

GSE 6.2

Prevention of Bullying and Harassment Policy

Policy

Good Samaritan Education is committed to providing a workplace free from harassment and bullying. Behaviour that constitutes harassment or bullying will not be tolerated and will lead to action being taken, which may include dismissal.

References

Rationale

Good Samaritan Education aims to ensure that all reasonable steps are taken to:

- a) prevent bullying and harassment
- b) provide a healthy and safe environment for all employees, contractors and visitors
- c) manage reported incidents of bullying and harassment through effective procedures
- d) make employees aware of assistance available to them in instances of bullying and harassment

Scope

This Policy applies to all workers engaged in work for *Good Samaritan Education*. This policy does not apply to reasonable management actions such as, setting performance goals, standards and deadlines, allocating work, informing a worker about unsatisfactory work performance or inappropriate behaviour, performance management processes as these actions are not bullying.

Definitions

Bullying is repeated inappropriate behaviour in the course of employment. It may be direct or indirect, verbal or physical, or some form of negative interaction between one or more persons against another or others. In this context, bullying behaviour can be regarded as undermining an individual's right to dignity. For example, these behaviours may constitute bullying, manipulation and/or intimidation, belittling remarks, unreasonable persistent criticism, loud and aggressive attacks or more subtle intimidation, deliberate isolation of an employee from colleagues, refusing to delegate work to the employee or withholding of information that the employee needs.

Harassment is unwanted behaviour which may involve inappropriate actions, comments or physical contact that is objectionable or causes offence. Unlawful harassment may relate to any of the attributes protected in equal opportunity legislation i.e. age, disability/impairment, industrial activity/inactivity, lawful sexual activity, gender identity, sexual preference, marital status, physical features, political belief or activity, pregnancy/breastfeeding, race, cultural differences, religious belief or activity, sex, status as parent or carer, irrelevant criminal conviction, personal association with someone who has any of the attributes mentioned above.

Unreasonable behaviour is behaviour that a reasonable person, having regard to all circumstances, would expect to victimize, humiliate, undermine or threaten.

Consequences

- a) A risk management approach is taken to the prevention of bullying and harassment
- b) Employees should report any behaviour that constitutes bullying or harassment
- c) Employees will not be victimized or treated unfairly for raising an issue or making a complaint
- d) Reports will be dealt with confidentially, quickly, courteously, fairly and within established timelines
- e) Any employee found to have engaged in bullying or harassing behaviour will be subject to disciplinary action. In very serious cases, this may include dismissal.

Prevention of Bullying Protocol

Purpose

The purpose of this protocol is to set out the procedures that will be followed in cases of allegations of bullying or harassment.

References

WorkSafe Victoria *Preventing and Responding to Bullying at Work* from NSW

Workcover http://www.workcover.nsw.gov.au/formspublications/publications/Documents/bullying_at_work_2054.pdf

Protocol

A. Responsibilities

1. **Managers** are responsible for ensuring that employees are aware of and adhere to *Good Samaritan Education's* policies and protocols. They should:
 - a) Be aware of the signs of and prevent the occurrence of bullying in the workplace
 - b) Manage inappropriate behaviour, regardless of whether a complaint is received about that behaviour
 - c) Encourage all staff to behave in accordance with the principles of dignity in the workplace, equal opportunity and anti-discrimination
 - d) Provide leadership and role modelling in relation to appropriate and professional behaviour in the workplace
 - e) Respond promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred.
2. **Employees** should:
 - a) Be aware of and identify bullying behaviour and where appropriate utilize *Good Samaritan Education's* protocol to stop any further instances of bullying behaviour to themselves or others
 - b) Behave in accordance with the principles of equal opportunity and anti-discrimination
 - c) If bullying behaviour is witnessed or experienced and the employee feels able, speak with the alleged bully to object to the bullying behaviour
 - d) Offer to act as a witness if the person being bullied decides to report the incident
 - e) Keep a record or diary noting what happened, when and the names of witnesses.

B. Prevention of Bullying and Harassment

1. *Good Samaritan Education* takes a risk management approach to the prevention of bullying and harassment in the workplace. This involves a staged prevention approach involving consultation with workers:
 - a) Identify bullying and harassment risks. Risk factors include:
 - i. Organisational change eg in technology, work methods, restructuring,
 - ii. Negative leadership styles eg autocratic or laissez-faire
 - iii. Lack of appropriate work systems eg lack of resources, training, role definition
 - iv. Poor workplace relationships eg criticism, negative interactions, interpersonal conflict, negative relationships between managers and workers
 - v. Workforce characteristics eg vulnerable workers

GSE 8.14 Employer Bullying Checklist may be used in consultation with employees to assess risks.

- b) Assessing the likelihood of those risks causing injury or illness. *GSE 8.14 Risk Management Proforma* can be used to evaluate risks in consultation with employees.
- c) Implementing risk control measures to eliminate the risk/s (or where that is not reasonably practicable, reducing the risk so far as is reasonably practicable). Risk controls that may be used to eliminate or minimize risk outlined in 1a) above include:
 - i. Organisational change – Plan all change, consult with workers as early as possible, develop and maintain effective communication throughout the change, seek and act on feedback throughout, review and evaluate change processes
 - ii. Negative leadership styles – management accountability for positive leadership style, management supervision, regular support and training, leadership coaching, mentoring and supporting new and poor performing managers, provision of regular feedback on management performance, implement and review performance development plans, include leadership questions in exit interviews and worker opinion surveys
 - iii. Lack of appropriate work systems – develop and implement standard operating procedures, review and monitor work loads and staffing levels, review resource availability, redesign and clearly define jobs, reduce excessive working hours, seek regular feedback from staff over concerns about roles and responsibilities
 - iv. Poor workplace relationships – develop and implement a conflict management process, provide training, ensure supervisors act on inappropriate behaviour
 - v. Workforce characteristics – develop and implement systems to support and protect vulnerable staff, train workers, train managers to support workers at higher risk, monitor workplace relationships.
- d) Regularly reviewing the effectiveness of risk control measures over time. Reviews will be conducted each July or when new information about bullying becomes available to *Good Samaritan Education*.
- e) Results of reviews are reported to the Governing Council.

C. *Complaint Resolution Procedures*

1. Informal resolution

- a) If you can, tell the person that you are offended by their behaviour and that you want it to stop
- b) If you are uncomfortable with speaking to the person yourself, report the incident to the Executive Director. The report is not required to be in writing at this stage.
- c) The Executive Director will advise you of possible courses of action. These may include the following:
 - i. Local mediation between parties at the workplace where appropriate. Mediation is usually only appropriate for cases of unwitting bullying and is not appropriate for serial bullying.
 - ii. The Executive Director or other appropriate manager may speak to the respondent on behalf of the complainant
- d) The object of mediation between parties or discussion with the respondent is to:
 - i. Determine whether the claim of bullying/harassment is substantiated
 - ii. Where it is substantiated, to obtain a commitment from the respondent to cease the unacceptable behaviour, and
 - iii. To determine a review date at which the effectiveness of action taken will be reviewed
- e) The Executive Director should provide support to both parties

- f) A manager or employee who observes unacceptable conduct occurring may take independent action even though no complaint has been made.

2. Formal resolution

- a) To instigate this process, the complainant must lodge a complaint in writing.
- b) An investigation by an independent investigator should be undertaken for:
 - i. Allegations involving senior staff/management
 - ii. Allegations covering a long period of time
 - iii. Allegations involving threats
 - iv. Allegations involving multiple workers
 - v. Allegations involving vulnerable workers
 - vi. Informal approaches that have failed.
- c) Outcomes of investigations should be communicated to relevant parties in a fair and consistent way that avoids bias. Communicate:
 - i. Investigation findings
 - ii. Actions recommended
 - iii. Information on how to seek review of decisions.
- d) Acting on outcomes. Some strategies for resolution are:
 - i. Gain commitment to cease the behaviour
 - ii. Run an awareness update
 - iii. Provide training (eg communication skills, diversity awareness, interpersonal skills)
 - iv. Workgroup training
 - v. Organisation wide training
 - vi. Providing coaching, counseling support and/or mentoring
 - vii. Review the workplace policy with all workers and managers
 - viii. Mediation (only where both parties agree to mediation and to the mediator)
 - ix. Structured program to reintegrate a person into the workplace
 - x. Move the perpetrator away from the affected person
 - xi. Implement disciplinary action
 - xii. Require an apology.

3. External assistance

A worker experiencing bullying can contact Workcover NSW Assistance Service (phone 13 10 50)

Review History

GSE 6.2 version 1.0 July 2012