


Catholic Archdiocese of Adelaide

---

## Diocesan Offices and Parishes

# Bullying and Harassment Policy and Procedures

Approved by:   
Moderator of the Curia

Date: October 20, 2011

Policy Number: HRPOLI012

Review Date: October 2015



## BULLYING AND HARASSMENT

### *Policy Vision Statement*

*The Archdiocese of Adelaide is a community of believers drawing on our rich Catholic tradition and celebrating our diversity, striving for fullness of life in God. We seek to build a family-centred Church, strengthening community and spreading the good news of Jesus Christ, with a particular concern for those who are poor and disadvantaged.*

### **1. Policy**

The Catholic Church is committed to providing its clergy, employees and volunteers with a safe work environment that is free from inappropriate behaviour and will take all reasonable steps to minimise any form of workplace bullying or harassment and to treat people with equity and dignity. It is in this context that bullying/harassment of any person is not tolerated.

### **2. Scope**

This procedure applies to all persons in the Church workplace and includes clergy, employees, visitors, volunteers, contractors and parishioners. Where bullying in the Church workplace involves acts of discrimination, refer to the Grievance Management Panel.

### **3. Occupational Health, Safety & Welfare and Child Protection**

At all stages of the process, all parties are to ensure that all provisions relating to the legislative and Archdiocesan requirements relating to Occupational Health, Safety and Welfare and Child Protection are adhered to and followed.

### **4. Definitions**

**Alleged Person:** refers to the person whose behaviour is repeated and systematic towards an employee or group of employees and that it is perceived as being victimising, humiliating, intimidating, undermining or threatening.

**Bullying:** as defined by the Occupational Health, Safety & Welfare Act 1986, is behaviour that is directed towards an employee or a group of employees, "that is repeated and systematic, and that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the employee or employees to whom the behaviour is directed".

**Harassment:** is any verbal, written or physical behaviour or conduct that is of an offensive, threatening, intimidating, abusive or belittling nature and that is unwelcome, unreciprocated, uninvited and usually, but not always, repeated.

The following are examples of workplace bullying and harassment:

- verbal abuse
- intimidating behaviour
- denying opportunities for training, promotion or the variety of tasks as indicated in the Job Description
- excluding or isolating employees
- unwelcome practical jokes
- the use of unsuitable language in the workplace
- spreading gossip or rumours
- the reciting of sexist jokes
- electronic technology/cyber issues – inappropriate text messages, inappropriate use of facebook, twitter, blogs etc

**Bullying and Harassment does not include:**

- reasonable action taken in a reasonable manner by an employer to transfer, demote, discipline, counsel, retrench or dismiss an employee
- a decision by an employer, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with an employee's employment
- reasonable administrative action taken in a reasonable manner by an employer in connection with an employee's employment
- reasonable action taken in a reasonable manner under an Act affecting an employee

**Complainant:** an employee, advocate, client or organisation making a complaint.

**Contact Person:** a contact person is a person identified by the agency (see Appendix A) as someone who can assist in the resolution of complaints at an early stage. This process is confidential and is used as an early step in resolving conflict. There should be a variety of trained contact officers available to Catholic Church personnel, including male and female, clergy and non clergy. It is recommended that each Deanery nominate 2-3 people to be trained as contact people.

The role of the contact person is to offer support and advice on the best way to communicate with the complainant and how best to represent their grievance in a manner that will be responded to. The contact person will not share their personal opinion on the matter, but rather will assist to move towards resolution.

Both complainants and respondents may seek out contact people to support them through this process, however, where this occurs, the two contact officers will not communicate about the details of the complaint. If at any stage the contact person feels that a facilitated conversation is necessary, then they will refer the matter to the Grievance Management Panel.

At all stages the contact person keeps the Supervisor or Line Manager informed. If the grievance is with a Line Manager the contact person informs the next level of leadership.

**Discrimination:** includes unfair treatment based on a person's disability, race, sex, age, sexuality, pregnancy and marital status.

## 5. Responsibilities

All employees have a duty to contribute to the provision of a safe workplace, safe systems of work and the elimination of hazards. To this end all employees have a responsibility to ensure all persons are treated with respect, dignity, fairness, and equity.

### 5.1 Management

Managers in the Church workplace have a responsibility in preventing workplace bullying/harassment. It is the responsibility of managers to identify and manage any issues with appropriate support. Managers have a responsibility to:

- set an example by appropriate behaviour at all times
- treat the alleged person impartially, pending fair investigation of the alleged incident
- continuously monitor the workplace to ensure there is no harassment, and provide education, information and support to counter any morale problems that might arise

Management is to appoint a contact person and provide appropriate training, and ensure all staff are made aware who the contact person is.

### 5.2 Employees are required to:

- avoid bullying/harassment in any form
- take responsibility for their own health and safety
- report any incidents of bullying/harassment to their manager or the next level of management as appropriate, regardless of who it involves
- seek internal/external assistance if required

### 5.3 Rights and Responsibilities of Complainant

The complainant has the right to:

- be heard and listened to
- have the complaint addressed with procedural fairness
- have the complaint dealt with in a timely manner
- seek legal advice
- have a support person present during the process
- engage outside support
- confidentiality and sensitivity on the resolution of the process

The complainant has a responsibility to:

- approach the process in good faith
- uphold confidentiality
- be courteous in dealing with the respondent or any other person involved in the dispute including contact person, mediator or investigator

### 5.4 Rights and Responsibilities of Respondent

The respondent has the right to:

- be informed of a complaint against them within a reasonable time frame
- present their version of events fully
- seek legal advice
- advice and support
- have a support person present
- confidentiality and sensitivity in the resolution process

The respondent has a responsibility to:

- approach the process in good faith
- uphold confidentiality
- be courteous in dealing with the respondent or any other person involved in the dispute including contact person, mediator or investigator

Victimisation or ill treatment as a result of bringing a complaint will not be tolerated.

At any stage of a grievance, all parties are supported to access confidential counselling for their pastoral care and wellbeing through the Employee Assistance Program – ACCESS-OCAR.

**Pastoral Support Person:** If a Priest is involved in a bullying and harassment issue, either as a complainant or respondent, they may seek support for their pastoral care and wellbeing from a Priest who has been designated with this role as determined by the Archbishop or the Moderator of the Curia. They may also utilise the services of ACCESS-OCAR.

If an employee or volunteer is involved in a grievance issue, either as a complainant or a respondent, they may seek support for their pastoral care and well-being from ACCESS-OCAR.

## **6. Procedure**

Some or all of the following steps may be used to gain a successful resolution.

Prior to lodging a complaint the following 2 steps may be undertaken in order to reach a resolution.

### **6.1 Conversation with the person**

- the complainant raises their issue directly with the respondent and the issue is resolved through discussion
- if a person is unable to do this or this step does not provide a solution then a contact person becomes involved

### **6.2 Use of contact person**

- the complainant takes the issue to a trained contact person (from either the work environment or another) and discusses methods of resolution
- this is likely to involve a discussion on how best to approach the person with whom they are in dispute and some strategies for resolution
- the contact person offers support and guidance
- if this does not result in a satisfactory outcome then additional steps will be required
- these two steps are not recommended for any complaint about sexual harassment
- the contact person will keep management informed

### **6.3 Resolve via Manager in Church workplace**

- the complainant goes to their direct Line Manager to discuss the issue
- if the complaint is with the Line Manager then they go to the Chancellor
- the issue is discussed and resolution is sought with the direct assistance of the Line Manager
- if a result does not occur, then the matter must be referred to the Grievance Management Panel for assessment
- if a satisfactory resolution has not occurred after the previous steps, then an assessment takes place by a team of professionals
- this group will be the Grievance Management Panel and they will assess and recommend the most appropriate method of dispute resolution
- it may involve another dispute resolution process as required
- wherever a dispute involves a Priest, another Priest as determined by the Archbishop or the Moderator of the Curia will be invited to be part of the Grievance Management Panel for that dispute

## 6.4 Mediation

- a mediation process commences using a qualified impartial third party selected by the Grievance Management Panel in consultation with the Archbishop or the Moderator of the Curia
- this process will be provided by the independent mediator who will assess the situation and assist both parties work towards a mutually agreeable solution to the dispute at hand
- some information will be provided to the Grievance Management Panel around the outcomes including any agreements and/or recommendations (Appendix A)

## 6.5 Complaints response intervention

- this process occurs where one person needs to explore their behaviour in relation to complaints received
- this involves a contract being drawn up between a member of the Grievance Management Panel, an independent consultant selected by the Panel and the individual
- the individual and the consultant then work on the agreed goals and report back to the Grievance Management Panel

## 6.6 Investigation

- this stage will usually only occur when a resolution cannot be reached through any of the previous steps or if one person is unhappy with the outcome
- the investigation will be conducted by a specifically trained independent person as determined by the Archbishop or the Moderator of the Curia
- the role of the investigator is to determine the substance of the allegations/grievance and recommend a course of action
- the investigator will review the complaint and any responses to it
- the investigator may also conduct interviews, speak to witnesses and follow up any other information provided that it is relevant to the dispute

At the end of the investigation, a finding is made. Some of the possibilities are:

- the grievance is upheld
- the grievance is dismissed (ie. it is considered that it is without merit or unfounded)

Outcomes could be:

- discipline or reprimand
- counselling
- a change in policy or procedure
- a written warning
- professional development

A written report is then provided to the complainant and the respondent detailing outcomes as well as any consequences for future breaches as determined by the Archbishop or the Moderator of the Curia.

## 7. Final Step

- if the complainant is not satisfied, they may seek further assistance by referring the issue to appropriate external industrial processes or their rights at common law

## Attachments

Grievance Management Panel Terms of Reference  
Grievance Procedure Flowchart

## References

Occupational Health, Safety & Welfare Act 1986  
Occupational Health, Safety & Welfare Regulations 1995  
Workplace Harassment and Bullying in South Australia – Business SA, October 2005  
South Australian Equal Opportunity Act 1984  
Workers Compensation and Rehabilitation Act 1986



## APPENDIX A

### GRIEVANCE MANAGEMENT PANEL

#### Terms of Reference

#### **PURPOSE:**

The role of the Grievance Management Panel is to make an initial assessment upon the receipt of a complaint – either received directly or indirectly. The Panel will be convened as soon as possible after receiving the complaint.

It is the role of the Panel to assess the complaint and determine the best possible process with which to resolve it.

#### **MEMBERSHIP:**

The Panel will consist primarily of a Chancellor, the Mediation Advisor and an Agency specific member. The aim of the Panel is to use Alternative Dispute Resolution practices primarily and therefore a lawyer may not ordinarily be included. However, one could be appointed to the Panel by the Chancellor if required.

#### **AGENCY MEMBERS:**

Agency Members may include the following:

- Vicar General
- Priests (as selected by the Archbishop or the Moderator of the Curia)
- Religious (at least 2 nominated by Congregation Leaders)
- Diocesan Centre (at least 2 nominated)
- Legal representative as required
- Parish or chaplaincy representatives

Only one person from any given agency to which the grievance assessment applies will be required to participate on the Panel at a time. All Panel members will be inducted into the process at the outset.

All Agency representatives' contact details will be kept on file by the Chancellor and participation of each of the Agency representatives will be conditional upon their availability.

#### **PROCESS:**

The Grievance Management Panel will convene upon receipt of a complaint. There will be regular meetings scheduled for the direction of ongoing cases.

**DUTIES OF THE CHANCELLOR, CHAIR OF THE GRIEVANCE PANEL:**

- compile Briefing Paper
- set meeting times and dates
- preparation of Agendas
- maintenance of Case Notes

**CASE CLOSURE:**

A case will be considered closed when the Panel determine the case has been completed. At this point a Report is written and all file notes are retained as per diocesan policy/procedure for the management of case notes.

Where appropriate a Report of the outcome of a case will be forwarded to those requiring it.

**REQUIREMENTS OF PANEL:**

- all Panel members will be inducted and required to sign a confidentiality agreement at their first meeting
- the Panel members' role will be to discern the most appropriate method of resolving the current issue
- the Panel will continue to be involved with the progress of the particular dispute until a conclusion has been reached