

OLSH College Workplace Behaviours policy and procedures

Rationale

Our Lady of the Sacred Heart College Bentleigh recognises the importance of demonstrating respect for the dignity of each person and of creating an environment where a sense of belonging for all is experienced. These aspirations are central to the wellbeing of individual staff and to a workplace where all staff feel safe and respected.

The College is therefore committed to building and nurturing a workplace that is free from bullying. It is important that all staff share a responsibility for upholding professional standards of conduct and for building and nurturing a workplace where bullying does not occur. It is therefore expected that staff will not engage in nor condone such behaviours and practices.

It is also expected that staff who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

This policy and its accompanying procedures are compliant with the legislative framework under which the College operates. The College is guided by the applicable legislation in determining its prevention and intervention measures.

Principles

- The College is committed to building and nurturing a workplace that is free from bullying.
- The College is committed to implementing awareness-raising programs and strategies that heighten staff members' understanding of the impact of their behaviour on others and awareness of their rights and responsibilities.
- The College aims to achieve resolution of complaints of perceived or actual incidents of bullying promptly. The College will endeavour to ensure that the offending behaviour stops.
- The College aims to respond to complaints or reports of bullying in a sensitive, fair and timely manner.
- The College encourages the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

Responsibilities

Staff, Contractors and Volunteers – All persons who work on College grounds, including contractors, are required to comply with this policy in relation to the treatment of other staff and contractors.

Contact Officers – A Contact Officer is a staff member who is trained in and responsible for being a contact point for staff with concerns about whether they may have been bullied. A Contact Officer is able to provide staff with information on bullying, clarify any questions or concerns a person may have and provide advice on the options that are available for dealing with bullying.

Investigating Officer – The Investigating Officer is a person appointed by the College to conduct an investigation into a complaint. They may be external or internal to the College and shall not have any prior involvement in the subject. If internal, the investigating officers shall be a member of the College Leadership Team.

Workplace – For the purposes of this policy, the 'workplace' may include any location or circumstance where an employee is undertaking work-related activities. This may include the office, school or usual location of the employee's work, work-related travel or official work-related event outside the school, or outside normal working hours, online or via social media.

What is inappropriate behaviour?

Bullying

Workplace bullying is repeated, unreasonable behaviour directed at an employee or group of employees that creates a risk to health and safety. The following types of behaviour where directed towards an individual or group and is 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.
- Unreasonably excluding or isolating employees.
- Giving employees impossible assignments.
- Deliberately changing work rosters to inconvenience employees.

The above list is not exhaustive. Other types of behaviour may also constitute bullying.

What is not bullying?

Reasonable management actions carried out in a reasonable manner is not bullying, e.g.:

- Setting reasonable performance goals, standards and deadlines
- Deciding not to select an employee for promotion
- Informing an employee about unsatisfactory work performance
- Informing an employee about inappropriate behaviour in an objective / confidential way
- Making organisational changes or restructuring with consultation.
- Conflict between people at work such as differences of opinions
- Poor management practices
- Dissatisfaction or grievances with organisational decisions.

Discrimination:

Discrimination is when a person is treated less favourably to other people because of a particular trait that they possess or their personal attributes. It is unlawful to discriminate against someone on the grounds of:

- Sex;
- Marital or relationship status;
- Pregnancy;
- Family responsibilities;
- Religion;
- Race;
- Disability;
- Sexual preference or orientation;
- Gender identity or intersex status;
- Age;
- Physical appearance;
- Political opinion;
- Employment status;
- Raising an OHS issue to management or government authority such as WorkSafe.

Victimisation:

Victimisation is subjecting, or threatening to subject, someone to something detrimental because they have asserted their rights under equal opportunity law, occupational health and safety law, made a complaint, helped someone else to make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

Occupational Violence and Aggression:

Occupational violence and aggression is when a person is abused, threatened or assaulted in a situation related to their work. Examples of occupational violence include yelling, swearing and name calling, standing over someone, biting, spitting, scratching, hitting, kicking; pushing, shoving, tripping, grabbing; throwing objects; verbal threats; threatening someone with a weapon, sexual assault.

Harassment:

Harassment is any behaviour that is unwelcome or unwanted and that humiliates, offends or intimidates another person. It may be verbal, written, visual, electronic or physical and may consist of a single incident or a repeating pattern of events. Even if the harasser did not intend to offend, humiliate or intimidate, if it is reasonable for a person to feel offended, humiliated or intimidated then the behaviour may constitute harassment.

It is unlawful for harassment to occur on any of the grounds identified above in 'What is Discrimination'. Please note that if an outside relationship brings bad feelings or behaviours into the workplace, this may provide valid grounds for a complaint.

Gendered Violence:

Work-related gendered violence is any behaviour, directed at any person, or that affects a person, because of their sex, gender or sexual orientation, or because they do not adhere to socially prescribed gender roles, that creates a risk to health and safety.

This includes violence targeted directly at someone specifically because, for example:

- they are a woman
- they identify as LGBTIQ+
- they don't follow socially prescribed gender roles and stereotypes

Work-related gendered violence can also be experienced indirectly. A person may experience gendered violence not targeted specifically at them (such as overhearing a conversation that affects them) or witness violence directed at someone else.

Sexual Harassment:

Sexual harassment is said to have occurred where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Work-related sexual harassment is sexual harassment directed at a person that can happen at work, work-related events, or between people sharing the same workplace. Work-related sexual harassment isn't always obvious, repeated or continuous.

Sexual harassment may include:

- touching
- staring or leering
- unnecessary contact, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life or body
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails, text messages or social media activity
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates

- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment is not consensual interaction, flirtation or friendship. Sexual harassment is not behaviour that is mutually agreed upon.

Gendered violence and sexual harassment is against the law and is a breach of this policy. The relevant legislation for Victoria is the Equal Opportunity Act 2010 (VIC) and the Occupational Health and Safety Act 2004 (VIC).

Behaviours such as bullying, discrimination, harassment, occupational violence and aggression, gendered violence, sexual harassment and victimisation can create a risk to health and safety of employees, which may result in employees sustaining a physical and/or psychological injury.

What is reasonable management action?

Some actions, though they feel uncomfortable and unpleasant for a worker, are not considered bullying behaviour. According to the *Fair Work Act 2009*, bullying does not include reasonable management action carried out in a reasonable manner. Reasonable management action may include:

- performance management processes, including setting reasonable performance goals, standards and deadlines;
- disciplinary action for misconduct
- informing a worker about unsatisfactory work performance or inappropriate work behaviour
- directing a worker to perform duties in keeping with their job
- maintaining reasonable workplace goals and standards.

A manager is entitled to carry out actions and give directions that are consistent with managing the workplace. However, any reasonable management actions must not only be reasonable but must also be conducted in a reasonable manner. If not, they could still be bullying.

Note: Serious cases of bullying may constitute a criminal offence. Bullying is also against the College's OH&S policy as it can create an unsafe work environment.

Procedure for resolving complaints

A complaint can be resolved using informal resolution processes and/or formal resolution processes. The approach taken should reflect the seriousness of the matter. For less serious matters, informal resolution processes should be explored prior to a formal resolution procedure. For more serious matters, or where informal approaches have been unsuccessful, a formal procedure may be appropriate.

If you witness another employee being bullied, discriminated against, harassed or victimised bring it to the attention of the Principal, Leadership Team or Director of Human Resources.

If you do make a complaint about a breach of social media policy, bullying, discrimination, harassment, gendered violence, sexual harassment or victimisation you are responsible for ensuring that you:

- Make the complaint honestly and in good faith.
- Provide all the facts relevant to the complaint.

- Co-operate with the investigation and resolution processes

If a complaint of a breach of social media policy, bullying, discrimination, harassment or victimisation has been made about you, you are responsible for ensuring that you:

- Cooperate with the investigation and resolution processes and maintain confidentiality.
- Provide a written or verbal response to the complaint which has been made.
- Provide all relevant facts to the person conducting the investigation.

The College should endeavour to commence investigations into the complaint (whether informal or formal processes are being followed) within two working days of the receipt of the complaint. The College will not ignore the complaint or make a judgement about whether the complaint is true or not, and will behave consistently with the expected workplace behaviours.

For the purposes of complaint resolution processes:

- A person who makes a complaint is a Complainant; and
- A person about whose actions or behaviour a complaint relates is a Respondent.

The outcome of the complaint will be communicated to both the Complainant and Respondent.

Informal resolution processes

The informal options open to a Complainant to attempt to resolve a complaint include:

- Speaking directly with the Respondent about their behaviour or actions;
- Consulting with a Contact Officer for advice, support and assistance; and/or
- Reporting the matter to a member of the Leadership Team for assistance or the Board Chair if the complaint is about the Principal.

Informal resolution processes do not involve an investigation or making findings based on an investigation, but generally involve the parties coming to an understanding or agreement as to how the issues can be resolved.

Speaking directly with the Respondent

In the first instance, if the Complainant feels comfortable about speaking directly with the Respondent, this may be the quickest and easiest way of resolving the matter. The Complainant should address the issue with the Respondent in unambiguous terms and in plain language.

Consulting with a Contact Officer

If the Complainant does not feel comfortable about approaching the Respondent directly (this may be the case particularly where the Respondent is in a position of authority), preferably the Complainant should seek the assistance of a Contact Officer. A Contact Officer can provide information and support to the Complainant and/or Respondent regarding bullying issues, including options for resolving the matter. Contact Officers do not take any action on behalf of the staff member such as approaching the Respondent or conducting mediation.

Other informal resolution options which may also be considered at this stage include:

- Facilitated discussion;
- Mediation; and

- Entering into mutual agreements on workplace practices.

Referral to formal investigation

Note that at this stage, if a matter raised is sufficiently serious such that a formal investigation is warranted, then the College reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal investigation (see below).

Formal resolution processes – Internal

If a matter is not able to be resolved using informal resolution methods, or for more serious matters a formal process may be appropriate.

Lodging a formal complaint

A formal complaint can be made by a Complainant to the Principal or to the Board Chair if the complaint is about the Principal. The complaint should be in writing and set out the details of the specific allegations including dates, times, locations, what happened, what was said, witnesses (if any), and steps already taken to attempt to resolve the matter. Wherever possible, it should be supported by relevant documentation.

Initial response

Following receipt of a formal complaint, the Principal or Board Chair (if the complaint is about the Principal) will meet with the Complainant to discuss the complaint. This will involve canvassing options for resolution which may include informal resolution processes. In the event that the complaint is to be dealt with formally, the Complainant will be informed of:

- How the complaint will be investigated (e.g. interviews, viewing documents);
- The expected timeframe for any investigation;
- Who can be present at investigation interviews;
- What support is available for persons involved in the process;
- The interim measures, if any, that will be implemented to ensure the health, safety and welfare of any person pending the resolution of the complaint; and
- If the complaint raises issues which place the College under a legal obligation to report the matter to law enforcement agencies.

Formal internal investigation

Where appropriate, a formal investigation may be conducted into a complaint. An Investigating Officer will be appointed to conduct the investigation. The Investigating Officer is someone who is independent and will conduct the investigation impartially. The Investigating Officer will:

- Interview the parties involved, and witnesses if any;
- Review relevant evidence, such as emails and other documentary evidence; and
- Report on whether or not the complaint is substantiated.

Investigation outcomes and action to be taken

If a complaint is substantiated, appropriate action, will be taken which may include:

- An apology;
- Changes to work practices;
- Disciplinary action, which may include dismissal;

- An undertaking that the behaviour will not be repeated;
- Reversal of an action or decision or substitution of a different action or decision; and/or
- Training and/or development.

Assistance may also be offered to a Complainant or other persons involved which may include:

- Counselling;
- Redressing any inequality resulting from the action or decision the subject of the complaint;
- Mentoring and support; and/or
- Training and/or development.

If an investigation is inconclusive (i.e. a complaint cannot be proved due to a lack of evidence) further action may nevertheless be taken which may include counselling, mediation, changed working arrangements and/or conducting training for employees on relevant policies.

Formal complaint – External

A Complainant may choose to seek assistance or information at any time during the process from statutory support agencies in Victoria. Information and contact details for the support agencies are outlined in Appendix 2. Each agency will have specific requirements for lodging a complaint and will have varied investigation procedures.

In dealing with complaints, the College may seek external advice and assistance from professional mediators, investigators, external agencies and any other appropriate persons.

Confidentiality

Anyone involved in a complaint of bullying or its investigation (including complainants, respondents, witnesses, and management representative), must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution. In particular, it is important that staff who either make a complaint, or who may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.

Breaches of Confidentiality may lead to disciplinary action.

Counselling support

In confronting and/or resolving experiences of or allegations of bullying a staff member and her/his immediate family members may utilise the services of counselling support at any stage of the process. The College Employee Assistance Program is offered to support all staff. The Principal will assist staff with contact details of the College's provider.

Vexatious claims

The College will not deal with complaints under this policy that:

- are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter;
- do not have sufficient detail so as to allow investigation or resolution of the matter; and/or
- do not constitute bullying as defined by this policy.

Where a Complainant makes frivolous, vexatious or malicious claims against a Respondent, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution, then depending on the circumstances, disciplinary action may be taken against a Complainant.

Outcome

On the basis of all the information gathered, the investigator will determine whether an allegation is substantiated or unsubstantiated. An unsubstantiated allegation means there is insufficient evidence or information to prove the allegation.

The complainant/s and the respondent/s of the investigation will be advised of the finding/s in writing and, where appropriate, actions arising from the investigation. The findings will advise whether the allegations are substantiated or unsubstantiated. Any disciplinary action arising out of the investigation that has been taken against a respondent will remain confidential and will not be shared.

Where an allegation is unsubstantiated, appropriate action may be proposed to facilitate positive and professional relationships in the workplace, such as a facilitated discussion or temporary changes to work practices.

In situations where a breach of confidentiality, social media policy, bullying, discrimination, harassment, gendered violence, sexual harassment, occupational violence and aggression, vexatious, or victimisation complaints are substantiated, management may take the following actions:

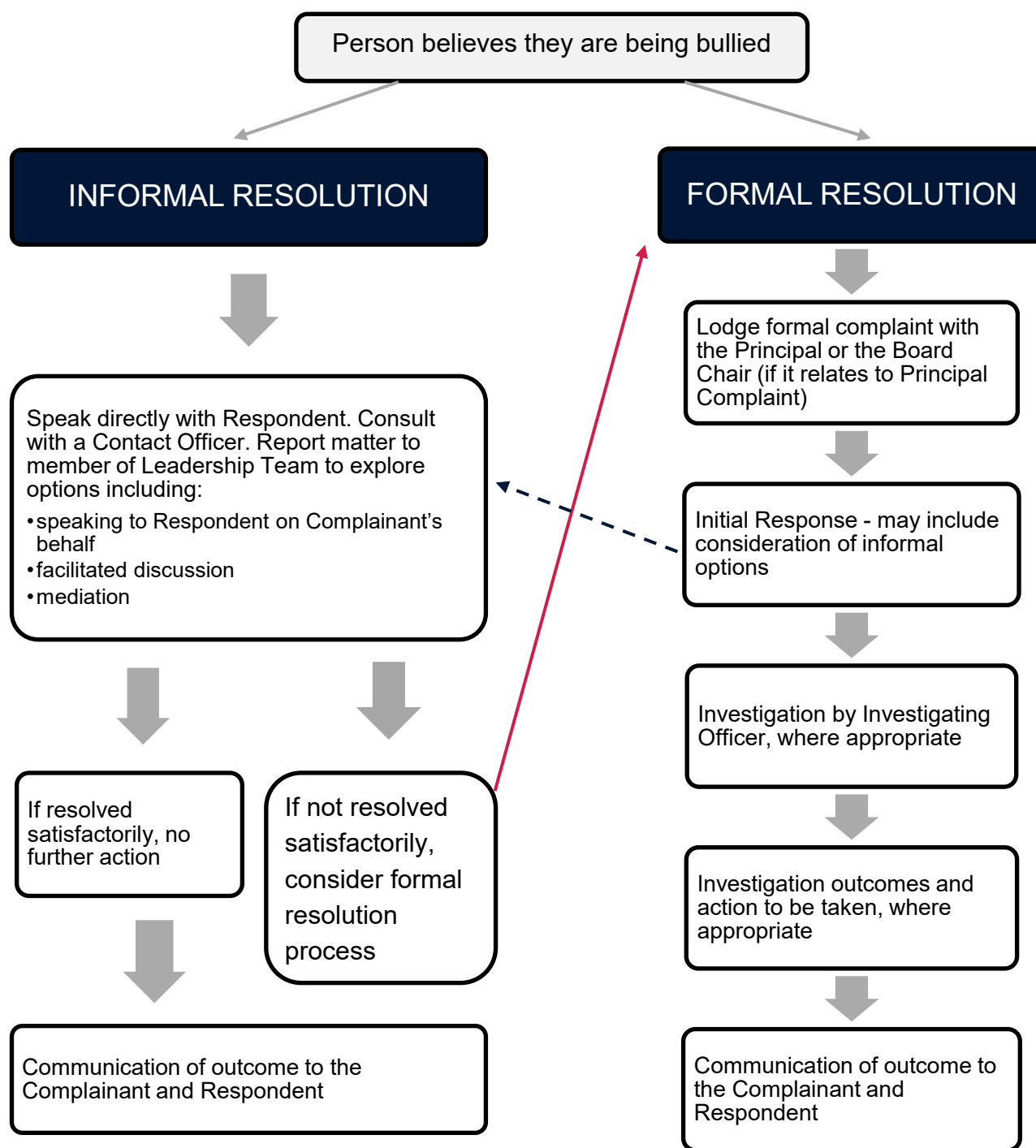
- Require an apology from the respondent
- Make changes to work practices
- Undertake disciplinary action including termination of employment
- Require employees to participate in training
- Place notes in personnel file
- Require removal of information contained on any social media platform that breaches policy
- Restrict access to social media
- Any other action deemed fair and reasonable.

Appendices

Appendix 1: Complaints Procedure Flowchart

Appendix 2: Support Agencies

Appendix 1: Complaints Procedure Flowchart



Note: If at this stage a matter raised is sufficiently serious such that a formal investigation is warranted, then the school reserves the right to take appropriate action in the circumstances, including referring the matter to formal internal investigation.

Contact officers: Principal, Deputy Principals, Member of Leadership Team, Director of HR

Appendix 2: Support Agencies

WorkSafe Victoria

1 Malop Street, Geelong, Vic, 3220

WorkSafe Victoria is a statutory body set up to, amongst other things, enforce Victoria's occupational health and safety laws and assist injured workers back into the workforce.

Phone: 1800 136 089

Website www.worksafe.vic.gov.au

Fair Work Commission

Level 4, 11 Exhibition Street, Melbourne, Victoria, 3000

Fair Work Commission is a statutory body set up to deal with various workplace matters, and now includes a jurisdiction to deal with complaints of bullying.

Phone: (03) 8661 7777

Website www.fwc.gov.au

Fair Work Ombudsman

Level 6, 414 La Trobe St, Melbourne Victoria, 3000

Phone: 13 13 94

Website www.fairwork.gov.au/contact-us/offices/victoria

Related Policies

The Workplace Behaviours policy and procedure has linkages to other relevant College policies and professional expectations, for example:

- OLSH College Staff Responsible Use of Social Media policy and procedure
- OLSH College Respectful Relationships Policy
- OLSH College Privacy Policy
- Victorian Teaching Profession Code of Conduct issued by the Victorian Institute of Teaching

Policy Review

This Policy will be reviewed every two years to take account of any changed technology, legislation, expectations or practices.

Responsibility:	Principal and College Board Policy Committee
Reviewed and revised	7 May 2025
Next review date:	May 2027