

Workplace Harassment & Bullying Prevention Policy

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Sources	Education and Care Services National Regulations, October 2020 Education and Care Services National Law, February 2018 Guide to the Education and Care Services National Law and the Education and Care Services National Regulations, October 2017 Guide to the National Quality Framework, September 2020 Workplace Relations Act 2009 Work Health and Safety Act 2011 Fair Work Act 2009
Related Policies	Complaints Handling Code of Conduct

Aim:

To create a workplace with vision and meaningful direction, consistent values and ethics will foster a positive and productive work environment free from harassment

Explanation:

Workplace harassment is unacceptable and will not be tolerated under any circumstances.

Our service will foster an environment of mutual respect, equity and recognition of educator skills and strengths. This will be facilitated through the service philosophy and by adhering to the Early Childhood Code of Ethics and the Code of Conduct. Our service endeavours to define clear expectations and guidelines for educators through clear job descriptions, policies and procedures. Our service will encourage feedback and open communication to create understanding between educators and management.

Definition:

What is Workplace Harassment?

Workplace harassment (which incorporates the concept of workplace bullying) may be defined as offensive, belittling or threatening behaviour directed at an individual or group of employees or Educators. It is behaviour that is unwelcome, unsolicited, usually unreciprocated and usually (but not always) repeated.

Workplace harassment can be both overt and covert.

Examples of such inappropriate behaviour include, but are not limited to:

- Abusing a person, often when others are present
- Leaving offensive messages on email, text or voicemail or any other medium
- Maliciously excluding and isolating a person from workplace activities
- Humiliating a person through gestures, sarcasm, criticisms and insults, often in front of others
- Offensive or intimidating physical contact or actions
- Continual undermining of colleagues’ abilities, character etc

Harassment in the workplace breaches the Workplace Relations Act 2009, the Work Health and Safety Act 2011 and Anti-discrimination Legislation. Failure to comply with legal obligations in

relation to workplace harassment may result in legal action and the possible termination of a person's employment or contract with CCEL.

What Workplace Harassment Is Not

Workplace harassment should not be confused with legitimate and reasonable management discussions or actions, provided everyone involved in these processes is treated with respect and courtesy. Such reasonable management actions may include:

- Performance management processes
- Disciplinary actions
- Allocation of work
- Business processes such as workplace change or restructuring

Responsibilities:

In relation to Co-ordination Unit staff:

- Abide by their obligations under the current Education and Care Services National Law, Education and Care Services National Regulations and the National Quality Standard in relation to the prevention of Workplace Harassment and Bullying
- Abide by their obligations under the Interim Standards for In Home Care Funding Agreement Requirements 2008 in relation to the prevention of Workplace Harassment and Bullying
- Be familiar with, and play a key role in actively promoting and supporting both this policy and its guidelines
- Advocate and promote the standard of behaviour expected of staff and Educators, and model these standards in their own behaviour
- Share legal and managerial responsibilities for identifying and dealing with behaviour that constitutes workplace harassment
- Abide by the 'Workplace Harassment & Bullying Prevention Guideline' which sets out formal and informal procedures for dealing with workplace harassment and bullying
- Address allegations of workplace harassment or bullying in a prompt, thorough and confidential manner
- Carry out an induction process for new employees at the commencement of employment. At this time, appropriate behaviours will be reinforced and discussed
- Familiarise new employees with the Code of Conduct, the Complaints Handling Policy and the Early Childhood Code of Ethics
- Inform educators that inappropriate behaviours such as harassment and bullying will not be tolerated
- Encourage educators to report inappropriate behaviours using the Complaints and Feedback Policy
- Address all inappropriate behaviours
- Increase educator awareness of appropriate interactions through professional development and training
- Encourage open discussions through educator team meetings, informal conversations and at performance appraisals to clarify each educator's role within our education and care service
- Welcome constructive feedback. Educators will be encouraged to express opinions and work collaboratively with the Nominated Supervisor and the management of the education and care service to contribute to the success of the service and to facilitate continual improvement

- Regularly review communication practices within the education and care service to ensure all educators are supported, empowered, and acknowledged for their contributions to the team and the service
- Treat all educators equitably

In relation to Educators:

- Abide by their obligations under the current Education and Care Services National Law, Education and Care Services National Regulations and the National Quality Standard in relation to the prevention of Workplace Harassment and Bullying
- Abide by the 'Workplace Harassment & Bullying Prevention Guideline' which sets out formal and informal procedures for dealing with workplace harassment and bullying
- Ensure that their behaviour meets appropriate and acceptable standards
- Treat everyone fairly, with respect and without harassment or discrimination
- Ensure that confidentiality is maintained at all times in relation to any allegations being made, or in the answering of any allegations made against you
- Be involved in decision making with a clear understanding of their roles and responsibilities as defined in their job descriptions, duty lists, rosters and service policies
- Be valued for their contributions to the education and care service program and routines
- Be encouraged to embrace the uniqueness and diversity of their colleagues. Skills, strengths and opinions of team members will be respected and supported by all educators to create team cohesion based on respect and professionalism

Continual Monitoring and Improvement:

Continual improvement and monitoring will occur in the following ways:

- Incidental and planned consultation with families
- Co-ordination Unit Staff accessing current relevant information
- Co-ordination Unit Staff and Educators accessing current and relevant training
- Internal evaluation of incidences and the improvement of systems

Workplace Harassment and Bullying Prevention Guideline

Harassment Contact Officer

The services Harassment Contact Officer is: Julia Morphett

- The role of the Harassment Contact Officer is to act as a confidential referral point for all staff and Educators on workplace harassment and bullying matters
- The HCO can provide information on harassment and bullying issues, including options and processes to resolve complaints and concerns

Dealing with Complaints

- Staff and Educators are encouraged wherever possible to resolve concerns and/or complaints about workplace harassment or bullying through discussion, particularly where there are doubts that any alleged behaviour was intentional
- Staff and Educators are encouraged to seek advice on these issues from independent sources
- Informal processes often resolve minor issues with a minimum of conflict and stress to all parties involved, such an approach can result in an apology, agreement or decision to resolve issues
- Where a more serious complaint is lodged or when a minor issue remains unresolved, the following process is appropriate

Submitting a Formal Complaint

- Formal complaints should be submitted through the Co-ordination Unit
- Where a member of the Co-ordination Unit is the subject of the complaint, the complaint should be submitted to another member of the Co-ordination Unit
- While complainants are encouraged to express themselves freely, they should, as much as possible provide the following elements of a workplace harassment or bullying complaint:
 - Name of respondent(s)
 - Alleged behaviour(s), including approximate time/s, date/s and location of incident(s)
 - Witnesses (if any);
 - Wherever possible, identify their preferred outcome
- Formal complaints should be submitted in writing, a form is attached to these guidelines

Receiving a Complaint

- Any member of the Co-ordination Unit who receives a formal complaint shall, within the scope of their authority, take immediate action to address any ongoing unacceptable or offensive behaviour, ensuring that any health and/or safety issues are addressed immediately and that both the complainant and the respondent are informed of their rights and responsibilities
- Co-ordination Unit Staff receiving such complaints must ensure that any action taken as a result of the complaint complies with the principle of procedural fairness, such as informing the respondent(s) of the substance of any allegations and allowing them the opportunity to respond. This can often be achieved without the need to identify the complainant
- All complaints of harassment and bullying must be taken seriously and treated confidentially
- Treating complaints seriously does not necessarily mean that the behaviour in question is of a bullying or harassing nature - it may appear that some complaints are ill founded or are an

over reaction, nevertheless care must be taken in all circumstances not to trivialise concerns or to deal with them in a superficial manner

- The complaint should only be discussed with those involved in the resolution of the issue
- The complainant must not be subjected to further harassment, bullying or victimised as a result of lodging a complaint

Resolving Complaints

- It is recognised that early intervention and/or use of dispute resolution techniques usually provide for speedier and more effective resolution of workplace harassment and bullying issues
- While it is preferable that workplace harassment and bullying should be resolved within the workplace, there may also be cases of harassment or bullying where it is appropriate to seek assistance from someone other than the Co-ordination Unit Staff
- There are a number of ways in which a complaint of workplace harassment or bullying can come to the attention of the Co-ordination Unit
- Co-ordination Unit Staff may simply observe that there appears to be a problem in a particular area, alternatively, an Educator, staff member or other person may draw the matter to the attention of the Co-ordination Unit
- When dealing with workplace harassment or bullying situations the Co-ordination Unit should ensure that employees and Educators can access independent support
- The use of a dispute resolution process does not preclude seeking advice from a range of sources within or outside the service

Self Help

- Early resolution of any workplace harassment or bullying situations at the most appropriate level is strongly encouraged
- Individuals who experience perceived workplace harassment or bullying are strongly encouraged to take direct action by communicating with the respondent at the earliest time possible
- Situations that involve interpretation of interpersonal communications or matters requiring some clarification between persons may be quickly and effectively resolved if the parties take the opportunity to communicate with each other in a confidential setting and in a respectful manner
- If verbal communication is not possible, the complainant may then choose to communicate his or her concerns to the respondent in writing
- Communication in writing should describe the incident(s) by relating facts, not judgements, and relate the impact of the situation experienced by the complainant. The written communication should mention the conduct expected (i.e. "I would like this behaviour to stop."). If possible, the written communication should be delivered in person and a copy kept by the complainant
- Persons using the self-help process should keep a record of all the incidents and of the way in which they were handled
- This record will help the accurate recollection of events and how they were managed over time

Co-ordination Unit Staff Intervention

- If self-help is unsuccessful or inappropriate, then the complainant should seek help from the Co-ordination Unit Staff
- The Co-ordination Unit Staff are instrumental in the resolution of alleged workplace harassment and bullying situations
- Where Co-ordination Unit Staff are not in a position to resolve a situation involving their staff or Educators (or other persons, as applicable) due to potential bias, real or perceived, complaints of harassment and bullying should be forwarded to another member of the Co-ordination Unit

Mediation

- Mediation is a voluntary process in which an impartial third party facilitates communication between parties and assists them to reach a mutually acceptable resolution to a dispute
- The role of the mediator involves keeping the channels of communication open, helping the parties express their needs, identifying issues that need to be addressed, and facilitating problem solving
- Mediation is a voluntary process and can be terminated by either of the parties at any time
- Once the parties have agreed to mediation, a mutually agreeable mediator can be appointed
- In some cases, the use of co-mediation is appropriate. Co-mediation occurs when two mediators, often of different gender, culture, professional backgrounds or skills, work together to help negotiations between the parties in conflict. This team approach works best when there are a number of parties involved, the issues are complex, or when it is important to recognise gender, racial or cultural differences in order to inspire confidence in the mediation process
- All information exchanged during the mediation process is confidential

Further Referral

- Where the issue cannot be resolved through mediation, the matter should be referred to the Fair Work Commission for assistance in resolving the claim

Re-establishing Positive Workplace Relationships

Re-establishing Relationships

- Once a workplace harassment or bullying complaint has been resolved, it is everyone's responsibility to work together to restore the relationship and ensure a positive, harassment-free environment
- It is also possible that, although a workplace harassment or bullying complaint has been resolved, the circumstances surrounding it may continue to have effects on morale and productivity
- Additionally, there may be cases where, as a result of an investigation, it is found that a complaint was made in good faith but was nevertheless unsubstantiated. In such cases the complainant's distress may nonetheless be genuine, or the specific complaint may be a symptom of other problems in the work area
- To resolve these situations the Co-ordination Unit can arrange information or training sessions on techniques to improve communication, understanding and co-operation in the workplace. Appropriately qualified providers should deliver any such training sessions
- The Co-ordination Unit and HCO can also ensure that all employees and Educators in the

service are aware of support services that are available and encourage them to use them

Rumours and Speculation

- The Co-ordination Unit and HCO must be sensitive to the negative impact of rumours and speculation concerning a workplace harassment situation
- Gossip and rumours can aggravate the situation and increase stress in the workplace
- In such cases steps should be taken immediately to dispel the rumours, while ensuring that personal information is protected and the sensitivities of the parties are taken into account
- The creation and circulation of rumours is unacceptable workplace behaviour and has the ability to cause significant distress to others
- Staff and Educators who participate in circulating rumours and speculation may find themselves subject to an investigation into suspected misconduct

Privacy

- All persons must respect the dignity and privacy of people involved in workplace harassment or bullying situations by treating all information with discretion
- All staff and Educators should show respect for others and not engage in idle talk and speculation concerning potential workplace harassment or bullying situations

Security of Documentation

- Copies of complaints and reports are to be treated as sensitive material and not placed on personnel files
- However, if a complaint is upheld, the documentation of any administrative or disciplinary action taken may be included in personnel files
- Correspondence and documentation relating to all workplace harassment or bullying complaints should be in a lockable cabinet and retained for a minimum of 5 years after action has been completed in accordance with the Work Health and Safety Act 2011

Country Children's Early Learning Workplace Harassment or Bullying Complaint Form

Complainants Name: _____

CCEL Position:

Co-ordination Unit Staff

FDC Educator

Details of Complaint:

1. Name and position of the person against whom the complaint is being made:

2. Date Alleged Behaviour Occurred:

3. Time Alleged Behaviour Occurred:

4. Location Alleged Behaviour Occurred:

5. Alleged Behaviour:

(Including a detailed description of the comment, gesture, display, physical contact or other conduct believed to constitute workplace harassment or bullying)

6. Name and Position of any Witnesses to the incident:

8. Complainants Preferred Outcome:

Date: _____ **Signature of Complainant:** _____