	PREVENTION OF BULLYING AND HARASSMENT	Document No:	WHS-PRO-034
		Approval Date:	3/10/18
		Approved By:	G. Mowbray
		Review Date:	3/10/20
	Responsible Officer: Employment Relations Advisor	Expiry Date:	N/A
		Issue No:	3/10/18
Authorising Officer: Business Manager, General Secretariat			

1. Purpose

The aim of this procedure is to ensure that all reasonable steps are taken to:

- Prevent bullying and harassment
- Provide a healthy and safe environment for all staff, contractors and visitors
- Manage all reported incidents of bullying and harassment through effective procedures
- Make workers aware of assistance available to them in instances of bullying and harassment

2. Scope

This procedure applies to instances of bullying and harassment at all ACBC Agencies. It covers all staff and contractors working at ACBC and ACBC controlled premises.

The following is not bullying or harassment:

- Performance management processes
- Disciplinary action
- Allocation of work in compliance with systems

Similarly, business processes such as implementation of organisational change, restructuring or downsizing are also not bullying or harassment.

Therefore, this procedure does not cover instances where a worker has a legitimate and reasonable grievance about these types of matters.

3. Related Documents

[ACBC Workplace Bullying and Harassment Policy](#)
[ACBC Work Health and Safety Policy](#)
[ACBC Anti-discrimination Policy](#)
[HR-PRO-011 Grievances](#)
 Fair Work Act 2009

4. Definitions

Bullying

Bullying is persistent and repeated negative behaviour directed at an employee that creates a risk to health and safety. 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.

The following behaviours may constitute bullying:

- manipulation and/or intimidation
- belittling remarks
- unreasonable persistent criticism
- loud and aggressive attacks or more subtle intimidation, e.g. shouting and throwing objects, constant criticism of a trivial nature, or verbal and physical abuse
- deliberate isolation of the worker from colleagues
- refusing to delegate work to the worker or the withholding of information that the worker needs to perform their job, or removal of responsibility and/or imposing menial tasks

Harassment

Harassment is unwanted behaviour which may involve inappropriate actions, comments or physical contact that is objectionable or causes offence. Harassment can be a single incident in which a person has been made to feel intimidated, offended or humiliated. Harassment can be unlawful where it is based on or related 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 (including defacto), 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.

Sexual harassment

Sexual harassment is unlawful and is not accepted in ACBC workplaces. Sexual harassment occurs where a person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in any other unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all of the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Victimisation

Victimisation occurs where a person treats another person unfavourably because of that person's involvement in a complaint of workplace bullying and/or harassment.

Supervisor

The Supervisor is a Bishop, a Priest, an Agency Head, Director, Manager, Coordinator or Team Leader, who is responsible for the day-to-day supervision of workers.

Complainant

Any person who makes a complaint either as someone who has been the subject of bullying/harassment, or who is aware of situations or incidents which may be having a discriminatory and adverse impact upon another member(s) of ACBC or its agencies.

Respondent

A person against whom an allegation of bullying/harassment has been made.

Health and Safety Representative (HSR)

A Health and Safety Representative is a worker nominated and elected by employees at a workplace to act as their Health and Safety Representative in accordance with the relevant State or Territory legislation.

Designated Person

A Manager, Supervisor, HSR, Contact Officer or HR staff member who has been given the responsibility for receiving and investigating bullying and harassment complaints. At ACBC the designated person is as follows:

Agency	Designated Person
Caritas Australia	Senior Manager, People and Culture
Catholic Social Services Australia	Deputy Director
National Catholic Education Commission	Director
All other ACBC Agencies	Office for Employment Relations

Formal Resolution

A formal resolution is one which is affected through formal resolution procedures as described in this document.

Informal Resolution

An informal resolution is one that will achieve a remedy which is agreeable to complainants, but does not invoke formal resolution procedures. These remedies are achieved by involving the relevant parties and by using methods which may include coaching, counselling, supporting, mediating, or otherwise facilitating the resolution of the complaint.

5. Responsibilities

Supervisors

Supervisors are responsible for ensuring that workers are aware of and adhere to the organisation's policies and procedures. They should:

- Be aware of the signs of and prevent the occurrence of bullying in the workplace
- Take the appropriate action when allegations of bullying and/or harassment are reported or observed
- Inform the Office for Employment Relations/HR function when an allegation of bullying or harassment has been made
- Manage inappropriate behaviour, regardless of whether a complaint is received about that behaviour
- Encourage all staff to behave in accordance with the principles of dignity in the workplace, equal opportunity and anti-discrimination
- Provide leadership and role modelling in relation to appropriate and professional behaviour in the workplace
- Respond promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred.

Responsibilities of workers and co-workers

Workers should:

- Be aware of and identify bullying behaviour and where appropriate utilise the organisation's procedure and/or external mechanisms to stop any further instances of bullying behaviour to themselves or others
- Behave in accordance with the principles of equal opportunity and anti-discrimination
- If bullying behaviour is witnessed or experienced and the worker feels able, consider speaking with the alleged bully to object to the bullying behaviour
- Consider acting as a witness if a person being bullied decides to report an incident
- Keep a record or diary noting what happened, when and the names of witnesses

Contact Officers

Where a Contact Officer has been nominated, the contact officer should:

- Remain neutral as the focus is on reconciliation of a dispute and not siding with one party against the other
- Assist in clarifying whether the behaviour could be described as bullying and/or harassment
- Provide information on the organisation's workplace bullying and harassment policies and procedures
- Discuss methods for problem resolution via informal or formal complaints procedure

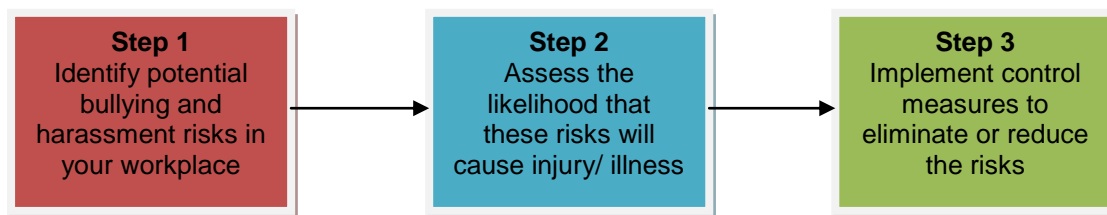
Office for Employment Relations/HR Function

The Office for Employment Relations/HR Function will give advice on:

- Immediate action to be taken
- Workplace investigation process
- Possible consequences of actions

6. Prevention of Bullying and Harassment

The ACBC recommends a risk management approach to the prevention of bullying and harassment in the workplace. There are essentially 3 steps to this approach:



1. Identify bullying and harassment risks

A number of risk factors can contribute to bullying e.g. poorly managed organisational change, negative leadership styles, lack of appropriate work systems, poor workplace relationships, and workforce characteristics. Examples of these factors are listed in Table 1: Bullying risk indicators and controls. Consult with workers and HSRs to identify whether any of these factors exist in your workplace.

Learn to recognise poor work practices which may be indicative of larger problems including bullying e.g. low staff morale, workplace accidents, high staff turnover, high worker stress levels, low productivity, reports of bullying and harassment or discrimination

2. Assess the risks

Assess whether the identified risks are likely to cause injury or illness

Consult with workers and HSRs to determine the level of risk (high, medium, low), using the ACBC risk assessment procedure. Refer to Table 1.

Where an identified risk is assessed as being “high”, you will need to take prompt action to implement the appropriate control measure.

3. Control the risks

The best way to control bullying risks is to eliminate the factors that can cause them. If this is not reasonably practicable, use measures that can reduce the risk. Possible control measures are given in Table 1.

Suggested control measures include:

- A review of work practices including style of management/supervision, amount of consultation in relation to work processes or way work is performed, job design/workflows, performance expectations and how performance is managed, composition of workforce (taking into account backgrounds, ethnic compositions etc), level and nature of training, workplace layout, behaviour of clients towards workers, reporting procedures, isolation and work locations, time of day.
- Train your workforce. Give them the information on how to deal with difficult or inappropriate behaviour. Make them aware of policies and procedures which are available to them.
- Include your workforce in managing change

- Have a buddy system for new workers, young workers, apprentices
- Investigate any allegations of bullying and harassment
- Provide access to counselling and if appropriate, medical treatment
- Review the bullying and harassment policy and procedure to ensure that it is relevant and effective

Table 1: Bullying Risk Indicators and Controls

Reproduced from Worksafe Victoria "Preventing and addressing bullying at work" February 2009

Work environment risk identification	Risk assessment		Risk control measures
	Lower risk	Higher risk	
<p>Organisational change</p> <ul style="list-style-type: none"> • Change in supervisor/manager • Significant technological change • Restructuring • Downsizing • Change in work method/s • Outsourcing 	<p>Long term stability, predictability, Continuity, certainty</p>	<p>High levels of unplanned and reactive change; change that creates confusion, ambiguity, uncertainty</p>	<ul style="list-style-type: none"> • Plan all change • Consult with workers affected as early as possible • Develop and maintain effective communication throughout the change • Seek and act on feedback throughout the change • Review and evaluate change processes
<p>Negative leadership styles</p> <p>Autocratic</p> <p>Characterised by styles that are strict and directive, workers not being involved in decision making, not allowing flexibility</p>	<p>Democratic</p> <p>Collaborative, consultative, treats staff fairly, interpersonal interactions supportive and positive, accessible and communicates effectively</p>	<p>Autocratic</p> <p>Task emphasis, lack of involvement of workers with decision making, strict directive, lacks trust, poor delegation, tight control, poor interpersonal skills</p>	<ul style="list-style-type: none"> • Management accountability for positive leadership style • Management supervision, support and training • Leadership coaching, including providing constructive feedback, communication skills, democratic /participative leadership • Mentor and support new and poor performing managers
<p>Laissez-faire</p> <p>Characterised by inadequate or absent supervision, responsibilities inappropriately and informally delegated to subordinates, little or no guidance provided to subordinates</p>	<p>Democratic</p> <p>Collaborative, consultative, treats staff fairly, interpersonal interactions supportive and positive, accessible and communicates effectively</p>	<p>Laissez-faire</p> <p>Lack of supervision, absence of role clarity, lack of responsibility, lack of support/systems/ procedures</p>	<ul style="list-style-type: none"> • Regular feedback provided on management performance (including feedback from workers under supervision), feedback is acted on • Implement and review performance improvement/development plans • Provide regular skills update training (e.g. yearly) • Include leadership questions (e.g. conduct and performance) in exit interviews and worker opinion surveys

Table 1: Bullying Risk Indicators and Controls

Work environment risk identification	Risk assessment		Risk control measures
	Lower risk	Higher risk	
<p>Lack of appropriate work systems</p> <ul style="list-style-type: none"> • Lack of resources • Lack of experience • Lack of role definition • Uncertainty about job roles and the way work should be done • Unreasonable performance measures or time frames • Lack of support systems 	<p>Clearly defined roles and responsibilities, clear work requirements, clear lines of authority, well organized, realistic workloads and job demands</p>	<p>High levels of uncertainty around roles and responsibility, lack of clarity around expectations, poor communication channels, excessive/ unrealistic work demands</p> <p>Poorly trained staff</p>	<ul style="list-style-type: none"> • Develop and implement standard operating procedures • Review and monitor workloads and staffing levels • Review and source availability • Redesign and clearly define jobs • Reduce excessive working hours • Seek regular feedback from staff over concerns about roles and responsibilities
<p>Poor workplace relationships</p> <ul style="list-style-type: none"> • Critical and negative interactions • Negative relationships between supervisors and subordinates • Interpersonal conflict is common • Workers excluded 	<p>Open communication, clarity regarding standards of behaviour required, inclusion management, and resolution process for managing interpersonal conflicts</p>	<p>Unmanaged and unresolved conflicts and disputes, high levels of interpersonal conflict and disputation tolerated</p>	<ul style="list-style-type: none"> • Develop and implement a conflict management process • Provide training (e.g. diversity and tolerance, addressing conflict in the workplace, interpersonal communication and interaction) • Ensure supervisors act on inappropriate behaviour
<p>Workforce characteristics</p> <p>Vulnerable workers/staff, including:</p> <ul style="list-style-type: none"> • Young workers • New workers • Apprentices • Injured workers and workers on return to work plans • Workers who are in a minority due to cultural and religious difference • Piece workers • Workers in a minority because of ethnicity, disability, political views, gender or sexual preference 	<p>Systems to support and monitor the integration of workers</p> <p>Accepting of differences and diversity</p> <p>Appropriate supervision</p>	<p>Inappropriate behaviour towards vulnerable staff tolerated/ignored</p> <p>Lack of appropriate communication processes to report discrimination, abuse and improper conduct</p> <p>Lack of trust/confidence in management's willingness to resolve problems</p>	<ul style="list-style-type: none"> • Develop and implement systems to support and protect vulnerable staff • Train workers (e.g. valuing workplace diversity and tolerance) • Train line managers to deal with workers at higher risk • Implement a contact officer system to provide support and advice • Implement a "buddy" system for new workers • Monitor workplace relationships

7. Complaint Resolution Procedures

Informal Resolution

If you are being bullied and/or harassed:

1. If you can, tell the person that you are offended by their behaviour and that you want it to stop.
2. If you are uncomfortable with speaking to the person yourself, report the incident to the Designated Person. The report is not required to be in writing at this stage.
3. The Designated Person will arrange an interview with you to:
 - Discuss the complaint
 - Determine whether this is a complaint about bullying/harassment or whether it should be addressed through another complaint resolution process (e.g. Grievance procedure)
 - Determine the level of investigation required to determine whether the complaint is legitimate
 - Determine whether this should be addressed as a formal or informal complaint. Employees should note that, whilst the organisation will strive to accommodate a person's preferences as to how issues of bullying and/or harassment ought to be dealt with, it may need to take certain steps once it is aware of the existence of such issues.
4. The Designated Person will advise you on possible courses of action. These may include the following:
 - Obtaining information about the workplace investigation which will be carried out to discover factual information
 - The possible remedies including:
 - 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.
 - Approaching a supervisor or manager to speak to the respondent on behalf of the complainant.
 - Formal action.
5. Where mediation is the suggested course of action, the object of mediation between parties or discussion with the respondent is:
 - To discuss the matter and obtain all parties' perspectives
 - To work out the best way to resolve any outstanding issues
 - To ensure that any unacceptable behaviour ceases, and
 - To determine a review date at which the effectiveness of action taken will be reviewed
6. The Designated Person should provide support to both parties, including offering information about the [Employee Assistance Program](#).

A supervisor, manager or worker who observes unacceptable conduct occurring may take independent action even though no complaint has been made.

Formal Resolution

Formal resolution procedures should be used where informal resolution of the bullying complaint has been unsuccessful or is inappropriate.

To instigate this process, the complainant must lodge a complaint in writing, or the Designated Person must have sufficient information to advise this course of action.

A formal complaint will be treated in accordance with the ACBC Grievance Procedure ([HR-PRO-011](#)), although this process may be departed from in appropriate circumstances. Where it is inappropriate for the matter to be reported to the immediate manager of the complainant, it may be reported to the agency head. For instances where the bullying/harassment complaint is aimed at the agency head, the complaint can be lodged with the Office for Employment Relations.

8. Confidentiality

Complaints of bullying and/or harassment must be kept confidential insofar as reasonably possible. An accusation of bullying and/or harassment can be potentially defamatory. A lack of confidentiality can also harm a person who has made a complaint.

Discussions, information and records related to complaints will remain confidential to the extent reasonably practicable.

All documentation and details of bullying enquiries and grievances will be kept in a secure place (e.g. a locked cabinet), under the privacy guidelines.

9. Victimisation

Victimisation is regarded as a serious breach of conduct. An allegation of victimisation will be formally investigated.

If proven, it may result in disciplinary action being taken against the perpetrator, which can include dismissal.

10. False Reports

Making false or malicious complaints of bullying is also regarded as a serious breach of conduct that, if proven, may result in disciplinary action.

11. Records

Bullying and harassment risk identification, assessment and control forms

Written complaints

Incident/hazard reports

Incident investigations

12. Further Information

The WorkCover authority in your state has guides and sample documents.

ACT: http://www.worksafe.act.gov.au/health_safety

NSW: <http://www.safework.nsw.gov.au/>

NT: <http://www.worksafe.nt.gov.au/home.aspx>

Qld: <https://www.worksafe.qld.gov.au/injury-prevention-safetyau/workplace/index.htm>

SA: <http://www.safework.sa.gov.au/>

Tas: <http://worksafe.tas.gov.au/home>

Vic: <http://www.worksafe.vic.gov.au/>

WA: <http://www.commerce.wa.gov.au/worksafe/>

Australian Human Rights Commission

- Detailed strategy, informal and formal complaint procedures where bullying involves discrimination.

<http://www.humanrights.gov.au/complaint-information>