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## **Bullying and Harassment Policy**

### **Purpose**

This policy ensures that Greenwich College Pty Ltd is committed to preventing workplace bullying and will endeavor to implement policies that reflect our values of equality and mutual respect. Greenwich College Pty Ltd will create awareness and understanding of how an individual's behaviour or the behavior of a group affects others around them. Workplace bullying will not be tolerated under any circumstances and that it may be treated as a disciplinary offence that could lead to dismissal.

### **Scope**

This policy applies to all staff and students of Greenwich College Pty Ltd.

### **Policy**

#### **1. Definitions of Bullying and Harassment**

Harassment is any conduct related to sex, sexual orientation, marital status, age, race, colour, nationality, national or ethnic origin, religion or belief or disability which is unwanted by, or offensive to the individual involved, or which causes the individual to feel threatened, humiliated, bullied or harassed or which interferes with the individual's performance, undermines their job security, or creates a threatening or intimidating work environment.

Bullying is repeated, unreasonable behaviour directed towards a worker, or a group of workers, that creates a risk to health and safety. Whether it is intended or not, bullying is an occupational health and safety hazard. Two types of bullying can be observed:

##### **1.1. Overt bullying**

Examples may include:

- abusive behaviour towards another employee such as threatening gestures or actual violence
- aggressive, abusive or offensive language, including threatening or shouting
- demeaning remarks
- constant unreasonable and unconstructive criticism
- teasing or regularly making someone the brunt of practical jokes
- displaying material that is offending or degrading

## **1.2. Covert bullying**

Examples may include:

- deliberate exclusion, isolation or alienation of the employee from normal work interaction
- placing unreasonably high work demands on one employee but not on others
- allocation of demeaning jobs or meaningless tasks only
- unreasonably ignoring the employee
- undermining another employee, including encouraging others to 'gang up' on the employee
- deliberately withholding information that a person needs to exercise her or his role or entitlements within the College
- repeated refusal of requests for leave or training without adequate explanation and suggestion of alternatives
- spreading rumours or innuendo about someone
- intruding on a person's space by pestering, spying or tampering with their personal effects or work equipment
- intimidating a person through inappropriate personal comments, belittling opinions or unjustified criticism

For managers, providing guidance, conducting performance counseling, invoking unsatisfactory performance procedures or misconduct procedures does not in itself constitute bullying. Supervisors and managers must offer constructive advice and comment as part of their role in a way that does not demean. Supervisors and managers must be conscious that their treatment of a staff member may be considered to be bullying should there be clear discrimination in how they treat individuals where the key differentiating factors between those individuals do not include the work performance of those individuals.

## **2. Sexual Harassment**

Sexual harassment means any conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation to any employee or other person, or that might, on reasonable grounds, be perceived by that employee or person as placing a condition of a sexual nature on employment, or an opportunity for training or promotion. The conduct, contact or comment need not be deliberate or conscious and will be assessed according to objective standards of reasonableness.

Examples of sexual harassment include:

- Derogatory or demeaning comments, jokes or innuendoes of a sexual nature
- Unwanted physical contact that is sexual in nature, such as touching, pinching, grabbing or brushing against another employee's body, or sexually suggestive gestures
- Retaliation or threats against a person who has rejected a sexual advance from someone in a position of greater authority or power to grant or deny a benefit or advancement

### **3. Sexual Orientation**

Sexual orientation is defined as 'orientation towards persons of the same sex, orientation towards person of the opposite sex, and/or orientation towards persons of the same sex and the opposite sex'.

Examples of harassment include:

- Jokes, comments or innuendoes referring to sexual orientation
- A worker who has same sex partner being continually referred to by nicknames that imply the opposite sex
- Teasing an individual who may have associations with people of a particular sexual orientations
- Non-selection for job, promotion or training due to sexual orientation

### **4. Racial Harassment**

Racial harassment means any conduct, comment or gesture of a racial nature that is objectionable or likely to cause offence to an employee or other person, or creates an intimidating or hostile environment, including the production, display or circulation of written words, pictures or materials. 'Racial nature' includes race, colour, nationality and ethnic or national origin.

Examples of harassment include:

- Name calling, racist abuse and jokes
- Patronising remarks
- Display of racially offensive written material or images
- Non-selection for job, promotion or training because of race
- Threatened assault or physical attack.

### **5. Religion or Beliefs Harassment**

'Religion' or 'belief' means any religion, religious belief, or philosophical belief. Harassment towards employees or workers who are (or admit to being) members or followers of a particular religion, or who hold particular religious beliefs, is unlawful.

An example of harassment or victimisation on the grounds of religion or belief could be placing a requirement that employees must work on a particular day which could or should be adhered to by a religious group, or would put members of the group at a disadvantage.

### **6. Age Harassment**

'Age harassment' means any conduct, comment, gesture or contact of an ageist nature that is likely to cause offence, be frightening or humiliate any employee or other person, or that

might, on reasonable grounds, be perceived by an employee or person as placing a condition of age ownership, or employment, or an opportunity for training or promotion. The conduct or comment need not be deliberate or conscious and will be assessed according to objective standards of reasonableness.

Examples include:

- Derogatory or demeaning comments, jokes or innuendoes of an ageist nature
- Patronising remarks
- Non-selection for job, promotion or training because of age.

This does not include legal restrictions placed on individuals under the age of 18.

## **7. Effects of Bullying**

Bullying in the workplace can result in absenteeism; reduce staff productivity and motivation, and loss of experienced and skilled staff through resignation. Bullying may also have significant legal, social and health costs for individual staff, including loss of confidence, increased anxiety, depression, loss of sleep, headaches and increased blood pressure. Bullying can also affect others in the workplace in a similar way, even when they are only witnesses to the bullying and are not subject to the bullying themselves.

## **8. Responsibilities of Staff**

Staff have the responsibility to ensure that their actions do not negatively affect another staff member's career, health or well-being. This includes not condoning bullying by failing to do anything about it, such as raising the matter with the bully or management.

A staff member found to have bullied another staff member or to have workplace bullying may be subject to disciplinary action. Ideally, staff should attempt to resolve issues of workplace bullying at the local level by:

- Raising the issue directly with the person they believe is responsible for bullying. Often, an informal approach can quickly resolve an instance of workplace bullying; or
- Involving his/her supervisor

If the issue is not resolved in this way, an employee may:

- Raise the matter with the General Manager, CEO or Chairman of the Board of Directors of NextEd Ltd.
- Lodge a formal complaint with the General Manager, the CEO, or the Chairman of the Board of Directors of NextEd Ltd.

## **9. Responsibilities of Management**

Management has a responsibility to provide a safe work environment that enables staff to carry out their work responsibilities free from bullying. This includes investigating complaints of bullying expeditiously. Managers should be fully aware of the adverse consequences of not dealing

with bullying as outlined above. Managers should be alert of the possibility of workplace bullying and should monitor key indicators such as workplace culture factors, high absenteeism and high staff turnover.

## **10. Recognising and Removing the Risks**

### **Step 1 Identifying the Hazard**

- Consider the work required and work procedures, to determine if there are factors in the workplace that make it more likely that bullying can occur
- Focus on the systems of work rather than on the individuals
- Conduct a survey of employees on the issues of workplace bullying
- Monitor patterns of absenteeism, sick leave, staff turnover, grievances, injury reports and other such records to establish any regular patterns or sudden unexplained changes
- Monitor deterioration in workplace relationships between employees, clients, or managers
- Monitor feedback from exit interviews of feedback given directly from management or any other external party.

### **Step 2 Controlling the Risk Factors**

- Establishing expectations of appropriate behaviour and the consequence for failing to comply
- Developing a Complaints Handling and Investigation procedure
- Providing information and awareness for employees on workplace bullying
- Ensuring that managers are aware of the responsibilities they have to assist the employer in complying with their obligations
- Providing clear job descriptions that include an outline of specific roles and responsibilities for each position in the workplace
- Keeping information relating to productivity, absenteeism, grievances, work related injuries, customer complaints, disciplinary actions and so on.

### **Step 3 Evaluation and Review**

- This involves the ongoing review and evaluation of the specific strategies and plans that have been implemented into a workplace to prevent and control workplace bullying
- The evaluation and review process should ensure that the strategies implemented are effective in preventing or minimizing incidents of workplace bullying within the workplace
- If the strategies have not been effective, it is important that further analysis of the situation occurs in order to determine how the employer can rectify the situation

## **11. Complaint Resolution Process**

It is important that all employees are made aware that a procedure exists in the event that they experience bullying behaviour at work. It is useful to provide a number of resolution options to employees that range from taking action personally, to lodging either an informal or formal complaint.

### **11.1. Personal Options**

- An employee may choose to speak to the perpetrator directly. They should be advised to keep a record of that conversation.
- Employees can be advised that information and advice can be sought from the following:
  - WHS Representative
  - Manager
  - Professional Counselor

### **11.2. Informal Resolution Process**

No investigation or disciplinary action should be taken as a result of an informal complaint. Rather, a no-blame, conciliatory approach should be used to assist the individuals in reaching an outcome that will ensure appropriate conduct in the future. The main focus is to return the individuals to productive work without further interruption. No records resulting from this action should be kept after resolution of the issue.

**Conciliation** is a confidential process that only involves the conciliator and the affected employees. The purpose of conciliation is to provide a quick response to an incident by an impartial, suitably skilled person. A manager or another person in the workplace may conciliate the matter if it is appropriate for them to do so; otherwise professional intervention should be sought. It is important that the employee can trust and respect the conciliator.

If the informal resolution process fails to provide an agreed outcome then the employee should be told that they could pursue a formal complaint leading to investigation.

### **11.3. Formal Investigation Process**

- The investigation procedures will adhere to natural justice principles and ensure fairness for all concerned;
- An investigation will occur as soon as possible after the complaint is received;
- An impartial person who can carry out the investigation without hindrance will conduct the investigation.
- The following steps should be followed:

- 11.3.1. **Lodging the complaint** - Ensure that the complainant knows how and to whom they should lodge their complaint. For example, the complaint should be in writing with specific allegations including dates, times, and names of any witnesses.
- 11.3.2. **Initial Response** - Arrange for an appropriate senior manager to meet separately with both parties as soon as possible and explain the formal process and their rights and responsibilities. This might include:
- a. The expected timetable for resolution of the complaint;
  - b. How the complaint will be investigated, for example, interviews with the complainant, the alleged bully and witnesses;
  - c. Who will receive copies of any statements or records of interview if obtained;
  - d. Who can be present at interviews;
  - e. Whether parties can refuse to participate;
  - f. What interim measure will be taken to ensure the safety and welfare of the complainant during the investigation
- 11.3.3. **Appointment of an Investigator** - Arrange for an independent investigator to investigate the complaint. Ensure the investigator understands their role, the rights of the alleged bully and what the expected outcomes may be. Either party should have the right to challenge the independence and impartiality of the investigator, providing they present reasonable grounds to do so.
- 11.3.4. **The Investigation** – The investigator should contact the alleged bully in writing and notify them about the details of the complaint, interview time, process and their rights (including their right to have a representative present), timeframe for the investigation, requirement for confidentiality and the possible consequences.

The investigator should then interview the alleged bully. If they admit to the behaviour, the matter can be referred back to the employer for appropriate action. This may include disciplinary procedures or referral to support services, for example anger management counseling.

If the alleged bully disputes the allegation, further investigation should be carried out in an attempt to determine the facts. This will include meeting with the complainant and available witnesses.



- 11.3.5. **Findings** - The investigator should provide the employer with a written report on the findings of the investigation. The employer should then meet with both parties individually to explain to them the findings of the investigation as well as notifying them in writing. If the allegation cannot be substantiated, this does not necessarily mean the bullying did not occur. Employers need to identify what can be done to assist the individuals to return to a working relationship.

This may involve mediation, counseling, and redressing other organizational issues that may have contributed to the circumstances of the complaint. This may include possible disciplinary action against the complainant if their complaint is proven to be unwarranted or vexatious. If the allegation is substantiated, appropriate action needs to be determined, including disciplinary action against the bully such as requiring the bully to provide an apology and assurance that the behavior will not occur again, a formal warning, counseling, transfer to another work area, suspension from work or as a final resort, dismissal.

- 11.3.6. **Appeal** - Provide mechanisms to enable the parties to appeal against the decision if they consider it warranted
- 11.3.7. **Advice to Seek Counseling and/or Rehabilitation** – Advice on how to access should be provided for: The complainant, to assist him or her to find coping strategies to deal with the alleged bully whilst the matter is being resolved; The alleged bully to enable him or her to recognize and change their behavior; and/or any affected work team member.
- 11.3.8. **Review** - Ensure the resolutions and continuing wellbeing are reviewed with the complainant and alleged bully for a period of time following resolution to ensure your actions to stop the bullying have been effective.

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