



Organisational Wide Policy

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

Policy Statement

Beechworth Health Service is committed to ensuring staff work in an environment where people are treated consistent with Beechworth Health's values. It is important for a productive and harmonious workplace within which staff are aware of the impact of their behaviours on others.

Bullying in the workplace is inappropriate and unacceptable behaviours. 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.

Beechworth Health Service will not tolerate bullying, harassment or discrimination and the other behaviours described below under any circumstances and consistent with Beechworth Health's values.

Promote appropriate standards of behaviours at all times

- 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.

Personnel to which this policy applies:

All staff, volunteers, students, contractors, labour hire staff and board members.

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

Process

Responsibilities - Employees:

- All employees have a legal responsibility under the Occupational Health & Safety Act 2004 to care for their own health and safety and that of co-workers (please refer to references section of this document), 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 Beechworth Health Service.

- 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 Beechworth Health Service
- 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 eg. 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.

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 should 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 should 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 overhears unacceptable conduct occurring may take independent action through the organisation's Disciplinary Procedures, even though no complaint has been made Beechworth Health Service 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 should be documented. The appointed investigating officer should 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 should 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 Beechworth Health Service, this service is 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 Beechworth Health Service (BHS) are fully aware that any form of bullying, harassment or discrimination in the workplace will not be tolerated. (Zero Tolerance)

Definitions

Bullying:

Is repeated, unreasonable behaviour directed towards a staff member, or group of staff, that creates a risk to health and safety.

Unreasonable Behaviour:

Means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. Behaviour can include individuals or group's actions or practices that victimise, humiliate, undermine or threaten.

What are examples of bullying?

Behaviours where directed towards an individual and repeated, or occurring as part of a pattern of behaviour, could be considered to be bullying:

- Demeaning language or verbal abuse
- Threats, physical or verbal intimidation
- Outbursts of anger or aggression
- Excluding or isolating employees
- "Ganging up" on an employee
- Psychological harassment or intimidation
- Giving employees impossible assignments
- Deliberately changing work rosters to inconvenience particular employees
- Deliberately withholding information that is vital for effective work performance

What is not workplace bullying?

Legitimate comments or feedback by an Executive Member, Line Manager or Supervisor, on work performance or on the work-related behaviour of an individual or group is not deemed workplace bullying.

Reasonable management actions carried out in a fair way are not bullying.

It is reasonable for management to take actions to allocate and manage the work within a workgroup. This may include:

- Setting performance goals, standards and deadlines
- Allocating work
- Rostering and allocating work hours
- Transferring a worker
- Deciding not to select a worker for promotion
- Informing a worker about unsatisfactory work performance
- Informing a worker about inappropriate behaviour
- Implementing organisational changes
- Performance management processes
- Constructive feedback
- Downsizing

Equal Employment Opportunity:

Is the absence of discrimination or less favourable treatment in employment based on an attribute, such as a person's sex, race, age, marital status, pregnancy, religious belief, parental & carer status, sexual preference, disability or victimisation.

Harassment:

Includes any non-sexual intimidation, threat or humiliation, including verbal threats or behaviour that undermines the staff member's rights to equal opportunity employment.

A person may be harassed by a supervisor or manager, co-worker, contractor, service provider or client.

Harassment is not just unlawful during working hours or in the workplace itself. The behaviour is illegal in any work-related context, including conferences, work functions and office Christmas parties.

Direct Discrimination:

Discrimination occurs if an employee is treated less favourably than other employees in the same or similar circumstances on the basis of a prohibited ground of discrimination. eg but not limited to;

- Age
- Sex
- Race
- Gender Identity
- Disability/impairment
- Religious Beliefs
- Pregnancy

Indirect Discrimination:

- Imposition of a requirement, condition or practice that someone with an attribute can't or does not comply with;
- Others without that attribute can or do comply with; and

- Requirement is not reasonable

Occupational Violence:

Any incident where an employee is abused, threatened or assaulted in circumstances arising out of, or in the course of their employment.

Sexual Harassment:

Is defined as unwelcome sexual advances, requests for sexual favours and other unwelcome conduct of a sexual nature, by which a reasonable person would be offended, humiliated or intimidated. Sexual harassment may include, but is not limited to;

- leering,
- displays of sexually suggestive pictures, videos, audio tapes, books or objects,
- sexual innuendo,
- sexually explicit or offensive jokes,
- graphic verbal commentaries about an individual’s body,
- sexually degrading words used to describe an individual,
- pressure for sexual activity, persistent requests for dates,
- intrusive remarks or questions or insinuations about a person’s sexual or private life,
- unwelcome sexual flirtations, advances or propositions and
- unnecessary touching of an individual, molestation or physical violence such as rape

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 harassment or discrimination.	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

Specify accountability and responsibility	<ul style="list-style-type: none"> • Has the process been followed
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
Quality Improvement	Quality Improvement to this policy will be informed at review by: <ul style="list-style-type: none"> • Feedback (if any)

Document Control

Standards	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Occupational Health & Safety Act 2004 Crimes Act 1958 Victorian Equal Opportunity Act, 2010 Human Rights and Equal Opportunity Commission Act, 1986; 1985 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 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 Worksafe Victoria publication - Your guide to Workplace bullying - prevention and response HR Policy 60 – Staff Support Service Org Wide Policy 55 – Employee Code of Conduct
Approving Committees	Finance, Resources & IT Services Committee (FRITS) Approval Date: 28/03/2017
Contact Point	C. Shaw, Director of Corporate Services Approval Date:
Review Dates	Issue Date: 06/07/2009 Last Review: 25/05/2017 Next Review: 28/03/2020

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.