Policy 4.9

Workplace Harassment and Bullying

Introduction
At Two Wells Community Children’s Centre we are committed to providing a work environment that is pleasant for employees to work in and conducive to good workplace relations.
This policy is aimed at ensuring that employees are not subjected to any unwanted workplace harassment or bullying. Harassment and bullying in the workplace decreases productivity, increases absenteeism, and is also against the law. For these reasons harassment will not be tolerated at Two Wells Community Children’s Centre. Further information regarding the appropriate use of Social Media with regard to workplace harassment and bullying can be found in the centre “Policy 4.11 The Use of Social Media”.

What is workplace harassment?
The most common form of workplace harassment is sexual harassment. Sexual harassment is behaviour of a sexual nature that is unwelcome and has the effect of offending, intimidating or humiliating the person being harassed. Sexual harassment most often happens against women, but men can also be subjected to sexual harassment.
Workplace harassment can also be based on other grounds including race, disability, age, pregnancy, marital status, homosexuality, trans-gender, or HIV/AIDS status.
For the purpose of this policy ‘harassment’ includes bullying.
Harassment in the workplace can create an unpleasant or even hostile work environment. Harassment makes work difficult for everyone - the person being harassed, as well as employees witnessing the harassment. The harasser also is not concentrating on their work when he/she engages in this type of behaviour.
Workplace harassment usually consists of a pattern of unwelcome behaviour, however, it can consist of just one act where this is of a serious nature. Also there is no requirement that the harasser intend to offend or harm in order for it to be unlawful. All that is required under the law is that a reasonable person would consider that the person being harassed would be offended, humiliated or intimidated by the behaviour in question.
(Remember the key element of sexual harassment is that it is unwelcome behaviour. It has nothing to do with mutual attraction, or private, consenting friendships, whether sexual or not).

Examples of unlawful harassment:
- suggestive comments about a person’s body or appearance
- leering or staring at a person or parts of their body
- demands that revealing clothing be worn
- tales of sexual performance
- persistent, unwelcome proposals of marriage
- gender based insults or taunting
- sexist or racist jokes
- pornographic or nude posters in the workplace
- homophobic material displayed on the notice board
- homophobic abuse
- verbal or written abuse directed at a trans-gender person
- touching a person in a sexual way
- sexual assault (criminal offence)
- 'flashing' (criminal offence)
- obscene telephone calls (criminal offence)
- asking questions about a person’s sex life
- unwanted confidences about a person’s sex life or lack thereof
- persistent requests for a night out where these are rejected
- requests for sex where these are unwelcome
- making jokes at the expense of a person with a disability
- verbal abuse or derogatory comments based on race
- abuse based on a person’s age
- bullying
- physical abuse and violent behaviour

In some instances the harassment might take place outside the workplace: at the office Christmas party for example, or when an employee makes unwelcome phone calls to another employee at their home or follows them home from work.

If you go to another workplace to do your work there, it is also against the law to harass someone who is working there.

Two Wells Community Children’s Centre recognises that workplace harassment may involve comments and behaviours that offend some people and not others. The management of Two Wells Community Children’s Centre accepts that individuals may react differently to comments and behaviour. That is why a minimum standard of behaviour is required of employees. This standard is, as far as is possible, respectful of all employees.

**Bullying**

Bullying includes physical abuse and psychological abuse. Violent behaviour is a highly objectionable form of bullying. Note, however, that it can be manifested in more subtle ways that impact on the health and well-being of the victims of bullying.

Bullying in the workplace is harmful to the victims and the workplace culture. Our clear policy is to totally oppose bullying without differentiating between levels of staff. In other words, if a manager and a junior employee are guilty of bullying then no favouritism will be shown to the manager compared to the junior.

**Are you suffering harassment or bullying?**

If you believe that you are being harassed or bullied there are a number of important steps you should take:

- Tell the person that their behaviour is unacceptable, and that it must stop. It is important to say these things to the harasser otherwise they may interpret your silence as consent. If you would feel too uncomfortable saying these things to the harasser, this will not mean that you don't have a valid claim.

- Report the behaviour or incident to your Director / Assistant Director or the OHS&W representative; you may wish to lodge a grievance under the Grievance Policy. *(it is good practice to encourage anyone who has a grievance of any kind to use the grievance procedure)*

- If the alleged perpetrator is the Director then report the Director to the Chairperson of the Governing Council.
Keep your complaint confidential - this will avoid idle gossip and the possibility of defamation proceedings against you or the company.

**What will Two Wells Community Children’s Centre do?**

Two Wells Community Children's Centre has a legal responsibility to take reasonable steps to prevent harassment and bullying from happening in the workplace. This involves educating employees about harassment and bullying, putting in place this policy, implementing grievance procedures and ensuring compliance by all in the workforce.

If you make a complaint of workplace harassment or bullying it will be taken very seriously and will be dealt with sympathetically and in a confidential manner.

The complaint will be investigated and, if found to be proved, appropriate warnings or other disciplinary action will be taken against the harasser. In serious cases the harasser may be dismissed.

If you are not satisfied with the way in which the company has dealt with your complaint, you can seek further advice from an outside agency such as the Human Rights and Equal Opportunity Commission or the Anti-Discrimination agency or other relevant government agency.

**Managers’ and supervisors’ role**

Managers and supervisors have an important role in the prevention of workplace harassment and bullying.

Firstly, managers and supervisors must ensure that they do not harass or bully employees, other managers or supervisors, clients or customers.

Secondly, management (committee and staff) must ensure that their staff understand the Workplace Harassment and Bullying Policy. When managers and team Leaders observe discrimination or harassment or bullying, they should take steps to stop it and warn the person of the consequences if the behaviour continues.

If a person approaches them with a complaint about harassment or bullying, they should take appropriate steps to resolve it. If this is not possible or is inappropriate, then the Executive Officer should be informed.

**Employees’ role**

Each employee must ensure that they do not engage in harassing or bullying behaviour towards other employees, managers or supervisors, clients or customers.

Employees should be aware that they can be held legally responsible for their unlawful acts. Employees who aid, abet or encourage other persons to harass or bully can also be held legally liable.

**If you need more information**

If you need any more information about workplace harassment or bullying the following people can help you:

- your manager
<table>
<thead>
<tr>
<th>Governing Council Member's Signature:</th>
<th>________________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director’s Signature:</td>
<td>________________________________</td>
</tr>
<tr>
<td><strong>Two Wells Community Children’s Centre’s Common Seal</strong></td>
<td></td>
</tr>
<tr>
<td>Date Reviewed:</td>
<td>4th April 2014</td>
</tr>
<tr>
<td>Next Review Due:</td>
<td>April 2016</td>
</tr>
<tr>
<td><strong>Sources:</strong></td>
<td></td>
</tr>
<tr>
<td>Working Women’s Centre</td>
<td><a href="http://www.wwc.org.au">www.wwc.org.au</a></td>
</tr>
</tbody>
</table>