



Organisational Wide Policy - Org 139 Workplace Bullying & Harassment Policy

Policy Statement:

Statement of Policy

Beechworth Health Service (BHS) will provide all employees and non-Beechworth Health Service staff (e.g. Volunteers, Contractors, labour hire staff etc) working at any BHS site a workplace free of discrimination, bullying and harassment, including sexual harassment. BHS is committed to achieving the prevention and elimination of discrimination and harassment in the workplace.

BHS is committed to taking effective and efficient action to deal with complaints of harassment and discrimination by:

- making every effort to provide protection for all staff members against victimisation or reprisals

BHS staff will be informed of their rights and responsibilities regarding harassment and discrimination via a number of ways, including the orientation program and regular training (e.g. Bullying & Harassment, Behavioural Management, Staff Meetings and direct from Unit Managers, Department Heads, Contact Officers or the Human Resource Manager.

Harassment and/or discrimination may be considered as dismissible offences.

Process

Any employee who believes they are subjected to discrimination or harassment/bullying and is unable to deal with the situation themselves are strongly advised to seek assistance. An employee can either lodge a complaint directly with Fairwork Australia or they can approach Contact Officers (Refer to Appendix 1) , Unit Managers, Executive Team or Human Resource Manager.

All Managers are to act immediately on any complaint or incident that comes to their notice and forward the complaint to The Panel for determination and investigation. The Panel is an independent panel comprising of three people, the Human Resource Manager, OHS Coordinator and ADON. Please refer to Appendix 2 for process timelines.

The Chief Executive or relevant Executive Staff member are the authorised persons in respect of this policy. Complaints or incidents of discrimination or sexual harassment are to be reported to one of the authorised persons as soon as is practical.

The Chief Executive and The Panel will ensure that all reasonable steps are taken to meet the organisation's Statutory and Common Law obligations.

The Panel will facilitate any conciliation sessions.

When an employee believes they are experiencing harassment, discrimination or bullying they have 3 options available. They include:

- **Option 1. Provide First Line Response:** Advice, information and as required support is provided by a Contact Officer to assist a complainant to decide how best to deal with the situation, and to explain all options for resolution. The appropriate decision may likely be to first pursue the substantiation of facts. If there is reason to believe that the reported incident can be considered as an isolated minor event and an interpersonal workplace conflict, not workplace violence then a suitable cooling period may be the appropriate prescription for remedy
- **Option 2: Deal with matter individually or with assistance:** Advice and support is provided by a Contact Officer to assist a complainant deal with the situation by themselves or with support. In some circumstances the complainant may have the desire, confidence and resilience to address the issue with appropriate support. This option is not necessarily exclusive from the other options.
- **Option 3: Formal Complaint:** A written complaint of Bullying and/or harassment is lodged by a victim or appropriate third party with the relevant manager and/or the Chief Executive. The Manager, Human Resource Manager and/or the Chief Executive will forward the formal complaint to The Panel who will conduct an investigation, including appropriate interviews with the complainant and alleged perpetrator (s) to determine the merit of the complaint. Such an investigation will seek to determine if actions of an identified person or persons can be reasonably determined to have compromised the safety and/or well-being of the complainant (or first party). The investigation will seek to establish the repetitive nature of the bullying/harassing behaviour or, if not repetitive, if the behaviour rises to the level of committing workplace violence.

Should the Manager or Chief Executive determine that the complaint of Bullying, Harassment or Discrimination is with merit, the perpetrator shall be informed of his or her inappropriate behaviour, and given the opportunity to correct it. Should the perpetrator fail to acknowledge and correct the behaviour, he or she will be subject to disciplinary action in accordance with BHS disciplinary protocols and policy.

If the complainant is dissatisfied with Beechworth Health Service’s actions in respect to the complaint they may appeal to Fair Work Australia for resolution or review of the decision.

Outcome:

Policy 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 Workplace Bullying & Harassment.	That procedure is not followed and employees are at risk on not being provided as safe workplace.	Freq= Unlikely Conseq = Minor Rating = Low (3)	<ul style="list-style-type: none"> • Manage with routine procedures • Monitor Trends
---	---	--	--

Policy Quality Improvement Action Plan

Manage with routine procedures	Has the process been followed.
Monitor Trends	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
Quality Improvement	<p>Quality Improvement to this policy will be informed at review by:</p> <ul style="list-style-type: none"> • Feedback (if any)

Outcome

All employees of Beechworth Health Service (BHS) are fully aware that any form of bullying and harassment in the workplace will not be tolerated (Zero Tolerance)

Definitions:

Discrimination

Discrimination can be direct or indirect.

Direct discrimination – Treating or proposing to treat another person less favourably on the basis of an attribute covered by equal opportunity law. These attributes include:

- Age
- Disability/Impairment
- Parental Status or status as a carer
- Marital Status
- Sex
- Race
- Religious Beliefs

- Political Beliefs / activities
- Pregnancy
- Breast-feeding
- Gender Identity
- Sexual Orientation
- Physical Features
- Industrial beliefs/activities
- Lawful sexual activity

Indirect discrimination – Imposing or intending to impose a requirement, condition or practice that a person with an attribute (as listed under "Direct Discrimination" on the previous page) does not or cannot comply with.

State and Federal legislation make it unlawful to discriminate on the above grounds.

Harassment

- Harassment is unwanted behaviour directed at someone who does not welcome it and it is likely to cause a hostile or uncomfortable workplace.
- It may be seen to have occurred if the behaviour makes the receiver feel humiliated; seriously embarrassed; offended; or intimidated.
- It may involve inappropriate actions, offensive jokes, behaviour, comments or physical contact.

Sexual Harassment

A person sexually harasses another person if he or she:

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

Conduct of a sexual nature is defined as:

- Subjecting a person to an act of physical intimacy; or
- Making any remark or statement with sexual connotations to a person or about a person in his or her presence, whether orally or in writing. This may be transmitted via phone, fax or email
- Making any gestures, actions or comment of a sexual nature in a person's presence
- Subjecting a person to sexually explicit material such as sexually explicit pin-ups or posters, and sexually explicit jokes.

Bullying

Workplace bullying is repeated unreasonable behaviour directed towards an employee, or group of employees, that creates a risk to health and safety. This may include verbal abuse, excluding or isolating employees, intimidation, psychological harassment or assigning meaningless tasks relating to the job.

Appendices:

- [Org 139 -Contact Officer - April 2016](#)
- [Policy 139 - The Panel Procedures & Timeframes - Appendix 2](#)

Standard:

National Safety and Quality Health Services Standards Standard 1 Governance for Safety and Quality in Health Service Organisations

Aged Care: Human Resource Management 1.

Community Care Common Standards Standard 1 Effective Management

References:

Equal Opportunity Act, 2000
Affirmative Action Act, 1986;
Human Rights and Equal Opportunity Commission Act, 1986;
Disability Discrimination Act, 1992;
Racial discrimination Act, 1975;
Workplace Relations Act, 1996;
Sex Discrimination Act, 1984;
AS/NZS ISO 9001:2000 Quality Management Systems, 6.2;
Standards and Guidelines for Residential Aged Care Services, 1998: 1.2, 1.7
Information Privacy Act, 2000
Health Records Act, 2001;
Privacy Act 1988; Privacy Amendment (Private Sector) Act; 2000
Workplace Violence: your rights, what to do, and where to go for help! Victorian WorkCover Authority 2000; and
Prevention of Bullying and Violence at Work (Guidance note), WorkSafe Victoria, Feb. 2003

HR Policy 60 – Staff Support Service

Org Wide Policy 55 – Employee Code of Behaviour

CONSULTATION:

Finance, Resources & IT Services Committee

Validated by: Cameron Butler, Chief Executive

Date: 26th March 2014

Focus Area(s):

- CCCS Standard 1 Effective Management
- NSQHS Standard 1 - Governance for Safety and Quality in Health Service Organisations
- STD 1: Residential Aged Care Services - Management Systems, Staffing & Org Dev

Departments:

- Acute, Admin & Finance, Chief Executive, District Nurse, Food Services, Mental Health, Primary Health, Quality & Risk, Residential, Services

Revision History:

Date Issued: 6/7/2009
Date of Last Review: 19/4/2016
Date of Next Review: 26/3/2017
Committee(s): [Finance, Resources & IT Services Committee](#)
Approved By: Chief Executive
Unit Manager: [Chief Executive](#)
Identifier: 6254
Developing Team:

- [Susan Kneebone](#)
- [Dyan Hill](#)
- [Annette Chalkley](#)
- [Wayne Hurley](#)

Hits since last Publication: 310

[Suggest change](#) (0 changes already suggested)

[Policies & Protocols homepage](#) - [Hospital homepage](#) - [Policies & Protocols User Guide](#) -
[Disclaimer](#)

[Login](#) - [Feedback](#)