



Organisational Wide Policy

- Org 139 Prevention & Management of Workplace Bullying, Harassment & Discrimination

Policy Statement

Beechworth Health Service (BHS) recognises the right of all staff volunteers and students to remain free from harassment, bullying and discrimination. BHS is committed to the provision of a safe and inclusive work environment where people are treated in a way that is consistent with BHS values and the Victorians Public Sector Commission's Code of Conduct.

Staff found to have either committed or condoned (Statement of Knowledge) such behaviour in the workplace will be subject to disciplinary actions which may include termination of employment.

Definitions of what constitutes Bullying, Harassment and Discrimination is located in the definition section of this document.

Process

Responsibilities - Employees:

- All staff have a legal responsibility under the Occupational Health & Safety Act 2004 to have regard for their own health and safety and that of co-workers, and therefore must not engage in acts which constitute bullying, harassment or discriminatory behaviour. Employees are required to follow instructions given by their manager relating to the prevention of workplace injuries and illnesses. This applies to measures to prevent workplace bullying, harassment and discrimination which includes monitoring the work environment to ensure acceptable standards of conduct are observed at all times.
- Staff are responsible for promoting this by ensuring:
 - Everyone is treated with respect and courtesy in line with Beechworth Health's values and Org 55 Employee Code of Conduct.
 - Familiarise yourself and comply with ORG 139 Prevention & Management of Workplace Bullying, Harassment & Discrimination Policy
 - Fully participate and cooperate in any investigation into an allegation of bullying, harassment and discrimination and maintain complete confidentiality
 - Participate in relevant training provided by and/or required by BHS.
 - Report concerns without delay to your Line Manager, Executive Member, Contact Officer or the Human Resources Manager.

Responsibilities - Management

Do:

- Monitor the working environment to ensure acceptable standards of conduct are observed at all times
- Model appropriate behaviour
- Promote the values of BHS
- Promote ORG 139 Prevention & Management of Workplace, Harassment & Discrimination Policy
- Be sympathetic, sensitive and serious: the complaint is obviously serious to the person making it
- Enquire into the matter within 2 working days and attempt to resolve it as soon as possible

- Take preventative measures e.g. staff education by ensuring that all staff complete their mandatory education.
- Treat all complaints seriously and ensure that immediate action is taken to investigate and resolve the matter of complaint as soon as practicably possible
- Treat all complaints confidentially
- Document all conversations in relation to reports or complaints.
- Ensure all complainants and witnesses are not victimised in any way
- Refer complaints to the Human Resources Manager who will inform the Chief Executive and relevant Executive Member and the investigation process will be led by Human Resources Manager in conjunction with relevant Executive member and or line manager
- Treat complaints in a sensitive, fair, timely and confidential manner
- Provide an effective procedure for complaints to be addressed
- Encourage the reporting of behaviour which breaches this document
- Ensure protections from victimisation or reprisals for persons.

Do Not:

- Ignore the complaint
- Tell the employee making the complaint to sort it out themselves
- Make a judgement about whether the complaint is true or not
- Say that the employee must put up with the behaviour
- Talk to anyone about the issues except those involved in the investigation and resolution of the issue
- Prejudge the merits of the complaint/report.

What can I do if I believe I am being bullied, harassed or discriminated against?

- Any staff member who believes he or she has been the subject of bullying, harassment or discrimination by another person must bring the matter to either their Line Manager, Executive Member, Contact Officer or the Human Resources Manager.
- A staff member who believes that he or she has been bullied, harassed or discriminated against by their Line Manager or Executive Member must report the incident to the Human Resources Manager or other if the HR Manager is the subject of the complaint then this needs to be report to your Line Manager or Executive Member.
- A staff member who has an allegation of bullying, harassment or discrimination against the Chief Executive Officer must report it to the Human Resources Manager who will then escalate to the Chairperson of the Board or his/her delegate
- A Line Manager, supervisor or another staff member who observes or over hears unacceptable conduct occurring may take independent action through the organisation's Disciplinary Procedures, even though no complaint has been made BHS has a duty of care irrespective of complaint/allegation received and if a complaint is raised it cannot be retracted as BHS has an obligation to instigate an investigation into the matter.

Contact Officers:

The role of a contact officer is to provide initial contact with assistance independent of supervisors or managers, their responsibilities are to discuss issues of concern and outcomes being sought. Contact officers will inform and explain about options available which might help resolve the issue and these may include:

- Directly approaching others involved to discuss possible resolutions.
- Directing a staff member to the complaint process.

Investigation and Mediation:

- Investigation must commence within 2 working days of the receipt of the complaint.
- Emphasis will be given to the protection to staff members who and have been the subject of harassment, discrimination or bullying as well as all staff members involved or are in the complaint. Whilst the complaint is being investigated no interaction (other than work duties) between complainant and alleged offender will take place without the permission of both parties.

- Human Resources Manager, relevant Manager or the investigating officer, may initiate appropriate external counselling and support for individuals or groups.
- All reports of harassment, discrimination and bullying will be treated in confidence. The conduct of investigations and conciliation will ensure confidentiality for all parties except as required by law.

Complaint Procedure:

- Please refer to HR57 Grievance Resolution Procedure
- A staff member who has been harassed, discriminated or bullied may want to deal with the situation themselves but may seek advice on possible strategies from their line manager, contact officer or the Human Resources Manager. If a staff member believes that a breakdown of a working relationship has occurred, they may request that it is resolved through conciliation or counselling.
- If a verbal/written complaint is lodged by a staff member, the procedure focuses on proving whether a complaint is substantiated. All steps taken must be documented. The appointed investigating officer must have received the appropriate training and be seen as impartial to the proceeding.
- The general procedure for investigating a complaint is: The complainant is interviewed and the allegations are documented. The allegations are conveyed by the Investigating Officer (Human Resources Manager) and either the Executive Member or Line Manager to the alleged offender, in full. The alleged offender is given the opportunity to respond and defend themselves against the allegations. If there is a dispute over facts, statements from any witnesses and other relevant evidence are gathered. A finding is made as to whether the complaint has substance. A report documenting the investigation process, the evidence, the finding and recommendations is submitted by the Human Resources Manager to the relevant Executive Member or Line Manager to review and determine the appropriate action. The Human Resources Manager in discussion with Executive Member or Line Manager is responsible for determining disciplinary action in accordance with the Disciplinary Procedures. The relevant Executive Member or Line Manager in discussion with Human Resources will implement the recommended outcome/s.
- The parties are encouraged to have a union official, support person, advocate or other representative accompany them to any interviews or meetings. A complaint will not be dismissed on the grounds that no one saw or heard the incident/s occur. Those responsible for investigating complaints must consider all available evidence, including any surrounding evidence, and make their finding on the balance of probabilities. Outcomes may include any combination of the following:
 - Counselling;
 - Disciplinary action against the offender;
 - Official warnings which are documented on the offender's personnel file;
 - Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious
 - Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution:
 - Formal apologies;
 - Managers must ensure that the outcome of a substantiated complaint does not disadvantage the person who was harassed, discriminated or bullied.

Education and Training:

- On commencement education on Org 139 Prevention & Management of Workplace, Harassment & Discrimination will be delivered through the organisation's recruitment onboarding process and compulsory staff employee orientation day.
- The organisation is committed to preventing all forms of harassment, discrimination and bullying by means of mandatory education and training programs for all staff. Management will ensure that all staff has opportunities for refresher training every 12 months.
- Managers and supervisors participating in the Recruitment and Selection Process are also required to undergo training to ensure that they are aware of their obligations in relation to merit-based selection and Equal Opportunity Principles.

Staff Support Program:

- The organisation has a staff support services program and provides two visits at the cost of BHS, this service is a confidential and available to all staff. Hume Psychology provides this service and can be contacted on 03 5728 2446 .Staff members can self-refer to this Program to discuss any work or personal issue. The Human Resources Manager can also refer staff members as required. Further sessions may be approved on a case to case basis.

Outcome

All employees of BHS are fully aware that any form of bullying, harassment or discrimination in the workplace will not be tolerated. (Zero Tolerance)

Definitions

Bullying and Harassment: Workplace bullying is repeated, unreasonable behaviour directed towards a person, or group of people, that creates a risk to health and safety.

Unreasonable Behaviour: includes victimising, humiliating, intimidating or threatening. Whether behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in circumstances.

What are examples of bullying?

- Demeaning language or verbal abuse
- Threats, physical or verbal intimidation
- Excluding or isolating employees from work related events
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- Unreasonable work demands

What is not workplace bullying?

Reasonable management actions carried out in a reasonable way is not bullying.

This may include:

- Direct and control the way the work is carried out
- Make decisions about poor work performance
- Take disciplinary action
- Performance management processes
- Constructive feedback

Management action that isn't carried out in a reasonable way may be considered bullying.

Bystander:

A bystander includes a person who observes someone bullying, harassing, discriminating against, sexually harassing or sexually assaulting another person.

Equal Employment Opportunity:

All people will be treated equally or similarly and not disadvantaged by prejudices or bias. This means that the best person for a job or a promotion is the person who earns that position based on qualifications, experience and knowledge. **Workplace Diversity:**

Diversity values everyone's differences

Direct Discrimination:

Discrimination is when you are treated less favourably than someone else for certain reasons. E.g. but not limited to;

Indirect Discrimination: Indirect discrimination refers to situations where a workplace policy, provision, criteria or practice puts people of a particular sexual orientation or gender identity at a disadvantage when compared to others of a different sexual orientation or gender identity.

Occupational Violence:

Is any incident where an employee is abused, harassed, threatened or assaulted in circumstances arising out of, or in the course of their employment, irrespective of the intent to harm.

Sexual Harassment:

Is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated.

Sexual harassment may include, but is not limited to;

- Staring, leering, or unwelcome touching
- Suggestive comments or jokes
- displaying images of a sexual nature around the workplace
- unwanted invitations to go out on dates or requests for sex
- emailing pornography or rude jokes
- communicating content of a sexual nature through social media or text messages.
- intrusive questions about a person's private life or body,
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- intrusive questions or insinuations about a person's private life or body,
- unnecessary familiarity, such as deliberately brushing up against a person

Reciprocal relationships between people do not constitute sexual harassment as they involve choice and consent. At some levels sexual harassment is a crime and where it is believed that a crime has been or might have been committed; the organisation will report the matter to the police for investigation.

Line Manager:

Relates to the person to whom the complainant reports.

Investigating officer:

Refers to the person investigating the complaint. The Investigating Officer will generally be the Human Resources Manager unless the Human Resources Manager is the subject of the allegation. Under these circumstances, the complainant will report the allegations to the person to whom the alleged harasser is directly accountable; i.e. their Executive Member or Line Manager for investigation.

Quality & Risk Management

Goal	Risk	Rating (with controls as per this policy)	Required actions
All staff at BHS have access to a fair reporting mechanism and procedure for Bullying	That procedure is not followed and employees are at risk on not being	Freq= Unlikely Conseq = Minor Rating = Low (3)	<ul style="list-style-type: none">• Manage with routine procedures• Monitor Trends

harassment or discrimination.	provided as safe workplace.		
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Policy Quality Improvement Action Plan

Specify accountability and responsibility	<ul style="list-style-type: none"> Governance and responsibility for this policy is assigned to the Finance, Resources and Information Technology Committee
Monitor Trends	<ul style="list-style-type: none"> Regular reporting on statistical information to be provided to the Chief Executive.
Education	<ul style="list-style-type: none"> Mandatory education for staff and managers The OHS Committee will monitor the use of this policy
Quality Improvement	<p>Quality Improvement to this policy will be informed at review by:</p> <ul style="list-style-type: none"> Feedback (if any) Department Policy Industry Guidelines Incident reports

Document Control

Standards	<ul style="list-style-type: none"> NSQHSS: Standard 1 Clinical Governance Standard Aged Care: Standard 7 Human Resources Community Care Common Standards Standard 1 Effective Management
References	<ul style="list-style-type: none"> Occupational Health & Safety Act 2004 Crimes Act 1958 Equal Opportunity Act, 2010 Human Rights and Equal Opportunity Commission Act 1986 Disability Discrimination Act 1992 Racial discrimination Act 1975 Age Care Act 1997 Age Discrimination Act 2004 Fair Work Act 2009 Workplace Relations Act 1996 Sex Discrimination Act 1984 Information Privacy Act 2000 Worksafe – Preventing workplace bullying BHS HR 60 – Staff Support Service policy BHS Org 55 – Employee & Volunteer Code of Conduct policy BHS HR 57 Grievance Resolution Procedure
Approving Committees	Occupational Health & Safety Committee Finance, Resources & IT Services Committee (FRITS)
	Approval Date: 12/03/2020 Approval Date: 24/03/2020
Contact Point	C. Shaw, Director of Corporate Services
Review Dates	Issue Date: 06/07/2009 Last Review: 12/03/2020 Next Review: 12/03/2023

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Org 139 Workplace Bullying & Harassment Policy

Contact Officers April 2016

Rhonda Holden	Primary Health	Ext 80244 or 80200
Karen Howe	The Acacias	Ext 80335 or 80255
Jennifer Philpotts	Acute	Ext 80255

Employees can access any Contact Officer during work hours.