

▲ BULLYING, DISCRIMINATION, HARASSMENT & WORKPLACE VIOLENCE

▲ NQS

Element 4.2: Management, educators and staff are collaborative, respectful and ethical.

Element 6.2 Collaborative partnerships enhance children's inclusion, learning and wellbeing.

Education and Care Services National Regulations: 168(2)(i)

▲ PURPOSE

The purpose of this policy is to prevent bullying, discrimination harassment and workplace violence. All employees of FROEBEL are valued and have a right to work in an environment which is safe, inclusive, conducive to learning and free from harassment, violence, and bullying. Everyone has the right to come to their workplace feeling, secure, comfortable, and respected. Harassment in any form is not acceptable in our organisation and will be dealt with seriously and expediently.

▲ DEFINITIONS

Discrimination occurs when someone is treated less favorably than others because they have a characteristic or belong to a particular group of people, such as age, race, or gender.

Harassment involves unwelcome behaviour that intimidates, offends, or humiliates a person because of a particular personal characteristic such as race, age, gender, disability, religion, or sexuality. It is possible for a person to be bullied, harassed, and discriminated against at the same time.

Various anti-discrimination, equal employment opportunity, workplace relations, and human rights laws make it illegal to discriminate or harass a person in the workplace. Work Health and Safety laws include protections against discriminatory conduct for workers raising health and safety concerns.

Bullying is repeated and unreasonable behaviour towards a worker or a group of workers. Our organisation will not tolerate bullying in any form because it may have a detrimental effect on the psychological, emotional, and/or physical wellbeing, health and safety of our educators and staff.

Unreasonable behaviour includes actions that victimise, humiliate, intimidate or threaten and may be intentional or unintentional. It can occur directly and by using information technology such as email, texting, and social media. While one incident of unreasonable behaviour is not considered to be workplace bullying, it may escalate, and it will not be ignored. Examples include:

- abusive, insulting, or offensive language or comments
- unjustified criticism or complaints
- continuously and 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 access to information, supervision, consultation or resources that adversely affects a worker
- spreading misinformation or malicious rumors
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a worker or workers
- excessive scrutiny at work.

Reasonable actions taken by the Approved Provider or Nominated Supervisor to direct or control the way work is carried out is not bullying behaviour. Examples of reasonable behaviour include:

- 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 and documented
- informing a worker about unsatisfactory work performance when undertaken in accordance with any workplace policies or agreements such as performance management guidelines
- informing a worker about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- termination of employment.

Occupational Violence and Aggression (OVA)

Workplace violence can be any incident where a person is abused, threatened or assaulted in circumstances arising out of, or in the course of their work.

- The violence can be either directed at the person or as a result of witnessing violence against someone else.

The definition of workplace violence covers a broad range of actions and behaviours that create a risk to the health and safety of all workers. Examples include:

- biting, spitting, scratching, hitting, kicking
- punching, pushing, shoving, tripping, grabbing
- throwing objects

- verbal threats
- aggravated assault
- any form of indecent physical contact
- threatening someone with a weapon or armed robbery.

PROCEDURES

I. The Approved Provider or Nominated Supervisor will:

- Ensure all employees, volunteers and visitors are aware of and comply with our Code of Conduct and Ethics.
- Investigate and manage incidents of workplace bullying, harassment, discrimination and workplace violence in accordance with our Grievance Guidelines located in this Policy.
- Inform and consult with employees and volunteers during staff inductions and ongoing staff meetings when:
 - identifying the risk of workplace bullying, harassment, discrimination, and workplace violence.
 - making decisions about procedures to monitor and address workplace bullying, harassment, discrimination, and workplace violence.
 - making decisions about information and training on workplace bullying, harassment, discrimination, and workplace violence.
 - proposing changes to the way work is performed or rosters managed as this may give rise to the risk of workplace bullying, harassment, discrimination, and workplace violence.
- Provide appropriate information, instruction, training or supervision to employees, visitors, and volunteers to minimise the risks to their health and safety from workplace bullying, harassment, discrimination and workplace violence.
- Contact the police if there are incidents of workplace bullying, harassment; workplace violence or discrimination that involve physical assault or the threat of physical assault, or a visitor or family member engages in bullying behaviour, harassment and discrimination and refuses to leave the Service.

II. Employees, families, visitors, and volunteers will:

- Consider whether something they do or do not do will adversely affect the health and safety of others.
- Comply with any reasonable instruction, policy and procedure given by the Approved Provider or Nominated Supervisor in relation to workplace bullying, harassment, discrimination, and workplace violence.
- Report all incidents of workplace bullying, harassment, discrimination, or workplace violence using our Grievance Guidelines even if they are just a witness to it and are not directly affected by the incident.
- Talk to the Approved Provider or Nominated Supervisor if they have any questions about workplace bullying, harassment, discrimination, or workplace violence.

▲ IDENTIFYING WORKPLACE BULLYING, HARASSMENT, DISCRIMINATION AND VIOLENCE

The Approved Provider or Nominated Supervisor will minimise the risk of workplace bullying, harassment, discrimination, and workplace violence occurring by:

I. Identifying the risk of workplace bullying, harassment, discrimination, and violence

- Talking to employees, staff and volunteers (or conduct an anonymous survey) to find out if there are unreasonable behaviours or situations likely to increase the risk of bullying, harassment, discrimination and violence.
- Monitoring patterns of absenteeism, sick leave, staff turnover, grievances, injury reports, workers compensation claims and other such records to establish any regular patterns or sudden unexplained changes.
- Watching for any changes in workplace relationships between employees, volunteers, visitors and/or managers.
- Seeking feedback on the professionalism of workplace behaviours in exit interviews and from supervisors and where relevant families.
- Monitoring issues raised by our health and safety representatives and health and safety committee. See Work Health and Safety Policy for more information.

II. Implementing measures to prevent and respond to workplace bullying, harassment and discrimination.

- Providing employees, volunteers, and visitors with information about our bullying, harassment, discrimination workplace violence policy including relevant training and procedures at inductions, staff meetings, ongoing via email and by displaying anti-bullying posters.
- Implementing a Code of Conduct and Ethics.
- Implementing grievance procedures which deal with complaints in a confidential, reliable and timely way (see Grievance Guidelines).
- Implementing effective performance management processes.
- Clearly defining jobs and seeking regular feedback from educators and staff about their role and responsibilities.
- Reviewing and monitoring workloads and staffing levels.
- Including employees in decision making which affects their roles and responsibilities.
- Consulting with employees as early as possible about any changes that affect their roles and responsibilities.
- Promoting and modelling positive leadership styles e.g., communicating effectively and providing constructive feedback both formally and informally.
- Organising relevant leadership training for managers and supervisors e.g. on performance management.
- Mentoring and supporting new and poor performing leaders, and employees.
- Facilitating teamwork and cooperation.
- Ensuring supervisors act in a timely manner on any unreasonable behaviour.

III. Reviewing measures to prevent and respond to workplace bullying, harassment, discrimination and workplace violence.

The Approved Provider or Nominated Supervisor will implement a review of the bullying, harassment, discrimination workplace violence and policy and procedures, if there is an incident of workplace bullying, at the request of a health and safety representative or committee, when new or additional information about bullying becomes available or at the scheduled review date. Information will be obtained from confidential surveys, exit interviews and records of sick leave and workers compensation claims.

IV. Consequences of breaching this policy

Appropriate disciplinary action will be taken by the Approved Provider or Nominated Supervisor against a person who is found to have breached this policy. These measures will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology
- one or more parties agreeing to participate in counselling or training
- a verbal or written reprimand
- transfer, demotion, or dismissal of the person engaging in the bullying behaviour.

▲ STRESS MANAGEMENT GUIDELINES

If an educator feels stressed in any way, they should:

- approach the Nominated Supervisor and talk together to see if the situation can be remedied in any way.
- approach their team leader, the Approved Provider, or if relevant a Union official if the educator feels unable to approach the Nominated Supervisor.
- accept opportunities to have stress alleviated (including counselling if recommended).

The Approved Provider or Nominated Supervisor will:

- discuss the cause of the stress with the educator or staff member and discuss viable options to alleviate it.
- refer educator/staff member to counselling if required (Access EAP).
- monitor and review the effectiveness of educator stress management procedures.
- monitor workloads to ensure educator is not overloaded or overwhelmed.
- monitor overtime hours and regular working hours to ensure educator is not overworked.
- monitor holidays to ensure educator is taking, or is at least aware of, their entitlements.
- be aware that educators may be suffering from personal stress e.g., a death in the family or separation and offer additional support.
- raise any issues in a sensitive manner.
- support an educator or staff member on stress leave.
- work with the educator or staff member on stress leave to set up a return-to-work plan.
- monitor and discuss with the educator/staff member their stress levels in the workplace after they return to work.

▲ SOURCES AND FURTHER READING

- [Fair Work Amendment Act 2013](#)
- [Workplace violence and aggression](#)
- [Model Code of Practice: Managing psychosocial hazards at work](#)

▲ ASSOCIATED POLICIES

- Code of Conduct and Ethics
- Feedback and Grievance Management
- Work Health and Safety (NSW)
- Occupational Health and Safety (VIC)

▲ POLICY REVIEW

- The Centre (together with employees) will review this policy every 12 months.
- The Approved Provider and Centre Director ensure that at all times all employees maintain and implement this policy and its procedures.
- Families are encouraged to collaborate with the Centre to review the policy and procedures.

- Last review: 24.10.2023
- Next review: 24.10.2024