

Anti-Harassment and Anti-Bullying

Purpose and Scope

The Centre is committed to providing a safe and respectful learning and working environments for all its staff and learners/clients free from harassment and bullying.

All staff are required to treat others with dignity, courtesy, and respect. This policy applies to all staff, volunteers, and learners/clients.

Policy

1 Principles

- 1.1 The Centre is committed to educating and implementing awareness to staff of the impact of their behaviour on others and awareness of their rights and responsibilities. All staff will undergo periodic training to ensure an ongoing understanding of the requirements under this policy and current definitions and legal requirements surrounding bullying and harassment.
- 1.2 The Centre will respond to complaints or reports of bullying or harassment in a sensitive, fair and timely manner and will ensure that the offending behaviour ceases.
- 1.3 The Centre encourages the reporting of such behaviours that are perceived or alleged to be in breach of this policy and the Code of Conduct and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.
- 1.4 All staff will be required to read and sign the Anti-Bullying and Anti-Harassment Policy annually through Corporate Induction. All related policy and procedures will be accessible to all staff through the Quality Management System
- 1.5 The Centre offers Employee Assistance Program (EAP) to all staff. Staff are also encouraged to regularly de-brief with their Team Leader or Manager.

2 Rights and Responsibilities

- 2.1 All staff members and learners/clients must:
 - comply with The Centre's Code of Conduct at all times.
 - ensure they do not engage in any unlawful conduct towards work colleagues, learners/clients or others with whom they come into contact through work, education or services
 - follow the requirements of the HR-013-2 Underperformance and Misconduct Procedure if they experience or perceive any unlawful conduct
 - comply with all reasonable requests to participate in or give evidence to an officer appointed by the CEO to investigate breaches of this policy.
- 2.2 It is the responsibility of the Board and Chief Executive Officer to ensure that:

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- 2.2.1 reasonable steps have been taken to implement the requirements of this policy in relation to learners/clients and staff at The Centre
- 2.2.2 provide Bullying and Harassment training periodically, or as required to all staff
- 2.2.3 ensure all staff sign the Staff Code of Conduct at the commencement of each year
- 2.2.4 incident recording and reporting requirements in relation to breaches of this policy are completed within the requirements of The Centre's relevant policy and procedure and stored in accordance with The Centre's OPS 005-1 Information Privacy and Data Security Policy
- 2.2.5 breaches of this policy that constitute a breach of or crime by definition of the relevant Act be reported to the relevant authority
- 2.2.6 the CEO informs the Board of Governance of all breaches of this policy in individual instances of breaches of this policy the CEO must:
 - ensure that all complaints or grievances in relation to this policy are investigated within the requirements of the investigations procedure
 - all staff and learners/ clients are afforded due process in line with natural justice principles in relation to grievances or complaints
 - respondents to complaints are provided with the right to reply to grievances or complaints within a suitable timeframe
 - all parties are supported in instances of grievances/ complaints being made in relation to the conduct of a staff member, learner or client.

3 Harassment

- 3.1 The Centre has a zero tolerance of harassment in any form.

4 Bullying

- 4.1 Workplace bullying is defined as being repeated unreasonable behaviour directed at a worker or group of workers that creates a risk to health and safety. Bullying can take the form of both direct and indirect bullying. The Centre has a zero tolerance of bullying in any form.
- 4.2 Cyber bullying consists of covert, psychological bullying, conveyed through electronic mediums such as mobile phones, web logs, online chat rooms. It also includes verbal bullying, including over the telephone or mobile phone, or written including flaming, trolling, threats, racial, sexual or homophobic harassment.

Note: Serious cases of bullying or harassment may constitute a criminal offence. Bullying and Harassment is also against The Centre's OHS policy as it can create an unsafe work environment.

5 Reporting of Workplace Bullying or Harassment

- 5.1 Staff, Volunteers and Learner/clients who believe they have been the victim of bullying or harassment are to report this to their Team Leader or Manager in writing as per the

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requirements of The Centre’s Complaints and Appeals Policy. If they are unable to report to their Manager, they should seek another member of the Leadership Team to support reporting.

- 5.2 Verbal reporting of bullying to a member of staff or leadership may constitute a health and safety issue, and knowledge of bullying requires action to meet legal requirements.
- 5.3 Any acts of discrimination will be handled as per the Equal Opportunity and Anti-Discrimination Policy.

6 Information Privacy and Data

- 6.1 Anyone involved in a complaint of bullying or its investigation, must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing the matter’s investigation and resolution.
- 6.2 Information relating to the requirements of this policy will be collected and stored in line with the requirements of The Centre’s Information Privacy and Data Security Policy.
- 6.3 Processes relating to complaints handling, investigation, consequences, and reporting of breaches of this policy are to be monitored and managed in the strictest of confidence within the requirements of the above-named policy and the Privacy, Confidentiality and Security Agreement.

7 Breaches of this Policy

- 7.1 Consequences relating to breaches of this policy are defined as serious misconduct.
- 7.2 If an investigation finds that a breach of this policy has occurred, the following options are available to the CEO in determining the disciplinary action taken including:
 - 7.2.1 Serious breaches in relation to staff are acted upon in accordance with the Human Resources Policy.
 - 7.2.2 Serious breaches in relation to learner/client and disciplinary action are acted on in accordance with the requirements of the Learner/Client Code of Conduct, which is signed on enrolment/ commencement by the individual learner.
- 7.3 Reasonable Management action or performance management is **NOT** bullying and harassment and be carried out if action is taken in a fair and reasonable way. For example:
 - setting reasonable performance goals, standard and deadlines
 - allocating work to a worker in a transparent and appropriate way; for example rostering and allocating working hours that are fair and appropriate
 - transferring a worker for reasonable and explained reasons
 - deciding not to select a worker for promotion following a reasonable and merit-based selection process
 - informing a worker about unsatisfactory work performance.

Definitions

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Harassment

Unlawful harassment is any behaviour which is based on one of the attributes listed above under 'discrimination' and which is unwelcome, and offends, humiliates or intimidates the person being harassed. The fact that no offence was intended does not mean that the harassment is not unlawful. The most common form of harassment is sexual harassment. Examples of sexual harassment include: unwanted touching; indecent or sexual assault; sexual propositions; nude pin-ups and posters; obscene telephone calls; persistent requests for outings or dates; leering or staring; wolf whistling; offensive or obscene language; downloading and circulation of pornographic material and crude jokes.

Bullying

Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records) Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders. Single incidents, conflict or fights between equals, whether in person or online, are not defined as bullying. Bullying and harassment is not present when performance management or disciplinary action is undertaken in a fair and lawful manner according to the processes set out in our Human Resources policy and procedure.

Indirect Bullying – Example of indirect bullying include:

- unjustified criticism or complaints
- deliberately excluding someone from meetings /workplace activities
- setting timelines that are difficult to achieve
- deliberately changing work arrangements e.g. rosters /leave to inconvenience the person.

Direct Bullying - Examples of direct bullying include:

- verbal abuse
- putting someone down
- spreading rumours or innuendo
- interfering with a person's property
- sending inappropriate emails or communications.

Staff

For the purpose of this policy, unless stated otherwise, staff refers to permanent, full-time or part-time staff, casual staff, volunteers and tutors. Contractors are also covered by this policy

Version Control

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Procedure Operative From	06/09/2019	Date and Current Version	10/2022 V7.20
Responsible Officer	CEO	Policy Approved By	Leadership

References

Child Safety and Wellbeing Act 2005 (Vic)	Fair Work Act 2009 (Cth)
Education and Training Reform Act 2006 (Vic)	Privacy and Data Protection Act 2014 (Vic)
Education and Training Amendment Act 2010 (Vic)	The Privacy Act 1988 (Cth)
Education and Training Reform Regulations 2017	

Related Policy

Equal Opportunity and Anti-Discrimination Policy	Occupational Health and Safety Policy
Child Safe Policy	Welfare Policy
Information Privacy and Data Security	Human Resources Policy

Related Procedures

Investigations Procedure	Staff Discipline Procedure
Information Privacy Procedure	Termination of Staff Procedure
Document Retention Schedule	Grievance and Complaints Procedure

Related Guidelines

Staff Code of Conduct	Learner/ Client Code of Conduct
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