





Bullying and Harassment Policy and Procedure

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Approved by the Board:			
On behalf of the Board	David Ling President	Signature 	Date: 22/05/19
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Basic Beliefs/Purpose

Diamond Valley Learning Centre (DVLC) is committed to providing a safe, flexible and respectful working and learning environment that is free from discrimination, harassment, bullying or unreasonable behaviours. DVLC seeks to promote an environment where people are treated with dignity, courtesy and respect, and where complaints of bullying or harassment are addressed in a timely, fair and confidential manner.

Scope

This policy and procedure applies to all DVLC staff, students, volunteers and Board members.

It applies to behaviour which occurs:

- during work or learning activities;
- during work or learning-related activities that may occur outside of normal working hours;
- at work and learning-related events; and
- through emails and text messages, and/or on social media, where workers interact with colleagues or students.

Policy

DVLC seeks to provide a non-discriminatory workplace and learning environment that fosters positive and professional working relationships between staff, students, volunteers and Board members, and to promote a workplace and learning culture based on courtesy, dignity and respect.

DVLC acknowledges that everyone has a right not to be bullied or harassed at work or in training, and recognises that bullying and harassment may have a range of negative impacts on the work or learning environment.

DVLC expects its staff, students, volunteers and Board members to promote an environment free from bullying and harassment by:

- behaving responsibly and professionally;
- treating others with courtesy and respect;
- listening and responding appropriately to the views and concerns of others;
- being fair and honest with everyone;
- taking reasonable care, under workplace health and safety laws, not to adversely affect the health and safety of others; and
- reporting incidences of bullying or harassment.

DVLC is committed to recognising and preventing bullying and harassment, and will take prompt, impartial and confidential action if this occurs.

Bullying may involve, but is not limited to:

- physical or verbal abuse;
- sarcasm and other forms of demeaning language;
- derogatory or intimidating remarks;
- threats, abuse, shouting or offensive language;
- coercion;
- isolation;
- inappropriate blaming;
- ganging up;
- constant unconstructive criticism;
- deliberately withholding information or equipment needed for work or learning;
- unreasonable refusal of requests for leave, training or other workplace benefits;
- unwelcome and unreasonable behaviour that creates a hostile, uncomfortable, offensive or 'charged' atmosphere leading to stress;
- misuse of relative and / or assumed power;
- taking deliberate advantage of a lack of understanding or knowledge due to inexperience;
- unreasonable demands and impossible targets;
- phone calls, letters or emails which are threatening, abusive or offensive;
- constant, intrusive surveillance or monitoring;
- unnecessary intrusion into the personal relationships of a person;
- restrictive and petty work rules;
- being intentionally overworked and being forced to stay back or perform additional tasks;
- open or implied threats of demotion, dismissal or disciplinary action; and
- emotional blackmail.

Cyberbullying is a particular type of bullying and may include behaviour such as:

- sending threatening or hurtful messages by text, or through social networking sites;
- sending photos and videos of someone to others without permission in order to hurt or embarrass;
- spreading rumours or lies via emails, social networking sites, or text messages;
- trying to stop someone from communicating with others or excluding them from chat groups;
- stealing passwords or logging into someone's accounts and changing the information there; and
- setting up fake profiles pretending to be someone, or posting messages or status updates from someone's accounts.

Harassment may include behaviour such as:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails or text messages;
- displaying racially offensive or pornographic posters, calendars, photos, objects or screensavers;
- making derogatory comments or taunts about a person's disability, and
- asking intrusive questions about someone's personal life, including sex life.

DVLC affirms that reasonable actions taken by managers, supervisors or teachers to direct and control the way work or learning is carried out, including legitimate comments, advice or feedback, should not be confused with bullying, harassment or discrimination.

In seeking to prevent, reduce or manage bullying or harassment complaints, DVLC will:

- ensure that all employees, students, volunteers and Board members are made aware of the prohibition on bullying and harassment, and of their rights and responsibilities under legislation (e.g. health and safety, workers compensation, anti-discrimination law, equal opportunity) This may occur at induction, through staff meetings and training sessions, and will be documented in policies in the DVLC policy folder or staff and student handbooks;
- provide training that informs all employees and supervisors of the types of behaviour that constitutes bullying, including identifying and recognising any workplace arrangements or workplace cultural activities that are considered normal but may comprise or lead to bullying;
- provide training to health and safety representatives, and other personnel, on the risk factors and relevant control measures to address the potential of bullying occurring;
- ensure that employees, students, and volunteers have access to appropriate internal processes for dealing with complaints about alleged bullying which are procedurally fair, enforceable, timely, provide the right for union representation and allow for confidentiality where appropriate;
- ensure that internal processes include an investigation process that establishes the facts, makes findings, develops recommendations for the resolution of the complaint, and provides written advice regarding findings to all parties;

- ensure that employees are aware of their right to take any bullying or harassment complaint to the Fair Work Commission, or another appropriate industrial forum, for resolution by mediation, conciliation or arbitration;
- take appropriate disciplinary action if any employee is found to have breached this policy. Disciplinary action may include: a requirement to provide a verbal or written apology, counselling or training, a verbal or written reprimand and transfer, demotion or dismissal of the person found to have engaged in bullying;
- promote positive leadership styles by providing training and mentoring for managers and supervisors (such as training on how to effectively manage workloads and performance, manage difficult conversations, or escalate issues);
- maintain a work culture that facilitates teamwork, consultation and co-operation, including effective communication during workplace changes such as downsizing or restructuring; and
- monitor and review internal processes to ensure their effectiveness in preventing bullying and harassment. This may be achieved through management meetings, staff meetings, reviews of staff and student complaints, records of sick leave and exit interviews.

Procedure for reporting bullying or unreasonable behaviour

This procedure applies to anyone who:

- experiences bullying, harassment or unreasonable behaviour (refer to definition); or
 - witnesses bullying, harassment or unreasonable behaviour; or
 - is uncomfortable with dealing with a problem / has been unsuccessful at dealing with a problem related to bullying, harassment or unreasonable behaviour.
1. Urgently report this problem to your teacher or manager. Your report will be taken seriously. If the problem concerns your teacher or manager, report it directly and urgently to the next level manager or the Chief Executive Officer (CEO). If the CEO is implicated in the problem, please urgently report the problem to the Board.
 2. DVLC will appoint a manager or representative to immediately investigate the problem or complaint, who will:
 - a. speak to all parties concerned, including notification to the person against whom allegations made;
 - b. listen respectfully, and treat the report as credible and reliable (unless conclusively proved to be otherwise);
 - c. show impartiality and avoid personal or professional bias;
 - d. gather information from all parties so that the facts and merits of the problem can be assessed;
 - e. keep records of conversations, meetings and interviews;
 - f. keep matters confidential, and known only to those directly concerned;

- g. treat the person alleged to have behaved unreasonably as innocent until reports are proven to be true;
 - h. provide information to all parties of the support available, including the opportunity to have a support person available at meetings and interviews;
 - i. ensure that all parties are protected from victimisation; and
 - j. keep all parties informed of the progress of the investigation, what will happen next and reasons for delays (if any).
3. The CEO and / or Board will be responsible for completing the investigation, determining the outcome, and determining what remedial or disciplinary action must be taken. This must occur whether or not bullying has occurred. Due consideration must be given to:
- a. the seriousness and complexity of the report or complaint;
 - b. the clarity of available information, and whether additional information is required;
 - c. the nature of the problem or complaint (e.g. unlawful discrimination, bullying, sexual harassment, physical violence) and the appropriate response;
 - d. the need for interim measures to minimise the risk of ongoing harm e.g. temporary reassignment of tasks, separation of the parties involved, or granting of leave;
 - e. the need for specialist assistance to identify issues and develop potential responses (e.g. assistance on how to deal with discrimination or sexual harassment is available from the Australian Human Rights Commission, Fair Work Commission or the Victorian Equal Opportunity and Human Rights Commission);
 - f. the potential for an internal resolution of the problem or complaint (e.g. by self-managing or adopting a no-blame conciliatory approach to resolving the issue) or whether an external investigation or assistance is required;
 - g. whether disciplinary action must be taken;
 - h. available rights of appeal and review;
 - i. whether organisational issues may have contributed to the problem and how they should be addressed;
 - j. how the outcome or response will be implemented and monitored; and
 - k. how the investigation outcome will be communicated to the parties involved and others.
4. If the report or complaint is substantiated, the CEO and / or Board must carefully consider what actions should be taken. Actions may include:
- a. directing the person to cease the behaviour, obtaining a commitment from him / her that this will not be repeated, and ensuring that compliance is monitored over time;
 - b. providing training or coaching;
 - c. providing counselling support;
 - d. requesting an apology;
 - e. issuing a verbal or written warning that is kept on the employee's HR file;

- f. transferring or reassigning employees;
 - g. demoting or dismissing an employee (subject to workplace relations laws);
 - h. reviewing organisational policies and processes for preventing bullying or unreasonable behaviour; and
 - i. addressing any other organisational issues that may have contributed to the problem.
5. If the report or complaint is not substantiated, the CEO and / or Board may require actions to be taken to resolve outstanding issues. These actions may include:
- a. arranging mediation (voluntary) with an impartial third party;
 - b. offering professional counselling;
 - c. changing work arrangements;
 - d. providing training or skill development workshops;
 - e. providing information to employees about bullying or harassment and how to report it;
 - f. providing support and mentoring from a senior manager; and
 - g. reassessing workloads and staffing levels.
6. The CEO and / or Board, or their representative, must communicate the findings to the parties involved and advise them of:
- a. actions to be taken and the reasons for those actions;
 - b. rights of appeal or review;
 - c. support to be provided;
 - d. redress measures to be applied;
 - e. how the resolution will be monitored;
 - f. how the report or complaint will be documented and retained on employee HR files; and
 - g. external agencies that may provide further assistance, such as the Fair Work Commission or Worksafe Victoria.
7. If the CEO and / or Board determine that the report or complaint is vexatious or malicious, they may take disciplinary action or require the complainant to undergo counselling.

Definitions

Bullying is defined as any unreasonable behaviour that can be expected to intimidate, degrade, humiliate, isolate, alienate or cause serious offence to a person. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

Cyberbullying refers to bullying that is carried out via electronic means such as:

- email, text and instant messaging services;
- online chat rooms and discussion groups;
- social media, such as Twitter and Facebook;
- photo-sharing and video-sharing applications;
- blogs and websites.

Harassment is any repeated behaviour, whether intentional or unintentional, that treats an individual or a group less favourably, based on their particular attributes. This includes their identity, race, culture, ethnic origin, religion, physical characteristics, gender, sexual orientation, marital, parenting or economic status, age, ability or disability.

Victimisation is defined as subjecting or threatening to subject a person to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination or harassment.

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

Related Policies

P-8 Student Welfare and Duty of Care Policy
P-13 Code of Ethics Policy
P-16 Student Complaints and Appeals Policy and Procedure
P-26 Access, Anti-Discrimination, Equity, Diversity and Empowerment Policy
P-35 Mandatory Reporting Policy and Procedure
P-40 Child Safe Policy
P-42 Consumer Protection Policy
P-43 Privacy Policy
P-50 Staff Complaints Policy and Procedure

Related Documents

Neighbourhood Houses and Adult Community Education Centres Agreement 2016

Legislation

Fair Work Act 2009
Age Discrimination Act 2004
Australian Human Rights Commission Act 1986
Consumer and Competition Act 2010
Disability Discrimination Act 1992
Equal Opportunity for Women in the Workplace Act 1999
Privacy Act 1988
Racial Discrimination Act 1975
Sex Discrimination Act 1984
Charter of Human Rights and Responsibilities Act 2006 (Vic)
Child Wellbeing and Safety Act 2005 (Vic)
Equal Opportunity Act 2010 (Vic)
Health Records Act 2001 (Vic)
Occupational Health and Safety Act 2004 (Vic)
Privacy and Data Protection Act 2014 (Vic)
Racial and Religious Tolerance Act 2001 (Vic)

Mapping Information

AQTF Standards 2 and 3
VRQA Guidelines 2.7, 2.8

