

8.7 Workplace Harassment and Bullying Policy

All employees have the right to work in a place where they are valued, respected and appreciated by their colleagues, supervisors and employers. Workplace harassment and bullying can be detrimental to the ongoing health, wellbeing and sense of safety for employees. The following guidelines shall be implemented by the service to ensure workplace bullying and harassment is not tolerated and that appropriate procedures for managing reports of bullying and harassment are in place.



Relevant Laws and other Provisions

The laws and other provisions affecting this policy include:

- *Education and Care Services National Law Act, 2010 and Regulations 2011*
- *Duty of Care*
- *Family and Child Commission Act 2014*
- *Work Health and Safety Act 2011*
- *Prevention of Workplace Harassment Advisory Standard 2004*
- *Anti-Discrimination Act 1991 (QLD)*
- *National Quality Standard, Quality Area 4 – Staffing Arrangements; 7.2 Effective leadership builds and promotes a positive organizational culture and professional learning community*
- *Policies: 8.1 – Role and Expectations of Educators, 8.5 – Volunteers Policy, 8.9 – Employee Code of Conduct, 8.10 – Employee Orientation and Induction.*



Procedures

Definition

Workplace harassment/bullying is verbal, physical, social or psychological abuse by your employer (or manager), another person or group of people at work. Workplace harassment and bullying occurs when a person is subjected to repeated behavior, that:

- Is unwelcome and unsolicited;
- The person considers to be offensive, humiliating, intimidating or threatening; and
- A reasonable person would consider to be offensive, humiliating, intimidating or threatening.

For the purpose of this policy, workplace bullying and/or harassment means behavior that is repeated or occurs as part of a pattern of behavior and may include:

- Abusing a person loudly, usually when others are present;
- Repeated threats of dismissal or other severe punishment for no reason;
- Constant ridicule and being put down;
- Leaving offensive messages via text, email or phone;
- Sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways;
- A manager setting unreasonable timelines or constantly changing deadlines for an employee to meet, or setting tasks that unreasonably below or beyond a person's skill level;

- Maliciously excluding and isolating a person from workplace activities;
- Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of families, management or other workers; and/or
- Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

It shall be acknowledged that the impacts of bullying and harassment can be traumatic and may result in employees suffering stress, feelings of isolation at work, anxiety, loss of self-esteem, loss of financial security, loss or deterioration of personal relationships, physical symptoms of stress such as headaches, backaches, stomach cramps, and depression.

Some types of workplace bullying are criminal offences therefore any instances of violence, physical assault and/or stalking will be reported to the Queensland Police Service immediately.

Scope

Workplace bullying and harassment shall not be tolerated or accepted by any employee or member of the service's management. This policy relates to such incidents as they may occur at the workplace during working hours, and all work-related events including but not limited to:

- Team meetings;
- Family events organised by the service;
- Celebratory functions; and/or
- Other events organised by the service in public or private locations;

This policy also relates to, but is not limited by the following types of communication:

- Verbal communication, either via phone or in person in the workplace, and outside of it;
- Written communication including letters, notes, minutes of meetings etc.; and/or
- Internal and external communication including emails and/or text messages.

Standards of behavior

In line with the service's commitment to creating a workplace that is free from workplace health and safety risks and one which strives to create positive working relationships, all those covered by this policy are expected to observe the following minimum standards of behavior, including:

- Being polite and courteous to others;
- Being respectful of the differences between people and their circumstances;
- Ensuring they do not engage in any bullying behavior towards others in, or connected with the workplace. This includes hurtful remarks or attacks and making fun of a person or their work (including references to family, sex, sexuality, gender identity, race or culture, education and economic background);
- Ensuring they do not assist, or encourage others in the workplace, or in connection with the workplace to engage in bullying behavior of any type;
- Adhering to the service's grievance procedures, as listed further in this policy, if they experience any bullying behaviours personally;
- Reporting any bullying behaviours they see happening to others in the workplace, or connected with the workplace in line with the grievance procedure in this policy; and

- Keeping information confidential if involved in any investigation of bullying.

Responsibilities

It is the responsibility of all employees to not participate in discriminatory or harassing behaviour within the workplace. The Approved Provider/Coordinator is accountable for ensuring professional standards of conduct are observed at all times and to take immediate preventative action in any situation that has the potential to be construed as harassment. This means acting as a role model for staff to demonstrate appropriate behaviour.

Incidents of harassment are to be treated seriously and immediate action must be taken to deal with complaints.

Employees who believe they are being harassed in any way, are to be informed of their right to **not ignore it** but to take action

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- Tell the other person in a direct and firm manner that their behaviour is offensive and unacceptable. However, telling the person may not be enough to stop the unwelcome behaviour so be prepared to take further action.
- Keep diary notes of all incidents with details of the harassment, dates and times, name(s) of offending party (i.e.), and any response you made.
- Discuss the situation with the Coordinator or member of management; and
- Adhere with Consultation and Dispute Resolution Clause in the Award.

Grievance procedure

Grievance procedures shall be made available to employees and clearly articulated in the Educator Handbook.

All reports of harassment and/or bullying behaviour shall be managed in accordance with the service's grievance procedures which include:

- Reporting the grievance to the Coordinator /Approved provider through the appropriate channels;
- Arranging for a meeting with the complainant to discuss the nature of the alleged complaint and or grievance; and
- Documenting all conversations about the grievance and alleged instances of harassment or bullying, when they occurred, who was involved, what happened and any witnesses or other relevant information.

The Approved Provider may seek expert advice from their employer association in managing any alleged instances of harassment or bullying in the workplace with appropriate dispute resolution services accessed as required and upon professional advice.

Confidentiality

Whilst all endeavours will be made to maintain the integrity of the investigative process and to preserve the confidentiality of the complainant and the person accused, it may be necessary to speak with other workers or people involved to determine what happened.

Those involved in the complaint (including the complainant, witnesses etc.) are also under a duty to maintain confidentiality and show a commitment to uphold the integrity of the investigation process.

If the complainant chooses to bring a support person with them to any meetings, they too are bound by confidentiality.

Gossiping and/or the spreading of rumours because of, or in connection with, a process followed under this policy will not be tolerated under any circumstances and may lead to further disciplinary action for those concerned.

All meetings will be documented with minutes recorded and treated in a confidential manner. Information including letters of complaint and meeting minutes will be stored confidentially.

Outcomes

The outcomes of formal or informal complaint procedures depend on the complaint's nature, its severity and what is deemed appropriate in the relevant circumstances.

Where the results of an investigation procedure suggest that an individual is guilty of bullying, appropriate disciplinary procedures will be followed in line with the Employee Counselling and Disciplinary Procedures Policy (Policy 8.15).

Disciplinary action will depend on the nature and severity of the behaviour and may include termination of employment, which may be instant dismissal where serious misconduct is deemed to have occurred.

In addition to procedures articulated in the Employee Counselling and Disciplinary Procedures Policy, other action may be deemed necessary to resolve or remedy the behaviour complained of, including but not limited to:

- Providing training to employees concerned regarding bullying;
- Requiring employees who have breached this policy to apologise to appropriate person(s);
- Adjusting working arrangements where appropriate;
- Providing counselling to employees (complainant and the person complained of);
- Placing employees on performance improvement plans to ensure improved behaviour; and/or
- Providing coaching and mentoring.

References

CMS - Community Management Solutions – P&C Associations Workplace Bullying & Harassment Toolkit (<https://www.cmsolutions.org.au/toolkits/>)

WorkSafe Queensland, Bullying (<https://www.worksafe.qld.gov.au/safety-and-prevention/mental-health/Psychosocial-hazards/bullying>)

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