



Addressing Harassment and Bullying in the Workplace Policy

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ADDRESSING HARASSMENT AND BULLYING IN THE WORKPLACE

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1. RATIONALE

The success of schools in being authentically Catholic requires a commitment by those who work in them to be witnesses to the Gospels. Staff are reminded that “...in imitation of Christ, the only Teacher, they reveal the Christian message not only by word but also by every gesture of their behaviour.” (The *Catholic School*, 43.)

The Diocese of Maitland-Newcastle is committed to support and affirm one another personally, professionally and ethically. It aspires to be centred on the person of Jesus Christ. (System Strategic Vision 2006-2009).

At this workplace it is expected that all staff will treat their colleagues with dignity and respect and conduct themselves in a manner that does not condone any form of bullying of, or by, any person. Under section 8 of the Occupational Health and Safety Act (2000) the Catholic Schools Office has a legal duty to protect the health, safety and welfare of its employees. This duty includes risks arising from workplace bullying. This policy forms a wider commitment to ensuring a safe and productive work environment, a healthy workplace and the adoption of an anti-bullying and harassment ethos.

2. AIMS

This policy aims to:

- 2.1. Provide information, procedures and a training schedule for all employees in relation to harassment and bullying in the workplace.
- 2.2. Develop competence of employees to identify and respond appropriately to harassment and bullying in the workplace and respond appropriately as per the enclosed procedures (ref Support Document 1).
- 2.3. Develop competence of staff to implement systems to minimise workplace harassment and bullying behaviour (ref Support document 3).
- 2.4. Provide procedures to resolve allegations of harassment and bullying behaviour (ref Support document 2).

3. IMPLEMENTATION

- 3.1 Employees will have allegations of bullying and harassment taken seriously and managed promptly and appropriately. All employees will be made aware of and given skills to assist them to identify and address workplace bullying. The Employee Services Team and school executive will be responsible for ensuring employees are familiar with the policy and procedures for responding to issues of harassment and bullying. Employees are required to comply with bullying and harassment prevention procedures that are implemented in the workplace.
- 3.2 An appropriate mechanism for prompt investigation and resolution of alleged bullying will be made available to employees. The Occupational Health and Safety Act (2000), Commonwealth Disability Discrimination Act (1992), Disability Standards for Education (2005) and the Commonwealth Sexual Discrimination Act (1984) inform all processes concerning the provision of creating workplaces free of harassment and bullying. Appendices to this policy will summarise specific procedures to inform staff of the forms of harassment and bullying. The processes outlined are integral to dealing with complaints of harassment and bullying under legalisation and must be followed.
- 3.3 Maintaining a healthy, professional and Christian work environment will be a constant development activity in the workplace. At least once per year Principals or Team Leaders will bring to the attention of staff the content

of this policy. As part of the orientation process, a member of the executive or team leader will ensure all new staff are oriented to this policy.

- 3.4 Staff from the Employee Services Team will implement the Training Schedule (ref Support Document 3) and be available for advice and may be contacted if required.
- 3.5 School executive will play a critical role in supporting this policy by setting the tone for creating quality interpersonal relationships in their schools. They are also strategically placed to be supportive and receptive to initial complaints.
- 3.6 Appropriate action will be taken against a person who
 - Bullies or harasses a worker or another person
 - Victimises someone who has made a complaint
 - Makes malicious, frivolous or vexatious complaints
- 3.7 This policy should be read in conjunction with the Complaints Management Policy (2006).

4. BUDGET

- 4.1 The Catholic Schools Office will make provision each year in its annual budget for professional development opportunities for employees regarding harassment and bullying.
- 4.2 The Catholic Schools Office employs a professional officer to ensure compliance with the Occupational Health and Safety Act.
- 4.3 Any costs for mediators and independent investigators will be met by the Catholic Schools Office.

5. EVALUATION

- 5.1 This Policy will be evaluated in April 2015 by the Employee Services Team. This evaluation will be based on data provided by a survey to randomly selected employees i.e. school executive, teachers, clericals and maintenance staff. Specifically, the survey will address the awareness of staff about the policy, provision of training and support structures for this policy area.
- 5.2 The evaluation process will also involve monitoring the number of referrals to Employee Services Team requiring mediation.

SUPPORT DOCUMENT 1

Identifying Workplace Bullying and Harassment.

INTRODUCTION

Bullying can happen in any workplace and become a risk to health and safety of individuals. It may result in reduced performance and low morale in an organisation. The risk of bullying is minimised in workplaces where it is made known to all that bullying will not be tolerated and individuals are encouraged to report incidents of bullying, knowing they will be dealt with seriously, fairly and in a timely way.

WHAT IS WORKPLACE BULLYING?

The following description is suggested by WorkCover New South Wales:

Workplace bullying is behaviour that is usually repeated, that is inappropriate, unreasonable and possibly aggressive and that creates a risk of physical and/or psychological harm.

Preventing & Dealing with WORKPLACE BULLYING 2008

Examples of bullying behaviour may include;

- Behaviour or language that frightens, humiliates, belittles or degrades
- Loud verbal criticism
- Malicious rumours, gossip, or innuendo
- Offensive jokes, whether spoken word or email
- Excessive and unreasonable work scrutiny
- Deliberate exclusion of a worker from normal workplace activities

Workplace bullying can be:

Intended: where actions were intended to humiliate, offend, intimidate or distress, whether or not the behaviour did in fact have that effect or

Unintended: which although not intended to humiliate, offend, intimidate or distress, did cause and should have reasonably been expected to cause that effect.

Bullies are most often identified as holding a superior position within an organisation to the person towards whom the bullying behaviour is directed. Workplace bullying may also occur sideways, between workers at the same level or upwards at supervisors. Often bullying is repeated and systemic.

WHAT IS WORKPLACE HARASSMENT?

Harassment has a specific meaning in NSW legislation under the NSW Anti Discrimination Act 1977 and the Commonwealth Sexual Discrimination Act 1984, which makes it different from bullying.

Under anti-discrimination laws, harassment in the workplace is any form of behaviour that is not wanted, that offends, humiliates or intimidates, and that concerns the following aspects of the person being harassed: sex; pregnancy; race; marital status; disability; age; carers' responsibilities; homosexuality; transgender status.

To be unlawful, harassment must disadvantage the person being harassed but, unlike bullying, it need not create any risk to health and safety. Harassment can include behaviour that is bullying.

Harassment in the workplace encompasses verbal, physical and "psychological" acts that hurt another person (whether intended or not) and that may be considered to create a hostile environment for a person or persons. In general, harassment is any form of behaviour that is not wanted and not asked for and that which a person finds upsetting, offensive, humiliating and/or intimidating.

BULLYING AND HARASSMENT CAUSING A HOSTILE ENVIRONMENT

While some types of bullying and harassment may not be described under legislation, employers hold a general liability to maintain a working environment that is free of hostility, regardless of its basis. Legislation dealing with occupational health and safety and workplace relations issues may have relevance in this regard. Types of behaviours that may lead to a hostile working environment include:

- Ignoring, isolating or segregating a person or group of persons
- Withholding information from a person for the purpose of isolating that person or making that person look less competent
- Offensive gestures
- Pushing or jostling
- Excessive work scrutiny
- Swearing or shouting at a person
- Unwelcome practical jokes
- Sarcastic comments

WHAT IS NOT HARASSMENT AND/OR BULLYING

It is important to distinguish between bullying / harassment behaviour per se and disagreements in the workplace concerning work performance and working conditions or duties. Professional disagreements need to be addressed through the relevant school's or Catholic Schools Office policies and agreed practices rather than through these procedures.

The following situations may offend or upset people but do not constitute harassment or bullying:

- Differences of opinion
- Poor or bad management practices on their own
- Constructive and courteous feedback, counselling or advice about work-related behaviour and performance
- Reasonable managerial actions taken in a fair and equitable way including disciplinary actions that are handled constructively, not in a humiliating or threatening fashion.
- Making a decision not to select an employee for promotion
- Making a complaint about a manager's or other employee's conduct, if the complaint is made in a proper and reasonable way

ACKNOWLEDGEMENT

The support of Workcover NSW and their support document *WORKPLACE BULLYING A Guide For Employers and Employees* is gratefully acknowledged.

SUPPORT DOCUMENT 2

Procedures to Resolve Harassment and Bullying

A complainant of harassment or bullying should be encouraged to report the issue in a manner that provides them with a choice of actions, depending on the situation. Whatever procedures are used, they must incorporate standards of natural justice and procedural fairness. This means that:

- Everyone who deals with the complaint is unbiased and acts in an unbiased way
- All relevant parties are given an opportunity to be heard
- All parties know the way in which the issue will be determined
- Support all parties – provide details to all parties about employee assistance programs
- Any action taken is based on the facts

The resolution procedure should adopt the following principles of natural justice and procedural fairness:

- Treat all reports seriously-this encourages reporting and a commitment to prevention
- Act promptly to resolve reports quickly and fairly
- Support all parties
- Impartiality-ensure all parties are comfortable with the person resolving the allegation
- Document all meetings and agreed outcomes while maintaining confidentiality
- Provide a follow up process for both grievant and respondent

INFORMAL PROCEDURES

The use of informal procedures, when used promptly, can resolve issues before they become entrenched. Informal procedures include a direct approach and/or mediation. The **direct approach** has the complainant, or someone on his or her behalf, make a polite request for the alleged bullying behaviour to stop. If this direct approach succeeds and the offending behaviour stops it will usually not be necessary to do anything further. The complainant and support person should document the request.

The complainant may request mediation. If **mediation** is required, all the parties are to be brought together to discuss the issue with an independent third party. Such a request may be made to the principal or to the Head of Employee Services. The third party will have no knowledge of the people or the issues and is capable of acting as a mediator.

As part of such a process the complainant may seek to have a support person involved in the process. This support person may be a colleague or another person such as a union representative. This same right is afforded the person being accused of harassment or bullying behaviour. Support persons have a specific role in acting as a presence to those involved. The support person does not act beyond their role and must not take on the role of mediator or decision making role in this forum.

All informal procedures recognise participation as voluntary, no disciplinary action is required and if a mediator is required, all parties agree on the independence and the appointment of the mediator.

INFORMAL PROCEDURES GUIDELINES

WHAT TO DO AND WHAT SHOULD HAPPEN		WHEN
Step 1	The complainant should try to sort the problem out themselves with the person involved. They may choose to go immediately to step 2 or formal procedures.	As close as possible to the behaviour
Step 2	The complainant is not sure how to resolve the problem. They may talk to a support person on staff or may talk to the Principal who will provide confidential advice and resolution possibilities. Should this resolve the problem, the situation will be monitored by the support person and principal.	As close to the behaviour as possible.
Step 3	The complainant may choose to have an independent mediator appointed if they perceive a conflict of interest. They or the Principal will request a mediator from the Head of Employee Services.	The mediator will be appointed within 5 days of such a request.
Step 4	Should the complaint be against the principal, the complainant may choose to directly contact the Head of Employee Services and request a mediator.	As close as possible to the behaviour. The mediator will be appointed within 5 days of such a request.

FORMAL PROCEDURES

This process will normally follow where informal procedures have failed. In some cases however, formal procedures will commence immediately. Such circumstances include:

- The harassment or bullying accusation involves violence or threats
- A formal investigation is requested by the complainant.

An impartial investigator, appointed by the Head of Employee Services, who is appropriately skilled, will ascertain if the complaint can be substantiated. The process will involve:

- Investigation of the allegations
- Making a finding as to whether the harassment or bullying occurred
- Submitting a report to the Assistant Director of Schools with a recommended course of action.

The recommendations may include but are not limited to:

- Mediation as required. This will be particularly important if the findings of the agreed external mediator's investigation show no evidence of harassment or bullying and restorative action is required.
- Obtaining a commitment from the staff member who may have harassed or exhibited bullying behaviour to cease the offensive behaviour
- Counselling for the person who may have harassed or exhibited bullying behaviour.
- Support and counselling for the complainant and other staff who may be affected
- Appropriate training e.g. cultural awareness, conflict resolution skills.
- Disciplinary action

The report will be forwarded to the relevant Assistant Director of Schools. On receipt of the report, the Assistant Director of Schools will provide written advice of the decision to both the complainant and respondent/s advising of the outcome and any action to be taken.

FORMAL PROCEDURES GUIDELINES

WHAT TO DO AND WHAT SHOULD HAPPEN		WHEN
Step 1	The complainant will put their allegation in writing to an Assistant Director.	As close as possible to the behaviour
Step 2	The Assistant Director & Head of Employee Services will appoint an impartial investigator who is appropriately trained. They will inform the complainant they are in receipt of the allegation and the appointment of an investigator.	Within 5 working days
Step 3	A copy of the allegation will be provided to the respondent and they will be informed that an investigator has been appointed. Both parties may avail themselves of a support person either through the Independent Education Union or the Catholic Schools Office.	With the appointment of an investigator.
Step 4	The investigator should interview the complainant, any respondents, and any relevant witnesses.	As soon as practicable.
Step 5	The investigator should make a decision, based on the evidence, as to whether the allegation is established on the balance of probabilities. The report is submitted to the Assistant Director of Schools.	As soon as practicable.
Step 6	If the allegation is proven action in accordance with this policy may be taken.	Within 10 working days of the report's submission.
Step 7	If the allegation is found to be without substance restorative action may be taken. This may include mediation.	Within ten working days of the report's submission.
Step 8	All parties will be informed of the outcome in writing and any action to be taken.	Within ten working days of the report's submission.

APPEAL PROCESS

Any party is able to appeal the findings of a formal investigation. Such an appeal must be in writing and be forwarded to the Director of Schools within seven days of receiving the decision of the Assistant Director of Schools. Appeals can only be made on the grounds of an alleged procedural breach or the appropriateness of recommended sanctions.

As part of the appeal process the Director and if requested a nominee of the Independent Education Union will review all documentation associated with the process and interview the complainant and /or respondent.

A written response to the person raising the appeal would normally be made within ten (10) working days of receipt of the written appeal.

If, following appeal, a complainant or respondent continues to feel that the matter has not been properly dealt with, he or she may refer the matter to an appropriate external agency. Costs associated with such action are to be met by the person initiating such action. External agencies include:

- NSW Anti-Discrimination Board. Phone 1800-670-812.
- Federal Human Rights and Equal Opportunity Commission. Phone 1800-021-199
- Independent Education Union (02) 49084600
- NSW Working Women's Centre (02) 9682 2233
- A Court or Industrial Tribunal
- WorkCover NSW

MAINTAINING RECORDS OF PROCEEDINGS

In all the above processes there is value in maintaining written records of proceedings. Where a record is taken a copy is to be made available to all who attend the meetings. There should be agreement as to where such records of meetings are to be kept. Individuals may keep their records of informal conversation independently usually as diary entries. All records are confidential to the parties involved.

SUPPORT DOCUMENT 3

Training Schedule

CATEGORY OF STAFF	SCOPE OF TRAINING	PROVIDER	SCHEDULED DATE
Assistant Directors Heads of Service Principals Assistant Principals	Developing knowledge & skills to ensure the risks associated with harassment & bullying in the workplace are identified & minimised. Develop awareness and competence with the CSO Policy.	Employee Services	Director-Principals Day Regional Executive Meetings Assistant Principals Day Executive Development Courses
School	Defining harassment & bullying. Reporting of Workplace Bullying.	Principal	Staff Meeting.(Annual)
CSO Staff	Defining harassment & bullying. Reporting of Workplace Bullying	Leadership Team	Annual
New Staff	Definitions & Complaint Processes	Employee Services	Induction Training Day

FREQUENTLY ASKED QUESTIONS

If I feel I am being bullied or harassed, what can I do and who can I talk to?

Confronting bullying can be very difficult. However, there are a number of steps that can be taken to deal with bullying in the workplace. Some of these strategies are only effective in certain contexts and only if you feel “up to it”.

DEAL WITH THE SITUATION INDIVIDUALLY (IF YOU FEEL YOU CAN DO IT)

Speak with a trusted colleague about what is happening.

Ask for a meeting with the person who is perpetrating the bullying;

- You may wish to have a support person (following the steps outlined in this policy)
- State aim of the meeting eg “I’d like to discuss how we communicate with each other”
- Try to remain calm and remain completely professional
- If the other person becomes aggressive, thank them for their time and end the meeting
- Describe clearly the action or behaviour
- Focus on actual behaviour not personality
- Speak clearly and firmly
- State that you want the behaviour to stop
- Maintain eye contact
- Don’t confuse the message ending with a smile or apology
- Remain confident in your own judgement and ability

ON A PERSONAL NOTE

- Maintain your outside interests as this helps keep your sense of perspective
- Look after yourself and your close relationships
- If you feel unwell, seek medical help and counselling

FOLLOWING THE PROCESS OUTLINED IN THE POLICY

- Discuss the situation with a someone on staff with whom you feel confident and comfortable talking to or your Union representative
- Discuss the situation formally with a relevant person in the organisation
- Request mediation
- Make a formal complaint

What is important is that you share your concerns with someone and take action based on the steps suggested in this policy.

REDUCING THE EFFECTS OF BULLYING

- You may need to avoid situations where you are alone with the bully

- Know your job description and ensure your responsibilities and professionalism match
- Keep a journal; this will help provide clarity and detail to your situation in the future.
- Alternate periods of moderate physical activity with relaxation to alleviate stress

What can I do in the workplace to prevent bullying?

Support your fellow employees and don't accept inappropriate behaviour. Remember to set good standards in dealing with others.

Does the policy cover parents and volunteers?

No. The policy is directly concerned with employees of the Catholic Schools Office. The policy applies to all employees.

If I feel harassed by a parent what should I do?

Concerns of parental harassment need to be referred to the principal. Parental complaints are addressed under the Complaints Management Policy (2006).

What happens if the allegation of harassment or bullying is against the Principal?

Refer complaints to the Assistant Principal and/or direct the matter to an Assistant Director or the Head of Employee Services immediately as outlined in step 3 of the Informal Procedures Guidelines. If another member of the executive is involved and there is a perceived conflict of interest, the same steps apply.

What's the difference between harassment and bullying?

Harassment in the workplace is any form of behaviour that is not wanted, that offends, humiliates or intimidates. It concerns the following aspects of the person being harassed: sex; pregnancy; race; marital status; disability; age; carers' responsibilities; homosexuality; transgender status. Bullying differs in the way power is used. Bullying has been described as involving behaviours that belittle, scare and intimidate. Often this behaviour is repeated and systemic and may place the health, safety and welfare of a person at physical, psychological or emotional risk.

Will we still have contact and referral Officers in schools?

No. All staff need to have the information and skills to identify and address workplace bullying. This policy also supports the concept of subsidiarity. This means that ample opportunity for informal processes, as deemed appropriate, take precedence over formal procedures.