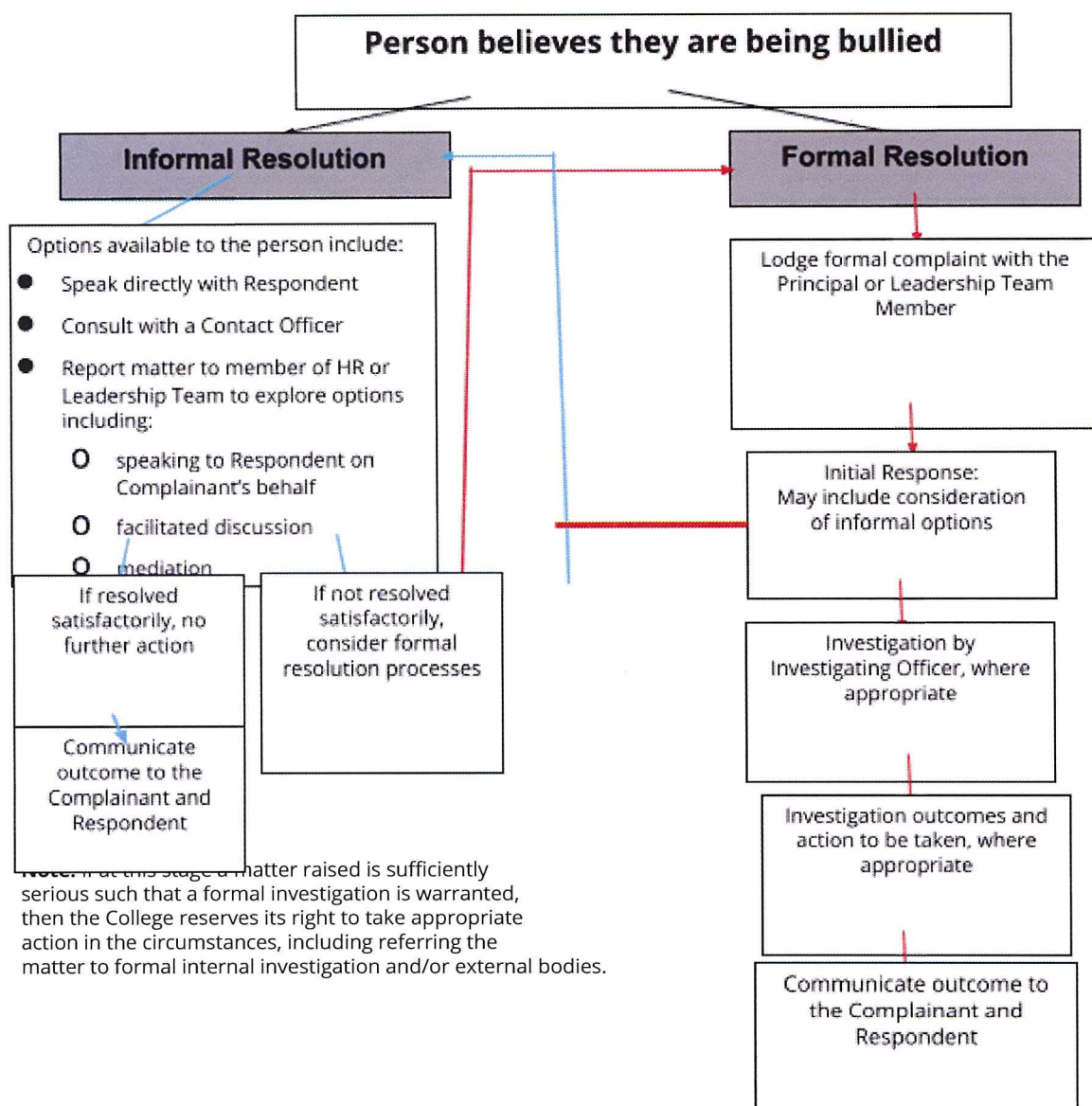
Document Control

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Appendix 1

Complaints Procedure Flowchart



Appendix 2

Support Agencies

WorkSafe Victoria

Ground Floor, 222 Exhibition Street, Melbourne, Vic, 3000
1 Malop Street, Geelong, Vic, 3220 (transition to Geelong occurring in 2018)

WorkSafe Victoria is a statutory body set up to, amongst other things, enforce Victoria's occupational health and safety laws and assist injured workers back into the workforce.

Phone 1800 136 089
Website www.worksafe.vic.gov.au

Fair Work Commission

Level 4, 11 Exhibition Street, Melbourne, Vic, 3000

Fair Work Commission is a statutory body set up to deal with various workplace matters, and now includes a jurisdiction to deal with complaints of bullying.

Phone (03) 8661 7777
Website www.fwc.gov.au

Note: AccessEAP – confidential counselling service for employees

1800 81 87 28

