

LITTLE YARRA STEINER SCHOOL

WORKPLACE BULLYING AND HARASSMENT POLICY

Policy

It is the policy of Little Yarra Steiner School that the learning and working environment is positive and supportive for all members of the School community. Therefore, Little Yarra Steiner School is committed to ensuring that the working and learning environment is free from bullying, harassment, sexual harassment and discrimination.

Little Yarra Steiner School aims to:

- foster an environment where all members of the School Community are treated with dignity, courtesy and respect;
- promote appropriate standards of conduct at all times;
- implement training and awareness-raising strategies to ensure that everyone knows their rights and responsibilities; and
- Where necessary encourage reporting of inappropriate behaviour and provide an effective procedure for resolving complaints in a sensitive, fair and timely manner and as confidentially as possible.

This Policy sets out what constitutes discrimination, harassment, sexual harassment and bullying, and what you can do if you experience these things. It also details the complaints procedure which Little Yarra Steiner School has implemented to ensure that any form of discrimination, harassment, sexual harassment or bullying is dealt with promptly, confidentially and impartially.

All employees have a responsibility to treat each other fairly and with respect. Individual employees must also ensure that they do not discriminate against, harass, sexually harass or bully other members of staff. Any reports of discrimination, harassment, sexual harassment or bullying will be treated seriously and sympathetically by the School. Disciplinary action may be taken against anyone found to be guilty of discrimination, harassment, and sexual harassment or bullying.

1. Legislation

Both Federal and State legislation is relevant to the concepts discussed in this policy.
This legislation includes:

Federal:

Disability Discrimination Act 1992

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Workplace Relations Act 1996

Human Rights and Equal Opportunity Commission Act 1996

Age Discrimination Act 2004

Equal Opportunity for Women in the Workplace Act 1999

Victorian:

Equal Opportunity Act 1995

Racial and Religious Tolerance Act 2001

Occupational Health and Safety Act 2004

*Victorian Work Cover Authority Prevention of Bullying and Violence at Work**

*this is a guidance note only and is not legislation

2. Discrimination

It is unlawful to discriminate against or harass a person in employment (or in the provision of goods and services) on the basis of any of the following attributes or personal characteristics:

- age;
- disability or impairment (physical, intellectual, mental or psychiatric);
- race, colour, descent or national or ethnic origin;
- religious belief or activity;
- sex;
- gender identity;
- transgender or transsexual status;
- lawful sexual activity/sexual orientation;
- family, marital, parental or carer status;
- physical features;
- political opinion, belief or activity;
- industrial activity or membership of an industrial association;
- pregnancy or potential pregnancy;
- breast feeding;
- medical record;
- criminal record; and
- Personal association with a person who is identified by reference to any of the above attributes.

Discrimination is treating a person with an identified attribute or personal characteristic less favourably than a person who does not have the attribute or characteristic, which is otherwise in the same or similar circumstances. Discrimination can be either direct or indirect.

Direct Discrimination

Direct discrimination is treating, or proposing to treat, a person less favourably on the basis of an attribute or personal characteristic of the person which is covered by equal opportunity law, regardless of the discriminator's motive and whether they are aware of the discrimination or consider the treatment to be less favourable.

Indirect Discrimination

Indirect discrimination is unreasonably imposing, or intending to impose, on a person with an attribute or characteristic covered by equal opportunity law a requirement, condition or practice that can only be complied with by a higher proportion of people without the attribute or personal characteristic. Awareness of the discrimination is irrelevant. Indirect discrimination can occur when a requirement, condition or practice which appears to be neutral, in fact has a disproportionately negative impact on a particular group.

4. Harassment

Harassment is a form of discrimination. Harassment is unwelcome and unwanted conduct based on one of the attributes listed above that causes a person to be offended, humiliated or intimidated.

The reasonable person test applies. That is, would a reasonable person, given all the circumstances, have anticipated that the behaviour would be found offensive, humiliating or intimidating.

5. Sexual Harassment

A person sexually harasses another if he or she:

- makes an unwelcome sexual advance;
- makes a request for sexual favours; or
- engages in any other unwelcome conduct of a sexual nature;

In circumstances in which a reasonable person, aware of all of the circumstances, would have anticipated that the conduct would cause offence, humiliation or intimidation.

Sexual harassment is unwelcome, uninvited conduct that is offensive from the view point of the person harassed, regardless of any innocent intent on the part of the offender.

It is not behaviour that is based on mutual attraction between people or friends.

Sexual harassment may occur in a single incident or series of incidents.

Types of sexual harassment

Sexual harassment can take many forms and can be physical, verbal or written. It is not just the obvious harassment of unwelcome physical behaviour such as inappropriate touching, patting, brushing up against someone or offensive gesturing. Sexual harassment can either be direct or indirect.

Sexual harassment takes a variety of forms, including:

- Sexual or suggestive remarks;
- Sexual propositions or requests for dates;
- Repeated questions about a person's private life;
- Sexual jokes and innuendo;
- Physical contact such as touching, deliberate brushing up against a person, hugging etc. against a person's will;
- Offensive telephone calls, reading matter, email, screen savers, pictures, calendars etc.;
- Suggestive looks or leers;
- Sexually explicit conversations.

6. Workplace Bullying

Bullying is repeated, unreasonable behaviour directed towards an employee that creates a risk to health and safety.

Unreasonable behaviour is behavior that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another.

Behaviour includes: actions of individuals or a group, and may involve using a system of work (i.e. the prescribed procedures or tasks associated with a specific job) as a means of victimising, humiliating, undermining or threatening.

Risk to health and safety includes risk to the mental or physical health of the employee.

Unacceptable behaviour makes the workplace uncomfortable, unpleasant and often unsafe. The following types of behaviour, if repeated or occurring as part of a pattern of behaviour could be considered bullying:

- Verbal abuse;
- Excluding or isolating employees;
- Psychological harassment;
- Intimidation;
- Assigning meaningless tasks unrelated to the job;
- Giving employees impossible assignments;
- Deliberately changing work rosters to inconvenience particular employees;
- Deliberately withholding information vital for effective work performance.

The list is not exhaustive. Other types of behaviour may also constitute bullying. Bullying is usually not a once off incident but could be if the once off incident is sufficiently serious.

Bullying does not include reasonable and legitimate actions of Little Yarra Steiner School in managing an employee's performance, managing or altering an employee's workload, reporting structure or duties or counselling an employee.

Effect of bullying on an individual

The effect on the person experiencing bullying can include:

- Severe psychological distress, sleep disturbances and general feelings of anxiety,
- Physical symptoms such as stomach-aches, headaches and general ill-health
- Incapacity to work, reduced output and performance

Effects of bullying on the organisation

The effect of bullying on the organisation can include:

- Lower workplace productivity and efficiency
- High staff turnover with resultant increase in recruitment and induction costs, as well as down time as replacement workers are trained in their new jobs
- Increase absenteeism and sick leave
- The direct cost of dealing with complaints of bullying such as the cost of counselling effected workers, costs associated with legal action etc
- Stress related costs via the workers compensation system with resultant increases in insurance premiums and/or rehabilitation costs, poor morale

Responsibilities of managers and supervisors (including administrators, College members, and faculty coordinators)

Managers are responsible for ensuring that all employees understand that bullying is not tolerated in the workplace and for taking early corrective action to deal with behaviour which may be offensive or intimidating.

The prevention of all inappropriate behaviours (bullying) require managers and supervisors to:

- Be aware of, identify and prevent bullying in the workplace
- Eliminate inappropriate behaviour regardless of whether a complaint is received about that behaviour
- Encourage all staff to behave in accordance with the principles of equal opportunity and anti discrimination
- Provide leadership and role modelling in relation to appropriate and professional behaviour in the workplace
- Respond promptly, sensitively and confidentially to all situation where inappropriate behaviour is exhibited or alleged to have occurred

Employee and co-worker responsibilities

The prevention of bullying requires employees to be responsible for the following actions:

- Be aware of and identify bullying behaviour and where appropriate utilise LYSS or external procedures to stop any further instances of bullying behaviour
- Behave in accordance with the principles of equal opportunity and antidiscrimination
- If bullying behaviour is witnessed or experienced and the employee feels able, speak with the alleged bully to object to the bullying behaviour
- Offer to act as a witness if the person being bullied decides to report the incident
- Keep a record or diary of incidents noting what happened, when and the names of witnesses

7. What can you do if you feel that you are being discriminated against, harassed, sexually harassed or bullied?

If you feel you have been discriminated against, harassed or bullied, you should not ignore it. You should keep notes on all instances of discrimination, harassment or bullying - dates, times, places, witnesses (if any), together with what you said, did or felt.

If you feel comfortable doing so, then you may wish to address the issue with the person concerned and request that the behaviour ceases. If you do not feel comfortable confronting the person and the behaviour continues, then you should go to a member of the College of Teachers and discuss your complaint.

All complaints of discrimination, harassment, sexual harassment or bullying will be dealt with in accordance with Little Yarra Steiner School's procedure which is set out below. Little Yarra Steiner School's goal is to resolve all issues and complaints in-house where possible. However, you can seek the assistance of an outside agency, at any stage, if you wish.

8. What should you do if you consider you have witnessed bullying?

You should report the matter to a College Member who is required to act in accordance with Little Yarra Steiner School's procedure which is set out below.

9. Complaints Procedure

Little Yarra Steiner School will take any complaint under this policy very seriously and will invoke either the informal or formal complaints procedure outlined below.

If an informal approach is taken but the desired result is not achieved, then a formal approach can be adopted. If the complaint is sufficiently serious, a formal approach may be taken without first invoking the informal approach.

Informal Complaint Procedure:

- Raising your complaint with a College Member

A College Member is someone with whom you can discuss your situation and lodge your complaint.

When you meet with a College Member to discuss your complaint, he or she will explain the relevant steps that will be taken to address your complaint. The College Member will not act as an investigator and will not make disciplinary decisions in relation to your complaint. The College Member may assist you in handling your complaint directly with the person(s) involved.

Formal Complaint Procedure:

- Investigation of the complaint

In this situation, the Staffing Group is appointed to take details of the complaint and formally investigate the matter.

The investigation is a confidential process where details of the complaint are taken and provided to the respondent for a formal response. The Staffing Group's task is to establish what evidence or facts can be found that may either substantiate or refute the allegations.

The parties involved in the investigation process will be asked to maintain confidentiality with respect to the complaint and the investigation. Little Yarra Steiner School may, however, need to divulge the contents of the complaint and responses in order to complete a full investigation.

The principle of natural justice demands that the process be based upon an assumption of innocence unless and until evidence shows otherwise.

Reported findings then form the basis of appropriate action by Little Yarra Steiner School College of Teachers who respond to both the individual and organisational matters addressed in the findings.

Possible Outcomes:

The possible outcomes will depend upon the nature of the complaint. Where an investigation has found that a complaint is substantiated, appropriate action will be taken against the person about whom the complaint was made. This may include: a written warning, participation in personal professional development, and other disciplinary action up to and including dismissal of employment in serious cases.

10. Victimisation

Victimisation is treating someone unfairly because that person, or someone they associate with, has made, or intends to make, a complaint under this policy. It is unlawful to victimise or penalise a person for making a complaint in good faith. Little Yarra Steiner School is committed to making sure that anyone who makes a complaint or assists in making a genuine complaint is supported and not penalised in any way.

Immediate disciplinary action will be taken against any employee who victimises or retaliates against a person who has made a complaint.

11. Vexatious Complaints

Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s) concerned, interpersonal relationships and the morale of the School Community.

Where it is found that a complaint has been made in bad faith to cause distress to one or more persons, or as a practical joke, disciplinary measures will be taken.

12. Further Information

Further information concerning any aspect of this policy may be directed to The Business Manager, Education Administrator, or The College of Teachers.

See Also:

LYSS Code of Conduct for Staff

LYSS Complaints Resolution Policy

LYSS Grievance Resolution Procedure

LYSS Investigations Panel Procedure Guidelines

LYSS Staffing Group Mandate

LYSS Information sheets on complaints, and investigations



205 Little Yarra Road, P O Box 19, Yarra Junction Vic 3797
Telephone: (03) 59671953 Fax: (03) 59672345 E-mail: office@lyss.vic.edu.au

WORKPLACE BULLYING AND HARASSMENT POLICY STATEMENT OF UNDERSTANDING

It is the policy of Little Yarra Steiner School that the learning and working environment is positive and supportive for all members of the School community. Therefore, Little Yarra Steiner School is committed to ensuring that the working and learning environment is free from bullying, harassment, sexual harassment and discrimination.

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I _____, have been provided a copy of LYSS's Workplace Bullying and Harassment Policy, it has been explained to me to my satisfaction and I agree to act in accordance with it.

SIGNED: _____ DATE: _____