



# Bullying & Harassment

## Rationale

St Bernadette's School (**the School**) recognises the importance of demonstrating respect for the dignity of each person and of creating an environment where a sense of belonging for all is experienced. These aspirations are central to the wellbeing of individual staff and to a workplace where all staff feel safe and respected.

The School is therefore committed to building and nurturing a workplace that is free from bullying. It is important that all staff share a responsibility for upholding professional standards of conduct and for building and nurturing a workplace where bullying does not occur. It is therefore expected that staff will desist from engaging in or condoning such behaviours and practices.

It is also expected that staff who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

This policy and its accompanying procedures are compliant with the legislative framework under which the School operates. The School is guided by the applicable legislation in determining its prevention and intervention measures.

## Principles

- The School is committed to building and nurturing a workplace that is free from bullying.
- The School is committed to implementing awareness-raising programs and strategies that heighten staff members' understanding of the impact of their behaviour on others and awareness of their rights and responsibilities.
- The School aims to achieve resolution of complaints of perceived or actual incidents of bullying promptly. The School will endeavour to ensure that the offending behaviour stops.
- The School aims to respond to complaints or reports of bullying in a sensitive, fair and timely manner.
- The School encourages the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

## Responsibilities

**Staff, Contractors and Volunteers** – All persons who work on School grounds, including contractors, are required to comply with this policy in relation to the treatment afforded to other staff and contractors.

**Contact Officers** – A Contact Officer is a staff member who is trained in and responsible for being a contact point for staff with concerns about whether they may have been bullied. A Contact Officer is able to provide staff with information on bullying, clarify any questions or concerns a person may have and provide advice on the options that are available for dealing with bullying.

## Workplace Bullying



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. Examples of **direct** bullying include:

- Verbal abuse;
- Putting someone down;
- Spreading rumours or innuendo;
- Interfering with a person's property; or
- Sending inappropriate emails or communications.

Examples of **indirect** bullying include:

- Unjustified criticism or complaints;
- Deliberately excluding someone from meetings / workplace activities;
- Setting timelines that are difficult to achieve; or
- Deliberately changing work arrangements e.g. rosters / leave to inconvenience.

### What is not bullying

Many things occur in the workplace that are not considered to be bullying. Reasonable management action carried out in a fair way is not bullying. For example:

- Setting reasonable performance goals, standards and deadlines;
- Allocating work to a worker in a transparent and appropriate way;
- Fairly rostering and allocating working hours;
- Transferring a worker for reasonable and explained reasons;
- Deciding not to select a worker for promotion following a reasonable selection process; or
- Informing a worker about unsatisfactory work performance.

**Note:** Serious cases of bullying may constitute a criminal offence. Bullying is also against the School's OH&S policy as it can create an unsafe work environment.

### Procedure for resolving complaints

A complaint can be resolved using informal resolution processes and/or formal resolution processes. The approach taken should reflect the seriousness of the matter. For less serious matters, informal resolution processes should be explored prior to a formal resolution procedure. For more serious matters, or where informal approaches have been unsuccessful, a formal procedure may be appropriate.

The employer should endeavour to commence investigations into the complaint (whether informal or formal processes are being followed) within two working days of the receipt of the complaint.

For the purposes of complaint resolution processes:

- A person who makes a complaint is a Complainant; and
- A person about whose actions or behaviour a complaint relates is a Respondent.

The Principal will communicate the outcome of the complaint to both the Complainant and Respondent.

### Informal resolution processes

The informal options open to a Complainant to attempt to resolve a complaint include:

- Speaking directly with the Respondent about their behaviour or actions;
- Consulting with a Contact Officer for advice, support and assistance; and/or



- Reporting the matter to a member of the Leadership Team for assistance.

Informal resolution processes do not involve an investigation or making findings based on an investigation, but generally involve the parties coming to an understanding or agreement as to how the issues can be resolved.

### **Speaking directly with the Respondent**

In the first instance, if the Complainant feels comfortable about speaking directly with the Respondent, this may be the quickest and easiest way of resolving the matter. The Complainant should address the issue with the Respondent in unambiguous terms and in plain language.

### **Consulting with a Contact Officer**

If the Complainant does not feel comfortable about approaching the Respondent directly (this may be the case particularly where the Respondent is in a position of authority), the Complainant may prefer to seek the assistance of a Contact Officer. A Contact Officer can provide information and support to the Complainant and/or Respondent regarding bullying issues, including options for resolving the matter. Contact Officers do not take any action on behalf of the staff member such as approaching the Respondent or conducting mediation.

### **Reporting the matter to a member of the Leadership Team**

The Complainant may report the matter to a member of the Leadership Team who can assist with exploring resolution strategies. This may include suggesting that the Complainant speak directly with the Respondent.

Where appropriate, and in consultation with the Complainant, the member of the Leadership Team may approach the Respondent and talk to them informally about the matter.

Other informal resolution options which may also be considered at this stage include:

- Facilitated discussion;
- Mediation; and
- Entering into mutual agreements on workplace practices.

### **Referral to formal investigation**

Note that at this stage, if a matter raised is sufficiently serious such that a formal investigation is warranted, then the School reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal investigation (see below).

### **Formal resolution processes – Internal**

If a matter is not able to be resolved using informal resolution methods, or for more serious matters a formal process may be appropriate.

### **Lodging a formal complaint**

A formal complaint can be made by a Complainant to the Principal and should be in writing and set out the details of the specific allegations including dates, times, locations, what happened, what was said, witnesses (if any), and steps already taken to attempt to resolve the matter. Wherever possible, it should be supported by relevant documentation. Note that a complaint may not be pursued if it relates to events that occurred more than 12 months ago.

### **Initial response**

Following receipt of a formal complaint, the Principal will meet with the Complainant to discuss the complaint. This will involve canvassing options for resolution which may include informal resolution processes. In the event that the complaint is to be dealt with formally, the Complainant will be informed of:

- How the complaint will be investigated (e.g. interviews, viewing documents);



- The expected timeframe for any investigation;
- Who can be present at investigation interviews;
- What support is available for persons involved in the process;
- The interim measures, if any, that will be implemented to ensure the health, safety and welfare of any person pending the resolution of the complaint; and
- If the complaint raises issues which place the School under a legal obligation to report the matter to law enforcement agencies.

### **Formal internal investigation**

Where appropriate, a formal investigation may be conducted into a complaint. An Investigating Officer will be appointed by the Principal to conduct the investigation. The Investigating Officer is someone who is independent and will conduct the investigation impartially. The Investigating Officer will:

- Interview the parties involved, and witnesses if any;
- Review relevant evidence, such as emails and other documentary evidence; and
- Report to the Principal on whether or not the complaint is substantiated.

### **Investigation outcomes and action to be taken**

If a complaint is substantiated, appropriate action, will be taken which may include:

- An apology;
- Changes to work practices;
- Disciplinary action, including dismissal;
- An undertaking that the behaviour will not be repeated;
- Reversal of an action or decision or substitution of a different action or decision; and/or
- Training.

Assistance may also be offered to a Complainant or other persons involved which may include:

- Counselling;
- Redressing any inequality resulting from the action or decision the subject of the complaint;
- Mentoring and support.

If an investigation is inconclusive (i.e. a complaint cannot be proved due to a lack of evidence) further action may nevertheless be taken which may include counselling, mediation, changed working arrangements and/or conducting training for employees on relevant policies.

### **Formal complaint – External**

A Complainant may choose to seek assistance or information at any time during the process from statutory support agencies in Victoria. Information and contact details for the support agencies are outlined in Appendix 2. Each agency will have specific requirements for lodging a complaint and will have varied investigation procedures.

In dealing with complaints, the Principal may seek external advice and assistance from professional mediators, investigators, external agencies and any other appropriate persons.

### **Confidentiality**

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 its investigation and resolution. In particular, it is important that staff who either make a complaint, or who may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.

### **Counselling support**



In confronting and/or resolving experiences of or allegations of bullying a staff member and his/her immediate family members may utilise the services of counselling support at any stage of the process. The School is a member of Catholic Care. The contact phone number for this support is 03 9287 5500. The School Contact Officers can assist staff to access the service.

### **Vexatious claims**

The School will not deal with complaints that:

- are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter;
- do not have sufficient detail so as to allow investigation or resolution of the matter;
- taken at their highest, do not constitute bullying as defined by this policy.

Where a Complainant makes frivolous, vexatious or malicious claims against a Respondent, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution, then depending on the circumstances, disciplinary action may be taken against a Complainant.

### **Appendices**

Appendix 1: Complaints Procedure Flow Chart

Appendix 2: Support Agencies

## **Relevant Legislation**

### **Victoria**

*Occupational Health and Safety Act 2004*

*The Workplace Injury Rehabilitation and Compensation Act 2013 (WIRC Act)*

### **Commonwealth**

*Fair Work Act 2009*

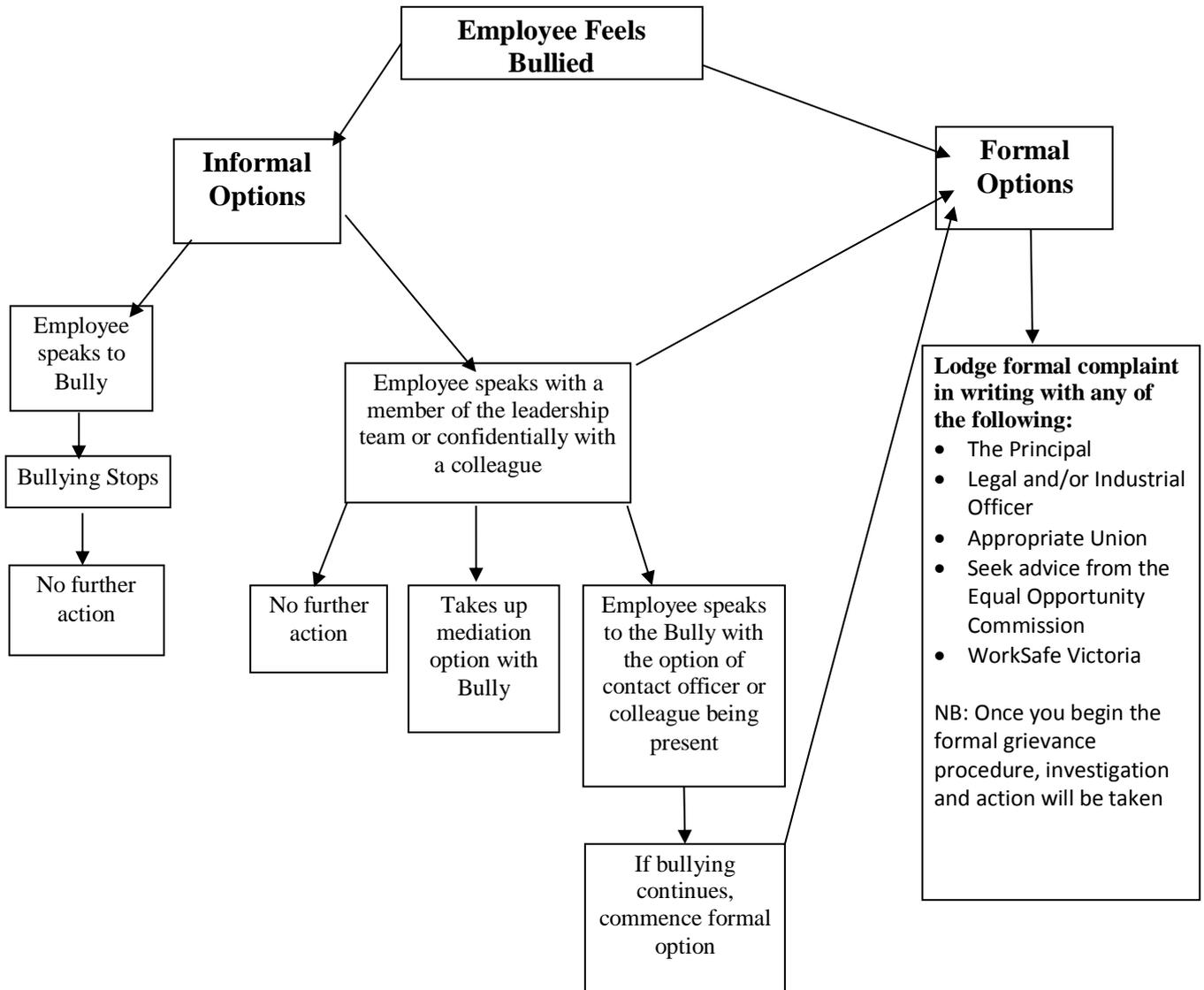
## **References**

Catholic Education Commission of Victoria (CECV) Ph. 03 9267 0228

## **Appendix 1**

### **Bullying Resolution Procedures**

These procedures are based on prescribed procedures in the CECV Occupational Health and Safety Policy and Guidelines 2012.



Appendix 2

Support Agencies



Gallagher Bassett Worker Compensation Services [www.gallagherbassett.com.au](http://www.gallagherbassett.com.au) Ph:  
1800 774 377

Victorian Workcover Authority (VWA) [www.vwa.vic.gov.au](http://www.vwa.vic.gov.au) Ph:  
1800 136 089

Independent Education Union Victoria Tasmania [www.ieuvictas.org.au](http://www.ieuvictas.org.au) Ph:  
1800 622 889

Catholic Education Office Melbourne [www.ceomelb.catholic.edu.au](http://www.ceomelb.catholic.edu.au) Ph:  
03 9267 0228

Dept of Education & Early Childhood Development [www.education.vic.gov.au](http://www.education.vic.gov.au) Ph:  
1300 074 715