



ANGLICAN DIOCESE OF MELBOURNE

Bullying and Harassment Policy and Procedures for Clergy and Lay Employees

Approved by: Chief Operating Officer Effective: 1 December 2013

Background

The Anglican Diocese of Melbourne is committed to working with its employees to create and maintain a workplace that is free from workplace bullying, harassment and violence. Bullying, harassment and violence are not an acceptable part of our work culture. Harassment in the workplace decreases productivity, increases absenteeism and is also against the law. For these reasons harassment will not be tolerated.

All church employees are also subject to *The Anglican Diocese of Melbourne Professional Standards Act 2009*.

Purpose

This policy aims to establish a standard understanding of bullying and harassment in the workplace and a procedure for employees to follow in dealing with these issues.

Application

This policy applies to all employees of the Anglican Diocese of Melbourne, both Clergy and Lay. This policy also extends and applies to all contractors and / or consultants working for, or on behalf, of the Anglican Diocese of Melbourne.

Related Legislation

- Fair Work Act 2009
- Victorian WorkCover Authority
- Victorian Equal Opportunity Commission
- Occupational, Health, Safety and Welfare Act 2004

Review Date

This policy is to be reviewed by the HR/Payroll Manager yearly from the approval date.

Definitions

Bullying

Bullying is repeated unreasonable behaviour directed towards an employee or group of employees, that increases a risk to health and safety. Bullying behaviour can include such behaviour as:

- Verbal abuse
- Sabotaging someone's work
- Ridiculing someone's opinions
- Humiliating someone through sarcasm or insults

- Intimidation
- Psychological harassment
- Excluding or isolating employees

Other types of behaviour may also constitute bullying. This list is not exhaustive.

Harassment

Harassment in the workplace can create an unpleasant or even hostile environment. Harassment creates a workplace which is difficult for everyone - the person being harassed, as well as employees witnessing the harassment.

Workplace harassment usually consists of a pattern of unwelcome behaviour; however it can also be one serious act of behaviour. Harassment may be on the basis of a particular attribute, for example a person's race, age or sexual preference. The definition of harassment when used in context of this policy also includes racial and religious vilification, and sexual harassment.

Unreasonable Behaviour

Unreasonable behaviour is behaviour that a reasonable person having regard to all the circumstances would deem to be victimisation, humiliation being undermined or threatened.

Victimisation

Victimisation is inappropriate behaviour directed to a person generally resulting from that person having lodged a complaint or made a report in accordance with the law or organisational policy.

Violence

Violence includes physical violence, which arises out of disputes, or adverse interpersonal relations between employees, clients and visitors in and around the place of employment.

Workplace

Workplace includes those areas where employees are on duty within the Diocese or are representatives of the Anglican Diocese of Melbourne. The term workplace can include areas beyond the work location and activities outside work hours. It can include activities such as external training courses, Christmas parties and other functions that are officially supported by the Anglican Diocese of Melbourne.

What is not Bullying Behaviour?

As stated in section of the *Occupational Health, Safety and Welfare Act 2004* bullying behaviour 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; or
- reasonable action taken in a reasonable manner under an Act affecting an employee.

Policy

The aim of this policy is to ensure the following:

- Fair and equitable treatment for all.
- Safe and healthy work practices and environments and a concern for staff welfare.
- Compliance with legislative requirements.
- Prompt resolution of grievances and complaints.

Responsibilities of Employees

It is the responsibility of all employees to undertake the following:

- Treat others with respect and dignity.
- Refrain from behaviour that may constitute workplace bullying, harassment or violence.
- Comply with policy and relevant legislation.
- Report any incidences of bullying or harassment, either witnessed or experienced first hand.
- Cooperate in the maintenance of a work environment which is free from workplace bullying and discrimination. This includes using inclusive language, and ensuring no engagement in any unlawful behaviour or acts that will result in less favourable treatment of any individual or group.
- Not victimise any person associated with a complaint.

In addition to their responsibilities as employees, managers and supervisors will undertake the following:

- Model appropriate workplace behaviour ensuring that it is above reproach.
- Take all reasonable steps to ensure that workplace bullying and discrimination does not occur and provide a work environment free from bullying and discrimination by exercising appropriate leadership practices.
- Monitor the workplace for incidents of inappropriate behaviour and take appropriate action to resolve grievances and complaints.
- Treat all complaints of workplace bullying, harassment or discrimination seriously and confidentially and in accordance with relevant directives and guidelines in order to remedy the problem.

Resolution Process

The Anglican Diocese of Melbourne may be made aware of bullying and harassment in a number of ways, such as:

- Written reports
- Verbal reports
- Hearing verbal abuse or offensive language
- Directly observing bullying type behaviour

Key Principles to Resolution

- Reports of bullying or harassment will be treated seriously
- Intervention and action will assist in resolving reports as quickly and fairly as possible.
- Non-victimisation of the person, who raises an issue of bullying, will be ensured. Disciplinary action will be implemented against any person who victimises another

person because of them making a complaint or allegation, or because of their support of a complaint. Such victimisation could include, for example, harassing or bullying the individual making the complaint and making overt or implied threats.

- Support for both parties When a complaint has been made, the person or persons involved will be informed of the support systems available to them. The person or people against whom the allegations have been made should also be informed of the opportunities for support. In addition, all employees involved are allowed to have a support person present at interviews or meetings (e.g. health and safety representative, or friend).
- Communication of process All parties need to be informed of the resolution process, how long it will take and what they can expect will happen during and at the end of the process. It is very important to communicate with the person who has made the complaint when any delays occur.
- Confidentiality Those involved need to be assured that confidentiality will be maintained. This is important in case the matter is not proven and to prevent the matter from escalating.
- Documentation Documentation is important to any formal investigation or resolution action. Even if the matter is not formally investigated, a record should be made of all meetings and interviews detailing who was present and the agreed outcome(s).
- Natural justice The principles of natural justice should be followed in all formal investigations. These principles are designed to protect all parties involved during resolution:
 1. The person who is alleged to have committed the bullying will be treated as innocent unless the allegations are proved to be true and all parties will have the opportunity to put forward their perspective and have it considered.
 2. Any allegation of bullying will be investigated promptly.
 3. All allegations need to be put to the person who is alleged to have committed the bullying in an appropriate way.
 4. No assumption of malice or guilt will be made unless and until it is proven to be true.
 5. The person alleged to have committed bullying is entitled to representation of his or her choice throughout the investigation.
 6. Any employee who raises issues or concerns will not suffer discrimination as a result and will have the right to their own representative should they so desire.
 7. If the complaint is substantiated, then any disciplinary action that is to be taken will be commensurate with the seriousness of the matter.

Procedure

The following procedures are based on *WorkSafe Victoria's Preventing and Responding to Bullying at Work, (Edition No. 3, and June 2009)*.

Allegations and incidents of workplace harassment and bullying are most effectively resolved if they are dealt with at an early stage, rather than left until the matter has become serious and attitudes entrenched. The Anglican Diocese of Melbourne encourages all employees to report all allegations of workplace harassment or bullying as soon as they occur.

Informal Resolution Process

The informal resolution process involves the complainant either directly or through another person, approaching the individual who is the subject of the complaint or requesting that the offending behaviour stop. In addition, a manager/supervisor who observes unacceptable conduct occurring may take independent action even though no complaint has been made.

If the complainant consents, a mediation meeting may be organised where an independent party will assist to resolve the issue(s). The basic principles behind the informal resolution process are that:

- participation is voluntary;
- both parties are required to be committed to resolving the issue;
- the focus is placed on the behaviour that is of concern rather than on the individual or parties responsible for the behaviour;
- non-blaming approach is used which attempts to change the behaviour rather than disciplining the individual or parties responsible; and
- individuals are responsible for their own behaviour and discussing how the situation may be resolved.

Where an issue is resolved informally, no written records will be kept on file and no disciplinary action will be taken against the alleged harasser/bully.

If employees are not satisfied with the outcome of the informal resolution process employees may wish to proceed with the formal resolution process.

Formal resolution process

If informal attempts have been unsuccessful, or if the behaviour is too serious to be dealt with using the informal resolution process, employees may lodge a formal complaint with the HR Manager. When a formal complaint has been received and the matter is deemed to warrant further action, the HR Manager will be responsible for conducting an impartial and confidential investigation of the complaint to establish the facts.

The investigation will involve interviewing employees allegedly responsible for the workplace harassment or bullying, who will be offered the opportunity to respond to the allegations made against them. During any meetings or discussions, all parties will have the right to be represented or accompanied by a person of their choosing such as a family member, friend or work colleague.

Throughout this process, management may consider the transfer or suspension on full pay of the alleged harasser/bully, pending the outcome of the investigation. If the complainant and the alleged harasser/bully are required to work together, steps will be taken in order to ensure that neither party is experiencing difficulties at work as a result of the complaint.

Following the investigation, employees who have made the complaint will be informed of what action (if any) is going to be taken by the HR Manager and the reasons for such action or lack of action being taken.

Should an employee accused of workplace harassment or bullying be found guilty, they may be subject to disciplinary action, including the following:

- A verbal warning
- A written warning
- A final written warning
- Suspension
- Transfer to another task or section of the Anglican Diocese of Melbourne
- Dismissal

In instances where the complaint is not substantiated, a record of the complaint will still be attached to the employee file of both employees, clearly outlining the findings of the investigation and the outcome reached.

Disciplinary action against the complainant will be implemented if his/her complaint is proven to be unwarranted, vexatious or malicious.

What can I do if I have been accused of harassment?

If you are approached by another party informally accusing you of harassment, you may need to consider the following:

- Satisfactory resolution of the matter with the person directly and informally.
- Offer an apology if your actions were misunderstood.
- Do not worsen the situation by alienating, victimising or through the spread of malicious rumours.
- If you feel the informal accusation is unfounded, use this policy to resolve the issue.

Victorian Equal Opportunity Commission

The Victorian Equal Opportunity Commission is responsible for assessing a complaint made under the provisions of the Victorian Equal Opportunity Act 1995 to establish whether it is vexatious, misconceived or lacking in substance and if the complaint is not judged to be any of these, to try and conciliate the matter.

Victorian WorkCover Authority

The Victorian WorkCover Authority (VWA) through WorkSafe Victoria inspectors is responsible for ensuring that workplaces comply with the Occupational Health and Safety Act 2004. Complaints lodged with the VWA may be investigated and may lead to prosecutions against employers and staff for breaches of the Act and associated regulations.

Administration

Documentation and file notes must be completed for all meetings with employees in relation to Bullying and Harassment. All file notes must be provided to the employee for acknowledgement.

New Bullying Laws

As of 1 January 2014, amendments to the Fair Work Act will come into effect that will introduce a right for workers to take action through the Fair Work Commission ('FWC') if they believe they have been bullied at work.

Under the new laws, workers include employees, contractors, subcontractors, outworkers, apprentices, trainees and students gaining work experience as well as volunteers.

How the FWC will deal with a claim

If a claim is made, the FWC must begin dealing with an application within 14 days after the application is made.