



## WHS Framework 6

### Human Rights

### 6-2 Workplace Bullying



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Version	Date	Notes
1.1	October 2019	New Illawarra Christian Education updated policy (Illawarra Christian School & Calderwood Christian School)

Authorised By	Date



### Version History

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1.0	October 2019	New Illawarra Christian Education Policy from CEN Hub Policy (Illawarra Christian School and Calderwood Christian School)
1.1		

**Illawarra Christian Education (Illawarra Christian School and Calderwood Christian School)**  
**Mission: In Christ's service to partner with parents in providing a quality Christian Education founded on the Word of God.**

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### Important related documents:

#### WHS Framework:

##### 1 WHS Management

##### 2 Campus:

2-1 Buildings & Facilities

2-2 Hazardous Substances

2-3 Manual Handling

##### 3 Incidents:

3-1 Reporting & Investigating Incident

3-2 Critical Incidents

3-2a Critical Incident Plan

3-3 Return to Work

3-3a Return to Work Program

##### 4 Medical:

4-1 First Aid

4-2 Student Medication

4-3 Significant Medical Needs

##### 5 Events & Excursions:

5-1 Off-Campus Education

5-2 Overseas & Local Mission Trips

#### 6 Human Rights:

6-1 Anti-Discrimination

6-2 Workplace Bullying

6-3 Sexual Harassment

Employment Policy suite

Teaching & Learning Policy suite

Staff Code of Conduct

Child Protection Policy

Welfare Policy

Student Anti-Bullying Policy

Attendance Policy

Community Development policies

Sun Protection Policy

Compliance Framework

Risk Management Framework

**Relevant Legislation:**

Work Health and Safety Act 2011 (NSW)  
Work Health and Safety Regulation 2011 (NSW)  
Education Act 1990 (NSW)  
Australian Education Act 2013  
Australian Education Amendment Bill 2014  
Explosives Act 2003 (NSW)  
Environmental Planning and Assessment Regulation 2000 (NSW)  
Fair Work Act 2009 (NSW)  
Workers Compensation Act 1987  
Workplace Injury Management and Workers Compensation Act 1998  
Workplace Injury Management and Workers' Compensation Regulation 2002  
Workers Compensation Regulation 2010  
Australian Human Rights Commission Act (1986)  
Age Discrimination Act (Cth)2004  
Disability Discrimination Act 1992 (Com)  
Disability Discrimination and other Human Rights Legislation Amendment Act (Cth) 2009  
NSW Anti-Discrimination Act (1975)  
NSW Anti-Discrimination Amendment (Miscellaneous Provisions) Act (2004)  
Racial Discrimination Act (Cth)1975  
Sex Discrimination Act 1984 (Cth)

**Other References:**

Registered & Accredited Individual Non-government Schools (NSW) Manual, January 2017, latest version on website  
Guide to Preventing and Responding to Workplace Bullying, Safe Work Australia, November 2013

## 1 INTRODUCTION

References to Illawarra Christian Education below include reference to its schools Illawarra Christian School and Calderwood Christian School.

Workplace bullying or other intimidating behaviour is not acceptable at Illawarra Christian Education. Employees are entitled to feel safe and to be respected in the workplace; and to be made aware of the procedures to follow if they feel they are being bullied.

## 2 CHRISTIAN RATIONALE

Jesus' example to His followers is that power and authority in the kingdom of God is given for service to others. This is different to rulers of the world that seek their own agenda and oppress people to get ahead. Bullying is a selfish misuse of power and authority that diminishes those affected by it. The school seeks to model godly leadership and teach students to learn to use their gifts and strengths for the benefit of others, just as Jesus did.

*"You know that the rulers of the Gentiles lord it over them, and their high officials exercise authority over them. Not so with you. Instead, whoever wants to become great among you must be your servant, and whoever wants to be first must be your slave— just as the Son of Man did not come to be served, but to serve, and to give his life as a ransom for many."* Matthew 20:25-28

## 3 PURPOSE OF THIS DOCUMENT

Illawarra Christian Education is committed to providing a safe and healthy workplace free from bullying. This policy seeks to address the prevention and management of workplace bullying.

Workers are protected by this policy whether they feel bullied by a supervisor, another worker, client, contractor or member of the public.

**4 TABLE OF RESPONSIBILITIES**

<i>Responsibilities</i>	<i>Evidence of Compliance</i>
<b>Principal</b>	
Oversight of investigations	Investigation report
Determination of any staff disciplinary measures	Confidential files; Staff records
Ensure staff informed of provisions and implications of this policy	PD week training; staff meetings
<b>Deputy Principal/ Coordinators</b>	
Initial investigation of allegations of bullying	Confidential files
<b>Business Manager</b>	
Inform contractors of their obligations under this policy	Induction
<b>All staff, contractors, visitors</b>	
Abide by this policy and its procedures	Incident report; investigation report

**5 DEFINITIONS**

**Workplace bullying** – may be:

- Repeated and unreasonable behaviour, whether intentional or unintentional, directed towards a worker or a group of workers that creates a risk to health and safety
- Carried out face-to-face, indirectly or electronically
- Directed at a single worker or group of workers
- Carried out by one or more workers
- Can occur between workers; from managers to workers; from workers to supervisors
- Directed at, or perpetrated by, other people at the workplace, such as students, parents, contractors and members of the public
- Repeated behaviour
- Unreasonable behaviour

A single incident of unreasonable behaviour is not considered to be workplace bullying, however it may have the potential to escalate and should not be ignored.

**Repeated behaviour** - Behaviour of a persistent nature; can involve a range of behaviours over time

**Unreasonable behaviour** - Behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening (See Appendix)

- may involve discrimination or sexual harassment which in isolation is not considered to be bullying, but is unlawful.

Other unlawful workplace behaviours:

**Discrimination** occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people.

**Sexual harassment** is associated with unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature.

Discrimination and sexual harassment in employment is unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

The WHS Act includes specific protections against discriminatory conduct for people raising health and safety concerns or performing legitimate safety-related functions.

It is possible for a person to be bullied, sexually harassed and discriminated against at the same time.

**Workplace bullying is NOT:** reasonable management action taken by managers or supervisors to direct and control the way work is carried out, if the action is taken in a reasonable and lawful way. It is reasonable for managers and supervisors to allocate work and give feedback on a worker's performance. (See Appendix)

Workplace conflict, such as differences of opinion and disagreements, are not generally considered workplace bullying.

## 6 POLICY

- (a) Illawarra Christian Education will treat reports of workplace bullying seriously. The school will respond promptly, impartially and confidentially, according to the principles of procedural fairness.
- (b) Under Work Health and Safety laws workers, and other people at our workplace, must take reasonable care that they do not adversely affect the health and safety of others.
- (c) Illawarra Christian Education expects workers, and other people at this workplace, to:
  - behave in a responsible and professional manner
  - take reasonable care of their own safety and health at work
  - treat others in the workplace with courtesy and respect
  - listen and respond appropriately to the views and concerns of others
  - be fair and honest in their dealings with others
  - report any incidence of workplace bullying
- (d) This policy applies to behaviours that occur:
  - in connection with work, even if it occurs outside normal working hours
  - during work activities, for example when dealing with school community members

- at work-related events, for example at conferences and work-related social functions
- on social media where workers interact with colleagues or school community members, and their actions may affect them either directly or indirectly.

(See Staff Code of Conduct regarding appropriate staff interactions)

- (e) If workplace bullying behaviour involves violence, for example: physical assault, or the threat of physical assault, it will be reported to the police.
- (f) A breach of this policy may be grounds for discipline. (Employment Policy)
- (g) Workers who are dissatisfied with the outcome of a school investigation into the report of bullying may follow procedures outlined in the School Complaints Framework.
- (h) Workers who believe they are being bullied at work may apply to the Fair Work Commission to have the harassment stopped. The Commission has only a 14 day timeframe to act on a specific complaint. The Commission has no power to award compensation.
- (i) This policy will be made available to all workers including contractors. New workers will be given a copy of this policy at their induction. The Executive and Section Coordinators will remind workers of the policy from time to time.

## 7 PROCEDURES

### 7.1 Report of Workplace Bullying

If workplace bullying or unreasonable behaviour is reported, or observed, the school will exercise procedural fairness in taking the following steps:

1. The immediate coordinator will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
2. If issues cannot be resolved, or the unreasonable behaviour is considered to be of a serious nature, the Principal will investigate the matter. Both sides shall present their case; and relevant information will be collected and considered before a decision is made.
3. All complaints and reports will be treated with strict confidentiality. Only those people directly involved in the complaint or in resolving it will have access to the information.
4. There will be no victimisation of the person making the report or helping to resolve it.
5. Complaints made maliciously or in bad faith will result in disciplinary action. (see Complaints Framework)



## 7.2 A Worker Experiencing Bullying

- (a) If a worker experiences bullying, and is uncomfortable dealing with the matter personally, or attempts to do so have not been successful, he or she should raise the issue either with the immediate coordinator, or with the Principal.
- (b) A worker witnessing unreasonable behaviour should also bring the matter to the attention of the immediate coordinator, or Principal as a matter of urgency.

## 7.3 Consequences of a Finding of Workplace Bullying

Appropriate action will be taken against a person who is found to have engaged in workplace bullying, depending on the nature and circumstance of the incident, and could include:

- A verbal or written apology
- One or more parties agreeing to participate in counseling or training
- A verbal or written reprimand
- Dismissal of the person engaging in the bullying behaviour (Employment Policy)

## 7.4 If the Claim of Bullying is not Substantiated

If the investigation concludes that bullying has not occurred or cannot be substantiated, Illawarra Christian Education may still take appropriate action to address any workplace issues leading to the report.

## 8 APPENDIX – EXAMPLES OF BULLYING

**Examples of bullying** may include but are not limited to:

- Abusive, insulting or offensive language or comments
- Unjustified criticism or complaints
- Deliberately excluding someone from workplace activities
- Withholding information that is vital for effective work performance
- Setting unreasonable timelines or constantly changing deadlines
- Setting tasks that are unreasonably below or beyond a person's skill level
- Denying reasonable access to information, supervision, consultation or resources
- Spreading misinformation or malicious rumours
- Changing working arrangements e.g. rosters to deliberately inconvenience a particular worker

**Examples of reasonable management action** (not workplace bullying) include, but are not limited to:

- Setting reasonable performance goals, standards and deadlines
- Rostering and allocating working hours where the requirements are reasonable
- Transferring a worker for operational reasons
- Deciding not to select a worker for promotion where a reasonable process is followed
- Informing a worker about unsatisfactory work performance in an honest, fair, constructive way
- Informing a worker about inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructuring
- Taking disciplinary action, including suspension or terminating employment

### **Workplace conflict**

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

### **Impact of workplace bullying**

Workplace bullying can be harmful to the person experiencing it and to those who witness it. The effects will vary depending on individual characteristics as well as the specific situation and may include one or more of the following:

- distress, anxiety, panic attacks or sleep disturbance
- physical illness for example muscular tension, headaches and digestive problems
- reduced work performance, loss of self-esteem and feelings of isolation
- deteriorating relationships with colleagues, family and friends
- depression; thoughts of self-harm

Workplace bullying can also have a negative impact on the work environment, damage the reputation of a business and can lead to:

- high staff turnover and associated recruitment and training costs
- low morale and motivation
- increased absenteeism
- lost productivity

- disruption to work when complex complaints are being investigated
- costly workers' compensation claims or legal action