

Anti Bullying Policy

Version Control

Version	Date	Author	Changes
1.0	3.3.15	L Spence	

AIM

Kiama Community College Ltd strives to provide all employees a healthy and safe work environment and is committed to preventing and addressing all forms of bullying. Kiama Community College Inc will ensure that procedures exist to allow complaints of bullying to be dealt with and resolved within the college, without limiting any person's entitlement to pursue resolution of their complaint with the relevant statutory authority.

This policy applies to all current employees of Kiama Community College Ltd. An employee can be anyone employed on a permanent, casual, contracted or volunteer basis.

PURPOSE

This policy will provide guidelines and processes to effectively deal with allegations of bullying in the workplace and to outline Kiama Community College's position on bullying.

DEFINITION

Kiama Community College acknowledges the definition of bullying as recognised by Fairwork Amendment Act 2013:

A worker is considered to be bullied at work if:

- *An individual, or group of individuals; repeatedly behaves unreasonably towards the worker, or a group of workers of which the worker is a member; and that behaviour creates a risk to health and safety.*

Bullying can be emotional, physical, racist, sexual, homophobic, verbal or e-bullying (via electronic means).

Some examples of bullying behaviours include but are not limited to:

- Abusive and offensive language
- Insults
- Threats,
- Teasing or joking regularly
- Spreading rumours and innuendo
- Unreasonable criticism
- Unreasonable demands
- Excessive scrutiny

- Unfairly blaming for mistakes
- Deliberate exclusion
- Initiation rituals or practical jokes
- Belittling or disregarding opinions or suggestions

Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults exchanged by long-time work colleagues and comments that are meant to be, or are taken as, demeaning. While care should be exercised, particularly if a person is reporting alleged bullying as a witness, it is better to be genuinely mistaken than to let actual bullying go unreported.

Some examples of acceptable could include:

- Reasonable workplace demands delivered in a reasonable manner
- Reasonable performance management in accordance with internal policies and procedures.
- Reasonably refusing requests for workplace flexibility, workplace promotions or wage demands
- Disciplinary actions
- Workplace counselling
- Providing constructive criticism
- Differences of opinion
- Manage an illness or injury
- Changes in workplace such as restructuring

RESPONSIBILITIES

Managers, supervisors and coordinators

- Ensure that all employees are aware of the anti-bullying policy and procedures
- Ensure that any incident of bullying is dealt with regardless of whether a complaint of bullying has been received
- Provide leadership and role-modelling in appropriate professional behaviour
- Respond promptly, sensitively and confidentially to all situations where bullying behaviour is observed or alleged to have occurred

Employees

- Be familiar with and behave according to this policy
- If you are a witness to bullying, report incidents to your supervisor, coordinator or manager as appropriate
- Where appropriate, speak to the alleged bully(ies) to object to the behaviour
- Don't engage in bullying behaviour

If this policy is not adhered to, it may result in disciplinary action including:

- Warning
- Counselling
- Formal apology
- Termination

IF YOU THINK YOU HAVE BEEN BULLIED

- Any employee who feels he or she has been victimized by bullying is encouraged to follow the informal process below.

If the employee who feels they have been bullied is dissatisfied with the outcome of the informal process, they are encouraged to commence the formal process.

Reporting the manner informally

Stage One

If appropriate, Workers are encouraged make the perceived bully/ies aware that they find their behaviour offensive, unwelcome/unacceptable and that it needs to stop immediately.

Stage Two

If the behaviour continues or the Worker feels unable to speak to the perceived bully directly, they should talk with their Direct Supervisor who will attempt to resolve the matter in an informal manner (see below).

Stage Three

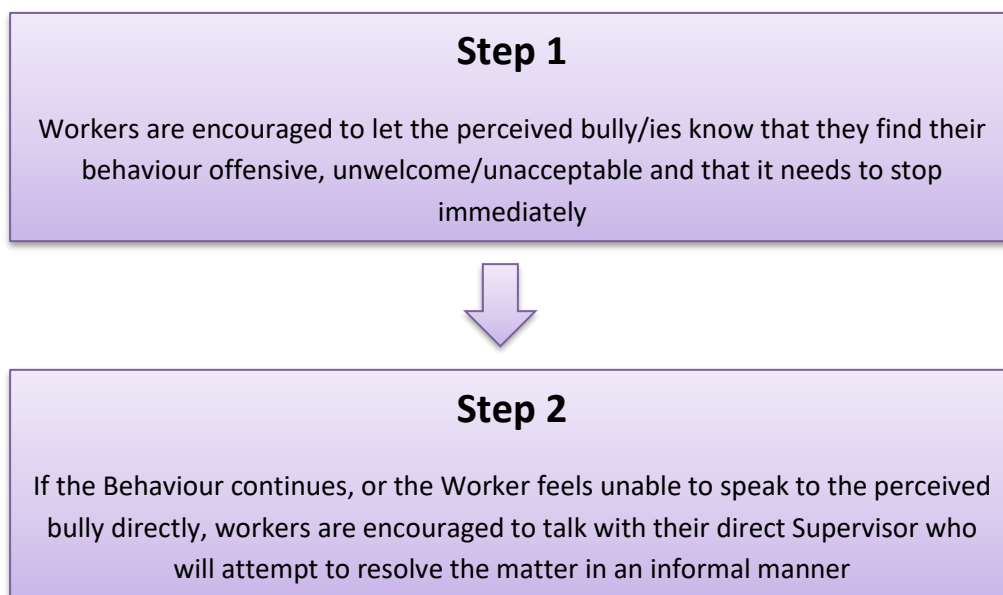
If the Worker cannot or does not want to talk to the Direct Supervisor, they can speak to the Training Services Manager. Training Services Manager will then investigate the issue, document action taken in order to resolve the grievance and review the effectiveness of those actions to ensure that the issue is effectively resolved. The Worker will have a response within twenty working days from lodging the informal grievance.

Stage Four

If the Worker is not satisfied with the above outcome and wishes to continue to follow the informal grievance process, the Worker can contact the Executive Officer who will review the issue, determine the next steps and outcome, and advise the Worker in writing within twenty working days.

Anti-bullying Behaviour Reporting Procedure Flowchart for Informal Reporting

Please view this flowchart in conjunction with detailed explanation of each step





Step 3

If not appropriate to contact the supervisor or is not satisfied with the outcome, the worker can contact the manager next in line, likely to be the Training Services Manager(TSM) or the Executive Officer (EO). The Worker will have a response within twenty working days from lodging the informal grievance.



Step 4

If the Worker is not satisfied with the outcome of this process they should commence the formal resolution process.

Resolving the matter formally

Stage One

Formal grievances should be submitted in writing and sent to the Executive Officer (EO) at Kiama Community College, PO Box 52, Kiama NSW 2533.

The Executive Officer (EO) will notify the Complainant of receipt of the grievance within 5 working days.

Stage Two

The EO will either organise an investigation or delegate an outside mediator to conduct an investigation, which in most cases will involve (but is not limited to):

- A private Interview to ascertain the facts and to find what the complainant expects to happen as a result of making the complaint;
- An interview with the alleged bully/ies to ascertain their defence;
- Interviews with other employees, volunteers or individuals who may be able to assist; and
- Collation and examination of any relevant documentation.

The EO will collate any relevant information including parties involved, timing, location and nature of conduct complained against and document all interviews accurately.

All relevant evidence should be considered by the person conducting the investigation. Such evidence may include:

- Supportive (or contradictory) evidence provided by medical practitioners, counsellors, family members, friends or co-workers;
- Supervisors reports and personnel records;
- Records kept by the person claiming to have been bullied;
- Information on whether the evidence was presented by the parties in a credible and consistent manner; and

- Information on the absence of evidence where it should logically exist.

It may be necessary to provide affected employees/volunteers with alternative working arrangements to avoid further conflict while the bullying complaint is being investigated. The complainant may also require counselling to develop coping strategies for dealing with the situation while the problem is being resolved.

The person conducting the investigation should keep all affected parties informed and document all investigation actions and outcomes.

Stage Three

Upon completion of the investigation, the complainant and the Executive Officer will determine a course of action to be taken.

Possible courses of action may include, but will not be limited to, any combination of the following:

- Counselling;
- Disciplinary action against the bully/ies (eg. Demotion, transfer, suspension, probation or dismissal);
- Official warnings that are noted in the bully/ies personnel file;
- If there is strong evidence that the complaint had no basis and was vexatious or malicious, disciplinary action against the person who complained;
- Formal apologies and undertakings that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party, where the parties to the complaint agree to a mutually acceptable resolution;

Determination of whether bullying has occurred will rest solely on the weight of the evidence. If it is determined that bullying has taken place then outcomes will depend upon factors such as:

- The severity and frequency of the bullying;
- The wishes of the person who was subjected to the offensive behaviours;
- Whether the bully/ies could have been expected to know that such behaviour was a breach of policy;
- The level of contrition shown by the bully;
- Whether there have been any prior incidents or warnings.

The relevant manager will advise all relevant parties of the outcome.

The outcome of the investigation will be placed on a file with a summary of the complaint, findings and action taken. A copy may be placed in the respondent's personnel file in accordance with performance counselling procedures.

If there is insufficient proof to decide whether or not bullying has occurred, the manager concerned will:

- Remind those involved of expected standards of conduct;
- Conduct further training awareness raising sessions for staff and volunteers;
- Monitor the situation carefully.

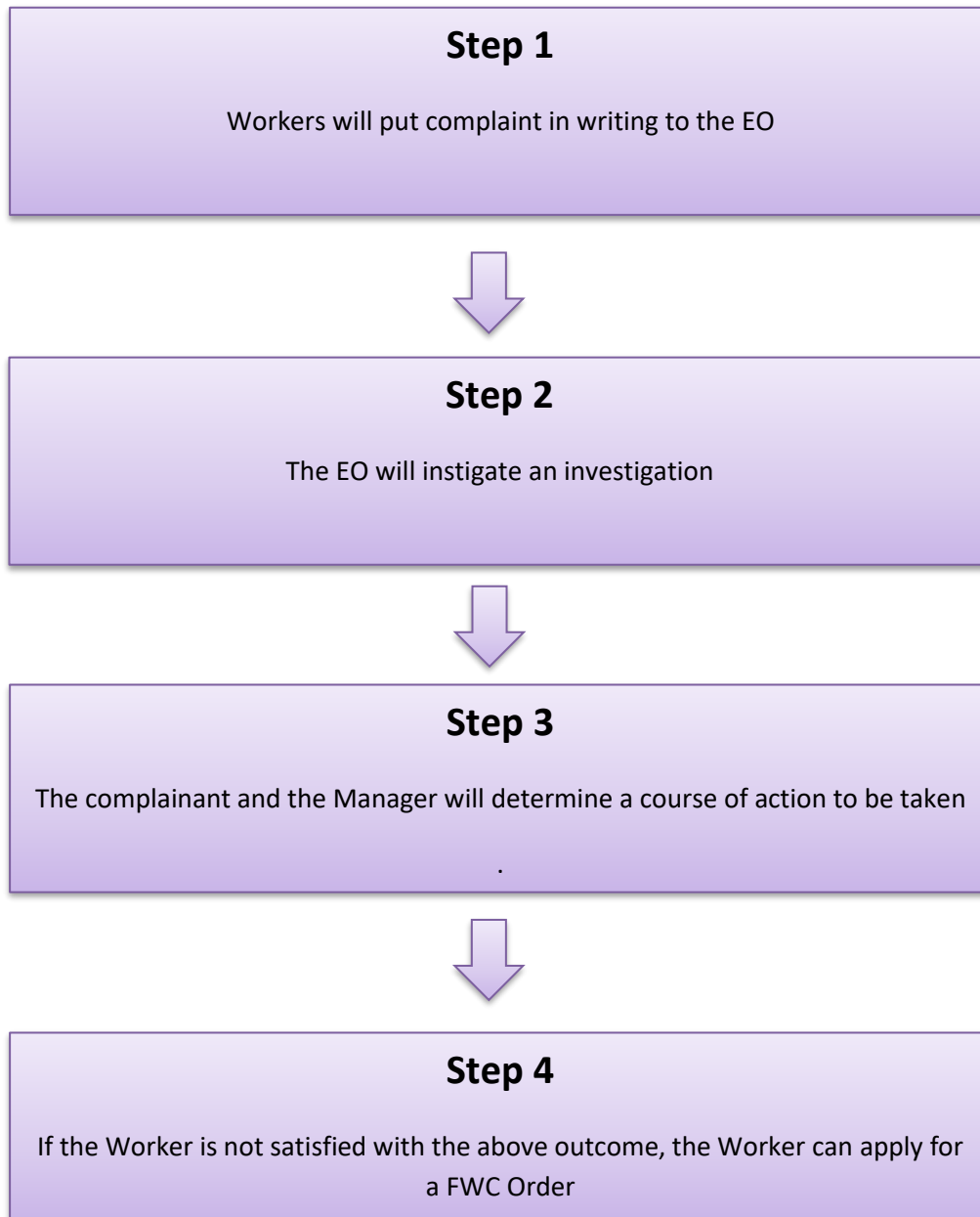
The manager will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews. If there has been any substantiated victimisation, appropriate disciplinary procedures will be followed.

Stage Four

If the complainant is not satisfied with this outcome and believes that the bullying is continuing, they may apply for a FWC order with the Fair Work Commission.

See flowchart of formal grievance procedure following:

Anti-bullying behaviour Reporting Procedure Flowchart for Formal Reporting
Please view this flowchart in conjunction with detailed explanation of each step



PROCEDURES FOR DEALING WITH CRIMINAL CONDUCT

Some forms of severe bullying (eg. physical attack or obscene phone calls) may constitute criminal conduct. While KCC is committed to treat most complaints about bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Employees or volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

Related KCC documentation

Code of Conduct
KCC Policies and Procedures Volumes 1-6
Fair Treatment and Equal Benefits and Opportunity Policy
Complaints & Grievances

Legislative context/references NOTE: This section needs to be reviewed and updated

- Fair Work Amendment Act 2013
- Anti- Discrimination Act, NSW, 1977; Disability Standards for Education, NSW, 2005
- VET Quality Framework
- Privacy and Personal Information Protection Act, 1998, NSW
- Work Health and Safety Act, NSW 2011
- Work Health and Safety (Transitional and Consequential Provisions) Act 2011

For more information

- www.safeworkaustralia.gov.au
- www.fwc.gov.au