



WORKPLACE ANTI-BULLYING, VIOLENCE AND HARASSMENT

POLICY

Rationale

This policy outlines Bayside Christian College's (College) position and commitment to the provision of a workplace free of Bullying, Violence, Harassment, Vilification and Victimization and aims to ensure compliance with its legislative obligations.

This policy also provides guidelines about acceptable behaviour in the workplace and the responsibilities of everyone at the College to ensure all are contributing to a working environment free of unacceptable and inappropriate behaviours, such as Harassment, Sexual Harassment, Bullying and Workplace Violence.

Policy Statement

It is the responsibility of all staff members to contribute to a working environment free of unacceptable and inappropriate workplace behaviours such as Harassment, Sexual Harassment, Bullying and Workplace Violence. The College's commitment to managing these behaviours not only benefits the College by improving innovation, service excellence, productivity and efficiency, but also fosters an environment where all staff members are accountable for treating each other with respect, courtesy and dignity, and are not subjected to treatment that is hostile and unprofessional.

Bullying, Violence and any form of Harassment have no place in the College environment. The College takes its obligations in this regard seriously and is committed to providing a safe workplace for all staff. The College considers all types of Workplace Bullying, Violence and Harassment to be unacceptable and has a zero tolerance for these behaviours.

Through the establishment of robust policies and procedures that support a safe and harmonious workplace, the College is committed to the following objectives:

- to create a work environment where all staff are treated with respect, dignity and courtesy,
- to conduct training sessions to ensure all staff understand their rights and responsibilities,
- to provide an effective procedure for complaints based on the principles of natural justice and procedural fairness,
- to treat all complaints in a sensitive, fair, timely and confidential manner,
- to ensure that no staff member is victimised for lodging a complaint or helping in an investigation of a complaint,
- to promote appropriate standards of conduct at all times.

Application

This policy applies to all Bayside Christian College staff, volunteers, contractors and Board members. It also applies to current or potential staff or stakeholders of the College.

This policy extends to conduct in any work-related context within or outside of normal working hours including (but not limited to) working remotely, or any other location, at conferences, functions, parties, trips / tours, excursions, camps and meetings conducted outside normal business hours (work related or social) whether or not on College premises. It covers interactions with students, parents, customers, suppliers and other third parties, as well as colleagues.

This policy also applies when providing access to opportunities related to all stages of the employment life cycle, including recruitment, terms of employment, professional development, promotion, secondment, and termination of employment.

Definitions

Word/s	Definition
Harassment	<p>Harassment refers to unwelcome or unsolicited conduct that intimidates, humiliates, insults, offends or scares the person at whom it is directed, regardless of the intent of the offender.</p> <p>Harassment includes any inappropriate behaviour such as verbal comments (including voicemail), written (including email, text messages, comments on social media), visual or physical contact, which is unwanted or causes offence to the other person.</p> <p>Harassment can include behaviours such as (this is not an exhaustive list):</p> <ul style="list-style-type: none"> • Imposing impossible deadlines or impossible tasks, • Telling insulting jokes, making derogatory comments or taunts about a person or group of people based on characteristics specified under anti-discrimination or human rights legislation, • Messages delivered electronically or otherwise which are threatening, abusive or offensive. • Harassment may occur among any participants in the workplace, including where a person uses harassing behaviour to control, influence or affect the career, salary or job of another person under their authority.
Sexual Harassment	<p>Sexual Harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel uncomfortable, humiliated, intimidated or offended. It is the unwelcome and uninvited nature of the conduct that makes it Sexual Harassment and distinguishes it from normal workplace behaviour which may occur with the consent of all participants.</p> <p>Sexual Harassment may have detrimental effects on an individual's health, wellbeing and work performance.</p> <p>Both women and men can experience Sexual Harassment. Sexual Harassment can involve a series of incidents, or it can be a one-off occurrence. It can be physical, verbal or written.</p> <p>Examples of Sexual Harassment can include:</p> <ul style="list-style-type: none"> • harassing a person on the ground of their sex; • unwelcome comments about a person's sex life or physical appearance, • suggestive behaviour such as leering and ogling,

Word/s	Definition
	<ul style="list-style-type: none"> • innuendo, • unnecessary physical intimacy such as brushing up against a person, • uninvited physical contact including kisses, touching, fondling, massages or embraces, • sexual jokes and sexually explicit conversation, • print or digital displays of sexually graphic material/content (posters, email, social media), • sexual propositions or continued requests for dates, • “flashing” or sexual gestures, • obscene telephone calls or messages, • making promises or threats in return for sexual favours, • wolf whistling, • acts that are also criminal offences – physical molestation or assault, indecent exposure, rape, sexual assault, stalking, obscene communications (telephone calls, letters etc.). <p>Even if the behaviour does not offend the person to whom it is directed, others overhearing or present while such behaviour is occurring may take offence and feel that they are being harassed.</p> <p>What is not Sexual Harassment?</p> <p>Sexual Harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not Sexual Harassment.</p>
Bullying	<p>Workplace Bullying is repeated and unreasonable behaviour directed towards a staff member or a group of staff that creates a risk to health and safety. Repeated behaviour refers to persistent behaviour and can involve a range of behaviours over time. It includes behaviour that would be considered unreasonable and includes behaviour that intimidates, offends, degrades or humiliates others at work.</p> <p>Bullying can include the following types of behaviour if repeated:</p> <ul style="list-style-type: none"> • Verbal abuse (e.g. being sworn at, yelling, screaming, offensive language, threats, insults, continual criticism, name calling, practical jokes, unjustified threats of dismissal), • Direct violence including physical abuse, assault and Harassment, • Abusive messages (email, SMS, social media etc.), • Threatening body language, • Spreading rumours about a person, • Deliberately excluding or isolating colleagues, • Intimidation, • Assigning meaningless tasks unrelated to the job, • Giving staff impossible tasks to complete,

Word/s	Definition
	<ul style="list-style-type: none"> • Unreasonably undermining work performance, deliberately withholding work-related information or resources, or supply of incorrect information, • Constant intrusive surveillance or monitoring, • Inappropriate interference with personal belongings or work equipment. <p>Bullying can be carried out verbally, physically or in writing. Bullying can be directed in a range of ways in a workplace – downwards (from supervisors / managers to staff), sideways (between staff and co-workers) and upwards (from staff to supervisors / managers / executive). Bullying can be directed at a single staff member or at more than one staff member. It can also be carried out by more than one individual.</p> <p>What is not Bullying?</p> <p>If the above behaviour is not repeated then the behaviour could be considered unacceptable behaviour, but not meet the definition of Bullying. In these instances, staff should still raise the issue with their Manager, Head of School and/or the HR Manager for guidance and support.</p> <p>Genuine and reasonable management action is not Bullying. All employers have fundamental rights to direct and control how work is done.</p> <p>The following types of behaviours are not considered Bullying, discrimination or Harassment:</p> <ul style="list-style-type: none"> • Feedback, coaching or counselling on work performance or work-related behaviours that are intended to assist staff to improve performance or the standard of their behaviour. Feedback, coaching and counselling should always be carried out in a constructive manner, • Fair and appropriate supervisory or management instructions delivered in a fair and appropriate manner e.g. without any belittling, sarcasm, favouritism, unlawful discrimination, aggression or other abusive behaviour. <p>Some forms of Bullying and Workplace Violence, such as physical assault and stalking via SMS/email /social media platforms etc., may be criminal offences and in addition to having implications in the workplace, may result in action being taken by the Police.</p>
Workplace (Occupational) Violence	<p>Workplace Violence is any incident where a staff member is physically attacked or threatened in the workplace. Some examples of Workplace Violence include:</p> <ul style="list-style-type: none"> • Striking, kicking, scratching, biting, spitting or any other type of direct physical contact, • Throwing objects, • Attacking with knives, guns, clubs or any other type of weapon, • Pushing, shoving, tripping or grabbing.
Victimisation	<p>Victimisation occurs when a staff member is treated unfairly or less favourably by another staff member because they have reported or intend to report a workplace incident. Alternatively, they may be involved in an investigation or be acting as a witness over an incident. It is unlawful to retaliate against a staff</p>

Word/s	Definition
	member just because that person wishes to make a complaint of Bullying, Workplace Violence or Harassment.

Implementation

What is Unacceptable Conduct in the Workplace?

Bullying, Sexual Harassment, Workplace Violence, any form of vilification and Victimisation are unacceptable at the College and are strictly prohibited.

These areas are covered by both Federal and State legislation (refer to relevant legislation below).

Staff members who are found to have engaged in such conduct may be counselled, warned or disciplined. Severe or repeated breaches will lead to formal disciplinary procedures, up to and including termination of employment.

Vilification

It is not acceptable for a staff member to engage in verbal or physical conduct that denigrates, ridicules or shows serious contempt, hostility or aversion towards an individual or group because of their race, religion, gender identity or sexuality.

This also includes racial and religious vilification: behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group of people, because of their race or religion. Racial and religious vilification includes things such as:

- Racist slogans painted on signs or as graffiti,
- Making racist speeches or remarks in a public place,
- Verbally or physically abusing someone because of their race or religion,
- Making an offensive comment in a publication that is widely distributed, including distribution over the internet or via SMS/email.

Victimisation

Any staff found responsible for victimising another staff member because of reporting a workplace incident will face disciplinary action, up to and including termination of employment.

What are the circumstances in which Bullying, Harassment and Victimisation can occur?

Bullying and Harassment (including Sexual Harassment) can occur in any work situation (including whilst working remotely), and also outside of work hours, i.e. social gatherings, work related events, conferences, phone calls and emails.

Commitment and Responsibilities

It is the College's legal responsibility to ensure that Bullying, Violence, Harassment, Victimisation and vilification do not happen in the College. If any of these do occur, complaints will be taken seriously by the College. All staff concerned with any matter or incident should follow the **Staff Complaint and Grievance Procedure**.

Should a complaint be substantiated, action will be taken to make sure that the inappropriate behaviour ceases.

Appropriate warnings and/or disciplinary action (up to termination) will be given where Bullying, Harassment or Workplace Violence, Victimisation or vilification is found to have occurred. Staff are

not to be victimised or treated unfairly for making a complaint. Please refer to the College's Whistle-blower Policy for further information.

a. Human Resources (HR)

HR is responsible for ensuring that:

- all staff, regardless of their position within the College, are aware of their obligations, responsibilities and rights in relation to Bullying, violence and Harassment;
- matters which do not comply with the principles of this policy are identified and addressed as promptly and sensitively as possible;
- ongoing support and guidance are provided to all staff in relation to this policy's principles and practices.

b. Leadership

Board members, the Leadership Team, Heads of School, Managers and any other staff in a leadership role are responsible for ensuring that they:

- model appropriate standards of behaviour and College values by instilling a culture of acting lawfully, ethically and responsibly;
- take steps to educate and make staff aware of their obligations under this policy and the law;
- intervene quickly and appropriately when they become aware of inappropriate behaviour, ensuring the correct **Staff Complaint and Grievance Procedure** is followed;
- act fairly to resolve issues and enforce College behavioural standards, making sure relevant parties are heard;
- help staff resolve informal complaints and ensure staff who raise an issue or make a complaint are not victimised;
- refer formal complaints about breaches of this policy to the HR Manager for investigation.

c. Staff, Volunteers, Contractors and Other Stakeholders

All staff, volunteers, contractors and other stakeholders are entitled to:

- work free from Bullying, Harassment, Sexual Harassment, Workplace Violence, vilification and Victimisation;
- have the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised;
- work in a safe workplace.

All staff, volunteers, contractors and other stakeholders are expected to:

- follow the standards of behaviour outlined in this policy;
- offer support to people who wish to make a complaint;
- respect the confidentiality of complaint resolution procedures;
- treat everyone with respect, dignity and courtesy within the College workplace environment, including offsite events

Reporting Incidents

Any person who feels that he or she has been subjected to any form of Bullying, violence, Harassment or Victimisation by another staff member must report it as soon as possible and refer to the Staff Complaint and Grievance Procedure, in the first instance to guide them on resolving the issue internally in an informal or formal manner (as appropriate).

The College's **Staff Complaint and Grievance Procedure** is based on confidentiality (as far as possible), procedural fairness, protection from Victimisation and prompt resolution. Any complaints relating to breaches under this Policy will be dealt with in accordance with those principles.

The Staff Complaint and Grievance Procedure clearly outlines the steps staff can take when reporting an incident.

Vexatious Claims

Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s) concerned, interpersonal relationships and the morale of the College community.

Where it is found that a complaint has been made in bad faith to cause distress to one or more persons, or as a practical joke, disciplinary measures will be taken up to and including termination of employment.

Breaches of this Policy

Any staff member found to have engaged in unfair or discriminatory conduct will be deemed to be in breach of this policy and will face disciplinary action proportionate to the breach and its consequences, which may result in termination of employment. Discrimination in the workplace can also lead to prosecutions under equal opportunity and anti-discrimination legislation.

Related Documents

- Staff Complaint and Grievance Procedure
- Recruitment & Selection Policy
- Equal Employment Opportunity & Anti-Discrimination Policy
- Bullying Behaviour Policy
- Code of Conduct for Working with Students Policy
- Staff Code of Conduct Policy
- Social Media – Staff Policy
- Privacy Policy

Relevant Legislation

- Equal Opportunity Act 2010 (Victoria)
- Age Discrimination Act 2004 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 (**Respect@Work Act**)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)

- Disability Discrimination and other Human Rights Legislation Amendment Act 2009
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Workplace Gender Equality Act 2012
- Occupational Health & Safety Act 2004
- Crimes Act 1958 (Victoria)
- Racial and Religious Tolerance Act 2001 (Victoria)
- Pregnancy Guidelines (Published by the Human Rights and Equal Opportunity Commission, Sydney, March 2001)
- Fair Work Act 2009 (Cth)
- Educational Services (Schools) General Staff Award 2010
- Educational Services (Teachers) Award 2010

Approver College Executive
Authoriser College Board