

# Werribee Community and Education Centre Inc Policy

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Policy name	<b>Harassment, Discrimination, Victimization and Bullying Policy &amp; Procedure</b>
Responsible person	CEO, Managers, Committee of Management
Staff involved	All staff
Review dates	2012
Related documents	All codes of conduct, Complaints and Appeals Policy and Procedure, Privacy Policy, Access and Equity Policy, Federal Sex Discrimination Act (1984), Vic Equal Opportunity Act (1995), Computer Use Policy, Federal Human Rights and Equal Opportunity Act (1986), Federal Racial Discrimination Act (1975), Federal Disability Discrimination Act (1992), Cyber bullying Policy and Procedure.

## **Introduction**

Werribee Community and Education Centre Inc (WCEC) regards the health and safety of its employees, students, volunteers and users as a serious responsibility. Harassment, discrimination, victimisation and bullying can affect health and wellbeing.

WCEC is committed to eliminating, as far as possible, all forms of harassment, discrimination, victimisation and bullying in the workplace, and in its relationships with its clients, through a culture of openness, support, and accountability.

This policy outlines WCEC's position on harassment, discrimination, victimisation and bullying. It documents the process which is to be followed should any instances of bullying be reported.

## **Policy**

Any form of Workplace harassment, discrimination, victimisation or bullying is unacceptable at Werribee Community and Education Centre Inc. Such behaviour is unlawful and will not be tolerated.

All staff, volunteers, teachers, trainers and clients have the right to an atmosphere free of sexual or other harassment, discrimination, victimisation or bullying, and have the responsibility to prevent it.

## **What is Harassment, Discrimination or Victimization?**

Harassment, discrimination or victimisation is any form of behaviour that is uninvited, unreciprocated, unwelcome, personally offensive or humiliating to the recipient and

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creates an intimidating, hostile, frightening or uncomfortable work and/or learning environment. It may relate to any of the following characteristics:

- Age;
- Disability/impairment;
- Industrial activity;
- Lawful sexual activity;
- Marital status;
- Physical features;
- Political belief or activity;
- Pregnancy;
- Race;
- Religious belief or activity;
- Sex;
- Status as a parent or carer;
- Personal association with someone with the above attributes; or,
- Irrelevant criminal conviction.

These behaviours can include but are not limited to:

- Sexually offensive staring, leering or gesturing;
- Inappropriate verbal suggestions;
- Jokes or innuendo aimed at an individual;
- Inappropriate posters, displays, e-mails, or postings on electronic media or comments;
- Offensive or inappropriate phone calls;
- Inappropriate conduct such as unwelcome physical touching, inappropriately encroaching on another persons personal space;
- Any proposed relationship where the attraction is not reciprocated;
- Applying inappropriate pressure to another person to speak or act in a particular way;
- Targeting another person with inappropriate words or actions;
- Shouting, threatening, swearing or other inappropriate use of language; and / or,
- Physical assault, indecent assault or rape.

## **What is Bullying?**

Bullying is 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. Repeated behaviour refers to the nature of the behaviour, not the specific form of that behaviour so, repeated unreasonable behaviour may be a series of diverse incidents.

Bullying can occur at any level of the organisation, can be experienced by both men and women and may involve a co-worker, a volunteer, a manager, a user or client.

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Formerly agreed behaviour may be found to be bullying when it continues after a request from the recipient for the behaviour to stop, or at the point it becomes intimidating, offensive or humiliating.

There are bound to be occasional differences of opinion, conflicts and problems in every workplace. Only when the treatment of another person is unreasonable, offensive or harmful does workplace bullying exist.

The exercise of a Manager or Coordinator's legitimate authority at work through the direction and control of work responsibilities, the monitoring of workflow, and giving feedback on performance, is not bullying insofar as the Manager or Coordinator's actions are intended to assist staff to improve their tasks, their work performance, or the standard of their behaviour.

## **Responsibilities**

It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from bullying. The responsibility lies with every manager, coordinator, employee and volunteer to ensure that discrimination or victimisation does not occur.

Any employee or volunteer who believes they have been a victim of harassment, victimisation or bullying is encouraged to inform the offender that their behaviour is unacceptable and against WCEC policy. At this point it is advisable for the incident to be reported to the CEO or a Manager or colleague.

It is the responsibility of the CEO and Managers to ensure that:

- they understand, and are committed to, the rights of all employees and volunteers to attend work and perform their duties without fear of being bullied in any form;
- they understand, and are committed to, the rights of all students and users of WCEC to access services without fear of being bullied in any form;
- all reasonable steps to eliminate bullying are made;
- all applicable occupational health and safety legislation is observed;
- all employees and volunteers are made aware of their obligations and responsibilities in relation to providing a workplace free from bullying;
- they provide an environment which discourages bullying, and set an example by their own behaviour;
- all complaints are treated seriously and confidentially;
- they take immediate and appropriate corrective action if they become aware of any offensive action; and,
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying;

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It is the responsibility of all Employees and Volunteers to ensure that:

- they understand and are committed to the rights and entitlements of all employees and volunteers to attend work and perform their duties without fear of bullying in any form;
- they provide an environment which discourages bullying; and,
- they immediately report any offensive action.

It is to be remembered that comments or behaviour that does not offend one person may offend another. Management accepts any person's right to react as an individual and expects all employees, volunteers and students to respect this right.

Breaking of this policy could have consequences ranging from counselling and a written warning being placed on the person's file, to dismissal and legal proceedings. Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter.

## **Procedures**

Employees, volunteers or clients who believe they are the subject of harassment, discrimination or bullying should take firm, positive and prompt action.

If deemed appropriate the employee, volunteer or client should make the perceived bully (or bullies) aware that they find their behaviour offensive, unwelcome and unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the employee, volunteer or client feels unable to speak to the person(s) directly, they should contact their coordinator or manager, or the CEO. The complainant does not have to request a full formal investigation if they will be satisfied by less formal treatment of the issue. They may also lodge a formal complaint if they wish.

A detailed account of the incident should be ascertained. In serious cases, more than one interview may be necessary. All interviews should be documented. This record will include parties involved, timing, location, and nature of conduct complained against. Records are to be kept and filed in a confidential and secure place. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.

The CEO or a Manager will organise an investigation, which in most cases will involve (but is not be limited to):

- a private interview to ascertain the facts and to find what the complainant expects to happen as a result of making the complaint or raising the incident;

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- an interview with the alleged harasser(s) / bully(ies) to ascertain their defence;
- interviews with other employees, volunteers or individuals who may be able to assist; and,
- an examination of any relevant documents.

All relevant evidence should be considered by the person conducting the investigation.

It may be necessary to provide affected employees or clients with alternative working study arrangements to avoid further conflict while the harassment, victimisation or bullying complaint / incident is investigated. The complainant may also require counselling to develop coping strategies for dealing with the situation while the problem is being resolved.

Possible courses of action at the conclusion of an investigation may include, but are not limited to, any combination of the following:

- counselling;
- disciplinary action against the bully or bullies;
- official warnings that are noted in the bully or bullies' file;
- if there is strong evidence that the complaint was vexatious or malicious, disciplinary action against the person who complained;
- formal apologies and undertakings that the behaviour will cease; and / or,
- conciliation/mediation conducted by an impartial third party, where the parties to the complaint agree to a mutually acceptable resolution;

Determination of whether bullying has occurred will rest on the weight of the evidence. If it is determined that bullying has taken place then outcomes will depend upon factors such as:

- the severity and frequency of the bullying;
- the wishes of the person who was subjected to the offensive behaviours;
- whether the bully could have been expected to know that such behaviour was a breach of policy;
- the level of contrition shown by the bully; and,
- whether there have been any prior incidents or warnings.

If there is insufficient proof to decide whether or not bullying has occurred, the Manager or CEO will:

- remind those involved of expected standards of conduct; and,
- monitor the situation carefully.

The relevant Manager or CEO will advise all relevant parties of the outcome.

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## **Procedures for Dealing with Criminal Conduct**

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While WCEC is committed to treat most complaints or incidents of bullying at an organisational level as far as possible, this type of conduct may not be suited to internal resolution. Such complaints should be treated by the criminal justice system. Employees or volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

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