

**Noarlunga Church of Christ Community Care Inc.
(CareWorks Noarlunga)
Bullying and Sexual Harassment Free Workplace Policy**

Policy No.	01
Date	Xx 2017
Version	1.1
Originator	G Payne
Approved By	Board
Last Reviewed by staff	Xx 2017
Reviewed by	Board

Intent

CareWorks Noarlunga recognizes it is the right of every employee and volunteer to be able to attend work and to perform their duties without being subjected to any form of bullying or sexual harassment.

Equally, it is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from bullying and sexual harassment.

CareWorks Noarlunga is fully committed to its obligations to eliminate bullying and sexual harassment in the workplace and in client relations. The purpose of this document is to outline CareWorks Noarlunga' position on unacceptable behaviors to describe the process which is to be followed should any instances of bullying occur.

1. Definitions

2.1 “Bullying” means repeated, unreasonable behaviour directed towards a person or group of persons. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

2.2 “Sexual harassment” means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.

2. Preamble

CareWorks Noarlunga is committed to providing a work environment that is pleasant for employees to work in and encourages a culture of openness, support, and accountability free from any form of harassment.

CareWorks Noarlunga recognises that the experiences of being harassed or bullied, or being accused of harassment or bullying is highly stressful. The experience of harassment or bullying can have serious and lasting negative effects on those involved including erosion of confidence, physical health, relationships and work performance.

These behaviors will not be tolerated. Any member of staff found guilty of perpetrating or permitting

these behaviors in the workplace will be disciplined and may, in appropriate cases, be dismissed.

3. Risk

Workplace Bullying and Sexual Harassment is an abuse of formal or informal power.

The risk of not providing policy direction is that some staff may not be clear about the behavioural expectations placed on them and therefore negatively affect the health and wellbeing of others.

4. Scope

This policy is applicable to all CareWorks Noarlunga staff including employees, volunteers, supervisors and managers in **any** work related context and extends to contractors, suppliers and clients in the workplace.

5. Policy

6.1 Bullying is behaviour that is offensive, humiliating, intimidating, degrading or threatening. It includes, but is not limited to,

- Verbal abuse including yelling and offensive language
- Initiation pranks
- Excluding or isolating a staff member
- Giving a person the majority of an unpleasant or meaningless task
- Humiliation through sarcasm, or belittling someone's opinions
- Constant criticism or insults
- Physically aggressive
- Using unwanted Nicknames
- Spreading misinformation or malicious rumours
- Deliberately setting work routines to inconvenience certain staff members
- Displaying written or pictorial material that may degrade or offend.

6.2 Sexual Harassment is behaviour that is offensive, humiliating, intimidating, degrading or threatening. It includes, but is not limited to,

- Intrusive enquiries into an employee's private life;
- Reference to their sexuality or physical appearance;
- Unwanted body touching or physically molesting a person;
- Standing too close;
- Excessively lengthy handshakes;
- Unwanted brushing against another's body;
- Indecent exposure;
- Obscene, suggestive or offensive communications, including electronic mail;
- Pornographic or offensive posters, handouts or screensavers;
- Sexual jokes or anecdotes;
- Leering or staring;
- Unwanted sexual compliments or excessive flirting
- Sexual assault.
- Displaying written or pictorial material that may degrade or offend.

6.3 It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from bullying and sexual harassment. The responsibility lies with every manager, supervisor, employee and volunteer to ensure that these behaviours do not occur.

6.4 CareWorks Noarlunga strongly encourages any employee or volunteer who feels they have been bullied or sexually harassed, or have witnessed these behaviours taking place, to take

action by making it clear that such behaviour is unwelcome and offensive; and/or by following the procedures set down for reporting such behaviour. Any victim of bullying also has the right to report the incident to the Police, if they believe the offensive behaviour may constitute a criminal offence.

- 6.5** Any reports of these behaviours shall be treated seriously and promptly with sensitivity. Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.
- 6.6** No employee or volunteer should be treated unfairly as a result of lodging a complaint. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has made a complaint, or against any employee who has been alleged to have demonstrated these behaviours.
- 6.7** If a complaint is made, the complainant should understand that the burden of proof lies with them.
- 6.8** The alleged respondent to any complaint also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.
- 6.9** A breach of this policy will result in disciplinary action. Depending upon the severity of the case, consequences may include apology, counseling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate.

7. Responsibility

- 7.1** The Director, managers and supervisors have the responsibility to model appropriate behaviour themselves and monitor the working environment;
- 7.2** The Director shall ensure that managers, staff and volunteers receive appropriate training;
- 7.3** The Director shall ensure that respondents are disciplined appropriately and that there is no recurrence of unacceptable behaviour;
- 7.4** New employees and volunteers are to be made aware of this policy and encouraged to report any inappropriate behaviour; and
- 7.5** It is the responsibility of all staff to offer assistance or support to any person being harassed or bullied and ensure that staff who make a complaint are not subsequently subjected to victimisation.

8. Response

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- 8.1** Any reports of bullying or harassment will be treated seriously and promptly with sensitivity and complete confidentiality, except insofar as
 - 8.1.1** the rules of natural justice require the accused party to have knowledge of the identity of their accuser and the nature of the allegations made, and

8.1.2 any disclosure is mandated under applicable work health and safety legislation.

8.2 Managers or supervisors who fail to take appropriate corrective action when aware of instances of bullying will be subject to disciplinary action.

9. Procedures

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9.1 General

9.1.1 Rights of the Complainant

- To be taken seriously
- To determine how to have a complaint treated
- To have support or representation throughout the process
- To have the option to discontinue a complaint at any stage of the process
- To have their complaint treated in a confidential manner
- To be kept informed throughout the process
- To receive advice and representation from the advocate of their choice
- To have their complaint investigated in a timely, unbiased and independent manner
- To feel safe and free from victimization
- To have access to counseling and support
- To direct their complaint to an outside authority (eg. SafeWork SA or the Fair Work Ombudsman)

9.1.2 Rights of the Respondent

- To have the issue treated in a confidential manner
- To be presumed innocent unless proven otherwise
- To be provided with written details of the allegations made against them and the name of the person/s making them
- To be given time to consider and respond to the allegations made against them
- To be kept informed throughout the process
- To receive advice and representation from the advocate of their choice
- To have the complaint investigated in a timely, unbiased and independent manner
- To feel safe and free from victimization
- To have access to counseling and support

9.2 Informal Process

Any person who feels they are being subjected to bullying or sexual harassment may choose to address the matter through an informal process of:-

- Bringing any incidents of bullying to the attention of their Supervisor/Manager;
- Gaining information or seeking clarification about the behaviour. Sometimes the person accused of bullying may not be aware that their behaviour is causing distress or offence;
- If they feel comfortable doing so, protesting to the person exhibiting the offending behaviour or asking someone they trust to talk to them.
- Seeking mediation. This can only occur when both parties acknowledge there is a problem and agree to participate in the mediation process. Only trained mediators should conduct this process and thus the person should seek assistance from the Director to access to this option. Seeking mediation does not equate to making a formal complaint.

9.3 Formal Process

Alternatively any person who feels they are being subjected to bullying behaviour or sexual harassment may choose to address the matter through a formal process. A formal process must have the consent of the complainant. The complainant may elect to have the process facilitated by a person external to CareWorks Noarlunga.

The process to be followed is:-

- Bring any incident of bullying to the attention of the Supervisor/Manager or a nominated third party;
- Complete an Incident Report;
- The Supervisor/Manager shall then inform the Director.
If deemed necessary the Director may investigate the matter personally or alternatively delegate the investigation task to the complainant's Supervisor/ Manager. In either case a step by step account of the incident shall be determined by interviewing separately the complainant, the respondent and any eye-witnesses to the incident;
- The person overseeing the process will document all relevant information and record all actions taken. The file will be held securely and all information treated confidentially;
- Appropriate counseling shall be offered to both the complainant and the respondent;
- If bullying is shown to have occurred
 - The Director will be informed and they shall issue a verbal official warning to the respondent and a notation of the warning made on the respondent's personnel file;
 - If in the opinion of the Director, the offence is considered serious, or if it is repeated, the respondent may be dismissed as a result of the behavior.
 - The respondent may be required to make a formal apology to the complainant and undertake that such behaviour will not occur again
 - Where appropriate and agreed to by the parties concerned conciliation/ mediation by an impartial third party may be used to resolve the matter
 - Any remedial action must have the agreement of all parties
- If there is a continuance occurrence of bullying, the matter shall be dealt with in a fashion consistent with document "4.10 Policy Resolution Staff Grievances and Disputes"
- If the bullying is such that there is a possibility that it constitutes criminal behaviour the matter shall be referred to the Police and the respondent directed to take leave immediately until the matter is investigated. Where a conviction is recorded the respondent shall be dismissed.
- The Director may choose to suspend the respondent with or without pay while the matter is investigated.

10.7 References [Relevant legislation, over-arching policy, related documents etc]

CareWorks Noarlunga's Policies:- Vision and Mission; Staff- Paid and Volunteers; Work Health and Safety; and Clients. Churches of Christ SA/NT Bullying Free Workplace Policy.
www.ourcommunity.com.au

8 Change History

Issue	Date
Revision	Originator
Approved By	
1.0	

9 Policy Approval

<p>Signed Director Date</p>
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