



**SALESIAN
COLLEGE**
CHADSTONE EST. 1957

Bullying and Harassment Policy

Rationale

Each member of the Salesian College (the College) Community is important, valued and respected and therefore we wish to foster a safe environment where every member of the community is able to perform their role in a competent and rewarding manner free from all forms of bullying or harassment.

To that end the College is committed to providing for all employees, students and other people who, for whatever reason, are in an area under the control of the College an environment where bullying and harassment will not be tolerated and where people can be productive without interference from bullying and harassment in all areas under the control of the College.

Workplace bullying and harassment, amongst other things, may amount to conduct that constitutes a breach of the Occupational Health and Safety Act (Vic) 2004 (OHS Act).

Policy

Salesian College Chadstone is committed to providing and maintaining, so far as is reasonably practicable, a working environment that is free from all forms of bullying and harassment and is safe and without risks to health.

Definitions

Workplace Bullying

Workplace bullying is “**repeated, unreasonable behaviour**” directed toward an employee, or group of employees, or a student or group of students, or toward another person or group of people who are in an area under the control of the College, and which creates a “**risk to health and safety**”. Within the definition, the highlighted words have the following meaning:

- “**repeated unreasonable behaviour**” means repeated behaviour that a reasonable person, having regard to all of the circumstances would expect, and is usually associated with victimisation, humiliation, undermining or threatening behaviour, and
- “**behaviour**” includes actions, or words, of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening, and
- “**risk to health and safety**” includes risk to the mental or physical health of a person.

Examples of workplace bullying may include:

- verbal abuse, yelling, screaming; or
- excluding or isolating employees/students/other people; or
- assigning meaningless tasks or giving employees/students/other people impossible assignments; or
- continually criticising someone; or

- sabotaging someone’s work or their ability to do their job by withholding vital information and resources; or
- belittling someone’s opinions; or
- unexplained job changes; or
- failure to give credit where it is due; or
- taking credit for someone else’s work.

The above list is intended to be illustrative and is by no means exhaustive.

However, reasonable management actions performed in a reasonable way will NOT USUALLY constitute WORKPLACE BULLYING.

Reasonable management actions may include:

- Setting performance goals, standards and deadlines;
- Allocating work to an employee/student or other people;
- Deciding not to select an employee for promotion;
- Informing an employee about unsatisfactory work performance;
- Informing an employee about inappropriate behaviour or providing constructive feedback;
- Implementing organisational changes; or
- Performance management processes.

It should also be noted that a single incident of bullying-style behaviour may not constitute workplace bullying. However, this POLICY makes it clear that the College acknowledges its general duty to provide a safe workplace and accordingly, such instances of single incident bullying-style behaviour will not be ignored or condoned.

Harassment

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person's (or that person's relatives', friends', or associates') race, skin colour, religion, gender, sexuality, national origin, age, position or disability, and that:

- has the purpose or effect of creating an intimidating, hostile, or offensive work environment
- has the purpose or effect of unreasonably interfering with the individual's work performance
- otherwise adversely affects the individual's employment opportunities.

Harassing conduct includes:

- epithets; slurs; negative stereotyping; or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, or disability (**including jokes or pranks that are hostile or demeaning** with regard to race, colour, religion, gender, national origin, age, position or disability)
- written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, position or disability and that is displayed on walls, bulletin boards, or other locations on your premises or circulated in the workplace.

The reasonable person standard.

If you have a situation where you are trying to determine if some conduct that has taken place is actually harassing conduct, the way to determine it is to use the "reasonable person" standard. If a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile, or abusive, then it is probably harassment.

The reasonable person standard includes consideration of the perspective of persons of the same race, colour, religion, gender, national origin, age, position or disability as the harassment victim. For example, if a female employee complains of harassment, make sure in applying this test that you take the perspective of a woman, not a man. If, in the perspective of another woman, you would find this conduct harassing, it probably is.

Although harassing conduct must be **objectively** viewed as creating a hostile work environment to be unlawful, the subjective perception of the particular harassed employee is still significant. If the employee does not perceive the work environment to be hostile because of that conduct, the conduct is not unlawful harassment.

Sexual Harassment

Sexual harassment is specifically prohibited because it is unlawful and against College policy. In addition, Salesian College is responsible for taking action against sexual harassing conduct. Salesian College will take action regardless of whether the specific acts complained of were sanctioned or specifically forbidden, and whether the College knew — or should have known — of their occurrence.

Any employee who engages in harassing behavior is subject to disciplinary measures up to, and including, termination.

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and /or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Sexual harassment can involve physical, verbal or non-verbal conduct of a sexual nature, which is uninvited and unwelcome. Sexual harassment creates an intimidating and hostile environment, which is unacceptable and will not be tolerated under any circumstances.

There are many types of sexual harassment. Some examples include, but are not limited to:

- Sexual or suggestive comments;
- Offensive jokes;
- Repeated questions about personal life;
- Offensive hand or body gestures;
- Sending offensive correspondence.
- Innuendos directed at an individual.
- Pressure for sexual activity.
- Remarks about a person's body or clothing.
- Unwanted messages, letters, calls, emails or gifts.
- Unwelcome requests for dates.
- Inappropriate physical contact or comments.

Sexual harassment is illegal and considered by the College as behaviour contrary to the teachings of Christ and the spirit of St. John Bosco. The College values the diversity of its community and encourages an attitude of respect for the rights of all.

Sexual harassment can be both intended or unintended. Sexual harassment is deemed to have occurred when a reasonable person would anticipate that reaction in the circumstances.

Forms of Bullying and Harassment

Bullying and harassment can occur in different forms and it can occur between:

Employee and employee; and/or

- Student and student; and/or
- Employee and student; and/or
- Student and employee; and/or
- Parent and employee; and/or
- Employee and parent; and/or
- Parent and Student; and/or
- Student and parent.

Bullying and harassment can also occur between other people who for whatever reason happen to be in an area under the control of the College. In any of the above circumstances, when addressing bullying, all employees, students and any other people in any area under the control of the College are required to follow the relevant PROCEDURE in relation to addressing bullying. Accordingly, the College's BULLYING AND HARASSMENT PROCEDURE must be followed when dealing with bullying and harassment in all areas under the control of the College.

Principles

Salesian College:

1. expects that the actions, attitudes and behaviour of all members of the College Community will contribute to building a safe and supportive environment which is free from sexual harassment including the reporting of inappropriate behaviours;
2. believes that education about sexual harassment is central to its prevention;
3. undertakes to investigate fully any complaints of sexual harassment seriously and sympathetically and act in accordance with the College Grievance Handling Procedure.

Guidelines

The College has formal PROCEDURE(s) to deal with all bullying and harassment complaints. ALL reports will be treated seriously and investigated promptly, confidentially and impartially. All employees, students and other people are encouraged to report any bullying or harassment wherever it occurs in an area under the control of the College. Subject to the nature of any incident, the College may be required to report that conduct (and person concerned) to the Victorian WorkCover Authority (WorkSafe) for formal investigation under the OHS Act.

Responsibilities of Employees in Leadership Positions at the College

Employees in leadership positions at the College have a key role to play in preventing workplace bullying and in responding promptly and dealing fairly with any instances of

bullying and harassment that (by whatever means) come to their attention. These responsibilities include:

- Ensuring staff and students understand their responsibilities and are made aware of (the College's) POLICY and PROCEDURE in relation to workplace bullying and harassment;
- Taking immediate action to stop workplace bullying and harassment if he/she observes it;
- Report complaints in accordance with (the College's) bullying PROCEDURE(s);
- Ensuring staff are not victimised as a result of lodging a bullying or harassment complaint (refer to Whistleblower Policy);
- Ensuring that their own behaviour is free from bullying and harassment; and
- Monitoring to reduce the risk of bullying and harassment occurring or recurring in your area.
- Acting in accordance with College Bullying and Harassment complaints procedure.

Responsibilities of Employees

All employees are required to:

- Treat others fairly and with respect at all times; and
- Comply with College POLICY and PROCEDURE(s) in relation to bullying and harassment; and
- Take a firm stand so that what you say or do does not condone bullying or harassment by others; and
- Report instances of bullying or harassment; and
- Offer support to those experiencing bullying or harassment; and
- Promote the importance of acting against bullying and harassment among your colleagues.

Responsibilities of Students

All students are expected to:

- Treat others fairly and with respect at all times; and
- Comply with College POLICY and PROCEDURE(s) in relation to bullying and harassment; and
- Not engage in any bullying or harassment conduct towards other students, staff or any other person at the College site at any time; and
- Report instances of bullying or harassment to an appropriate person at the College.

Where to go For Further Information

- The Principal, Assistant Principal, Mission and Staff Development or
- Any other College employee you consider appropriate; or
- The Victorian WorkCover Authority's "*Guide to Workplace Bullying – Prevention and Response*" available on their website www.worksafe.vic.gov.au.
- Independent Education Union – Victoria and Tasmania Representative

Employee Assistance Program

The College fosters an environment where employees are able to perform their professional role in a competent and rewarding manner. Each employee is important, valued and respected. However, from time to time, an employee may require information or support to assist in dealing with a difficult issue. Salesian College is a member of ACCESS (assistance to companies caring for their employee's social situations) which provides free assistance to

employees and their immediate families for up to six consultations per annum.

Should an employee require assistance via this program, call 1300 667 700 or visit the website at www.accessprograms.com.au.

Information about how this Policy is to be implemented is available in the Procedures under the overall Occupational Health & Safety Policy heading in the Policy and Procedure Manual.

- ❖ Additional information and advice is available from the (OHS Manager)
- ❖ OH&S Act 2004

Policy Adopted:	15 September 2020
To be Reviewed:	September 2022