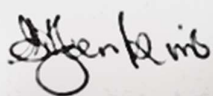


BULLYING & HARASSMENT POLICY

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	Chairperson, Suzanne Jenkins



ECS

BULLYING & HARASSMENT POLICY

Internal ECS References

In S:\0 CURRENT POLICY & PROCEDURES:	In S:\1 CURRENT FORMS:
WHS Policy	Incident Report Form

External References

Child Safe Standards at https://ocg.nsw.gov.au/resources	Aged Care Quality Standards at https://www.agedcarequality.gov.au/providers/standards
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BULLYING & HARASSMENT POLICY

1. POLICY STATEMENT

ECS is committed to the provision of a fair, healthy and safe workplace in which everyone is treated with dignity and respect and in which no individual or group feels bullied, threatened or intimidated.

1.1 Definitions

bullying = repeated, offensive, abusive, intimidating, insulting or unreasonable behaviour directed towards an individual or a group, which makes the recipient(s) feel threatened, humiliated or vulnerable

ECS workers = anyone who carries out work on behalf of ECS, including staff, volunteers [including management committee members], contractors and students on placement

harassment = single incident or pattern of unwanted or offensive behaviour

1.2 Acronyms

ECS = Engadine Community Services

2. GENERAL POLICY

Bullying or harassment in any form is unacceptable behaviour and will not be tolerated from any ECS worker.

We recognise that bullying and harassment can exist in the workplace, as well as outside, and that this can seriously affect workers' working lives by detracting from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

The intention of this document is to inform workers of the type of behaviour that is unacceptable and to provide procedural guidance on how ECS deals with it.

3. HARASSMENT

Harassment is any unwanted physical, verbal or non-verbal conduct based on grounds of age, disability, gender identity, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment can take many forms, and individuals may not always realise that their behaviour constitutes harassment. Examples of harassment include:

- insensitive jokes and pranks
- lewd or abusive comments about appearance
- deliberate exclusion from conversations
- displaying abusive or offensive writing or material
- unwelcome touching
- abusive, threatening or insulting words or behaviour

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against workers committing any form of harassment. Appropriate action in relation to paid staff will include disciplinary action in accordance with the ECS's disciplinary/termination procedures. For other workers, appropriate action may include termination of their engagement with ECS.

4. BULLYING

Any incidents in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips, that make individuals feel threatened, humiliated or vulnerable will not be tolerated by ECS.

Bullying can be a form of harassment and can cause an individual to suffer negative physical and mental effects.

Bullying can take the form of physical, verbal and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

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- abusive, insulting or offensive language or comments
- aggressive yelling or shouting
- unjustified criticism or complaints
- unwarranted physical contact or threatening gestures
- physical or emotional threats
- deliberate exclusion from workplace activities
- the spreading of misinformation or malicious rumours
- the denial of access to information, supervision or resources such that it has a detrimental impact on the individual or group

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against workers committing any form of bullying. Appropriate action in relation to staff will include disciplinary action in accordance with the ECS's disciplinary/termination procedures. For other workers, appropriate action may include termination of their engagement with ECS.

5. REASONABLE MANAGEMENT ACTION

It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying or harassment if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

Examples of reasonable management action can include, but are not limited to:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours where the requirements are reasonable
- transferring a worker for operational reasons
- deciding not to select a worker for promotion where a reasonable process is followed
- informing a worker of their unsatisfactory work performance
- meeting with a worker to discuss performance and/or conduct
- informing a worker of their unreasonable or inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- taking disciplinary action including suspension or termination of employment

6.1 Informal Complaint

ECS recognise that complaints of bullying, harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for workers to raise the issue through the normal grievance procedure. In these circumstances, workers are encouraged to raise such issues with a senior colleague of their choice (whether or not that person has a direct supervisory responsibility for them).

Any time they have a concern that the ECS Manager cannot assist with (including issues involving the Manager), ECS workers are encouraged to speak with the ECS Management Committee member appointed as Staff Liaison.

If an ECS worker is the victim of minor bullying or harassment, they should make it clear to the alleged bully or harasser on an informal basis that their behaviour is unwelcome and ask the individual to stop. If the worker feels unable to do this verbally, then they should hand a written request to the individual, and their chosen senior colleague can assist them in this.

6.2 Formal Complaint

Where the informal approach fails, or if the bullying or harassment is more serious, the worker should bring the matter to the attention of management as a formal written complaint using the **Incident Report Form**. Again, their chosen senior colleague can assist in this.

If possible, they should keep notes of the bullying or harassment so that the written complaint can include:

- the name of the alleged bully or harasser
- the nature of the alleged incident of bullying or harassment
- the dates and times when the alleged incident of bullying or harassment occurred
- the names of any witnesses
- any action already taken to stop the alleged bullying or harassment

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On receipt of a formal complaint, the ECS Manager or Management Committee will take action to separate the worker from the alleged bully or harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged bully or harasser to another work area or suspension of staff (with contractual pay) until the matter has been resolved.

The person dealing with the complaint will invite the worker to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The worker has the right to be accompanied at such a meeting by their chosen senior colleague or another person of their choice and must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

6.3	Conclusion
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On conclusion of the investigation, which will normally be within ten working days of the meeting, a report of the findings and of the investigator's decision will be sent, in writing, to both the worker and to the alleged bully or harasser.

If the report concludes that the allegation is well founded, appropriate action will be taken against the bully or harasser.

A worker who brings a complaint of bullying or harassment will not be victimised for having brought the complaint; however, if the report concludes that the complaint is both untrue and has been brought with malicious intent, appropriate action will be taken against the worker. Appropriate action in relation to an employee will include disciplinary action in accordance with ECS's disciplinary/termination procedure. For other workers, appropriate action may include termination of their engagement with ECS.