

WORKPLACE BULLYING POLICY

Version 1.3

Original Publication Date: 6-Nov-2017

Parish Council Approval Date: 6-Nov-2017 and 18-Feb-2019 and 24-Feb-2020 [added paragraph §2 about responsibility] and 8-Nov-2021 21-Nov-22 [added the words 'and where appropriate modifying'].

Review Date: 21-Nov-2023

St Luke's is committed to providing an environment that is free from bullying. More than that we want to be a church where the fruit of the Spirit (Gal. 5:22-26) is evident and practised by all.

As per the flowchart below, it is the Rector who is responsible to investigate allegations of bullying, unless the allegations are against the Rector or a member of his family, in which case the Wardens would investigate.

What is bullying?

Safe Work Australia defines bullying as *repeated and unreasonable behaviour* directed towards a worker or group of workers that creates a risk to their health and safety. In this policy, a worker is anyone performing tasks, whether volunteers, paid staff or clergy. There are further standards for clergy – see references below.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening. A broad range of workplace behaviours can be bullying and these behaviours can be direct or indirect.

Examples of direct forms of bullying include, but are not limited to:

- Abusive, offensive or insulting language or comments
- Harassment, intimidation, threatening or other offensive behaviour
- Constant, unreasonable and unconstructive criticism
- Behaviour that frightens, humiliates, belittles or is degrading
- Excessively repeated 'ultimatums' and/or threats of dismissal
- Inappropriate comments regarding a person's appearance, lifestyle or their family
- Spreading rumours or innuendo about someone or their family
- Interfering with someone's personal property or work equipment

Examples of indirect forms of bullying are:

- Deliberate exclusion, isolation or alienation of a worker from normal work interaction, such as unreasonably excluding a worker from meetings
- Allocation of demeaning jobs or meaningless tasks only
- Placing unreasonable work demands on one worker but not on others
- Setting tasks that are unreasonably above or below a worker ability
- Deliberately denying or withholding access to information or other resources that are essential for the worker to complete their job
- Repeated refusal of requests for leave or training without adequate explanation or suggestion of alternatives
- Unjustified criticism, complaints or excessive scrutiny
- Deliberately changing work arrangements to inconvenience a particular worker
- Undermining another worker, including encouraging others to 'gang up' on another worker

Bullying can also be carried out in writing such as email, text messaging, internet chat rooms, instant messaging or other social media channels.

Bullying behaviour can be directed 'upwards' (eg, from ministry staff/lay persons to the rector), 'sideways' (eg, between ministry staff) and 'downwards' (eg, from the rector to ministry staff/lay persons). Bullying behaviour could also be directed at members of the public.

Violence

Where bullying escalates to incidents of physical assault or threats, it is considered workplace violence and should be reported to the police.

What is NOT bullying?

Bullying is normally associated with an ongoing systematic pattern of behaviour. An isolated incident of behaviour is not considered to be bullying. However, a single incident may warrant disciplinary action if sufficiently serious. In addition, a single incident has the potential to escalate into bullying and therefore should not be ignored since it can still pose a risk to the health and safety of a worker.

Reasonable staff performance management actions carried out in a fair way are not bullying, such as:

- Setting, and where appropriate modifying, work descriptions, objectives, standards and deadlines
- Informing a worker about unsatisfactory work performance or inappropriate behaviour, this may include a warning letter if underperforming.
- Providing a warning to a worker about potential dismissal or dismissing a worker as part of a formal disciplinary process.
- Undertaking performance management processes or providing constructive feedback.

Discrimination and sexual harassment

Unreasonable behaviour may involve discrimination or sexual harassment which in isolation is not considered to be bullying. However, *discrimination and sexual harassment in employment is unlawful* under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

Workplace Conflict

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety.

Effects of bullying

Bullying can result in absenteeism, reduced productivity and motivation, adverse publicity, legal costs (including potential compensatory costs) and loss of skilled ministry staff/lay persons through resignation.

Bullying can also have serious social, spiritual and health costs for individuals, including loss of confidence, increased anxiety, depression, loss of sleep, headaches and increased blood pressure. Further, bullying can also impact other workers and/or parish members (even though they are not subject to the bullying themselves) and, importantly, the overall effectiveness of the ministry of the parish.

Reporting bullying

Workplace bullying may be identified and reported *by those subject to the behaviour or by witnesses*. A worker may also identify a risk of workplace bullying through changes in the workplace such as increased absences, changes in performance or low staff morale. Everyone in the workplace has a work health and safety duty to take reasonable care that their acts do not adversely affect the health and safety of other persons.

A Worker who engages in bullying in the workplace may face a range of legal consequences depending on the severity of the conduct and the type of claim that is pursued. In Australia, these can include:

- orders from the Fair Work Commission under the Fair Work Act 2009 to stop bullying behaviour, undertake training or any other order the Fair Work Commission considers appropriate; and
- penalties and/or imprisonment under work health and safety legislation – in serious cases of workplace bullying causing psychological and/or physical injury to a person

General procedure

Workers should not ignore circumstances where they feel they or others are the subject of inappropriate workplace behaviour, such as harassment or bullying.

If possible, a direct approach from victim to alleged perpetrator is the suggested way to deal with inappropriate workplace behaviour. Such an approach will be focused on discussion, awareness raising and agreement to cease particular behaviours. Formal disciplinary action would not usually result from an informal complaint process.

Sometimes individuals may not be aware of the impact their behaviour is having on others and an open discussion, or request to cease the behaviour, can be an effective resolution.

Workers making a complaint are required to:

- provide factual information only
- provide all details relevant to the complaint to assist with investigation or resolution
- co-operate with the resolution process, including any investigation

Workers against whom complaints are made may be required to provide a written or verbal response to allegations. They are also expected to co-operate with the resolution process, including any investigation.

Workers are encouraged to **report all incidents of bullying** in the parish workplace **to the rector or a warden**, even if they are not directly affected by such incidents.

The rector or wardens will deal with all reports according to the following principles:

- Act promptly and keep relevant parties informed as to the progress of the investigation
- Treat all matters seriously and assess any report on the facts
- Maintain confidentiality for all parties involved
- Ensure procedural fairness by giving the alleged perpetrator a chance to explain his or her version of events
- Maintain impartiality towards everyone involved
- Support all parties, for example by allowing a support person to be present at interviews or meetings for the parties involved.
- Will not victimise the person who reported the bullying, the person being bullied and the alleged perpetrator.
- Ensure clear communication of the process and outcomes to relevant parties
- Keep records of all details of the report, any action taken and any further action required. Records should also be made of conversations, meetings and interviews

Investigation

The person investigating the complaint may need to speak to witnesses, including other workers. This will be done confidentially to the extent possible (as determined by the investigator) and details will be recorded in writing. Whether the investigation is conducted internally or by an external investigator, the following steps may be taken as part of the investigation procedure:

- All details and relevant information obtained from the complainant and witnesses as determines necessary and appropriate by the investigator
- The complainant will be asked to identify the outcome they are seeking
- the person accused of inappropriate workplace behaviour will be notified of the allegation(s) and given an opportunity to respond
- findings made as to whether any alleged inappropriate workplace behaviour has occurred.

Options for handling complaints may include:

- The complainant, after discussion with the rector or wardens to plan their approach, has a conversation with the other person about their behaviour and the impact that the behaviour is having on them;
- The complainant (with support) having a conversation with the other person regarding behaviour and the impact that the behaviour has on them;
- The rector (or appropriate person) having a conversation with the other person outlining behavioural expectations; and/or
- The rector (or appropriate person) meeting with individuals concerned to reach resolution.

A Worker who is unsure about whether to make a written complaint can raise their complaint first with the alleged perpetrator and/or the Rector/Warden and decide whether this needs escalation after speaking with this person. They may decide that a matter requires further investigation, particularly where there is a risk to health and safety.

Disciplinary Action

The Church may take disciplinary action against employees who are found to have engaged in discrimination, harassment, bullying or other inappropriate behaviour, such as counselling, issuing a warning or dismissal.

Victimisation

Victimisation is adverse action taken against someone or subjecting someone to a detriment because the Worker:

- has asserted their rights under anti-discrimination or other workplace law;
- has made a complaint or intends to make a complaint;
- has been involved in someone else making a complaint; or
- refused to do something because it would be discrimination, sexual harassment or victimisation.

The Church does not tolerate victimisation. If employees suspect someone is being victimised, they should raise the matter with their manager or HR representative.

Vexatious complaints

The Church will not progress a complaint that is frivolous, vexatious or malicious. This includes, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution.

In some circumstances, these types of complaints could lead to disciplinary action being taken against the person making the complaint, including dismissal.

Confidentiality

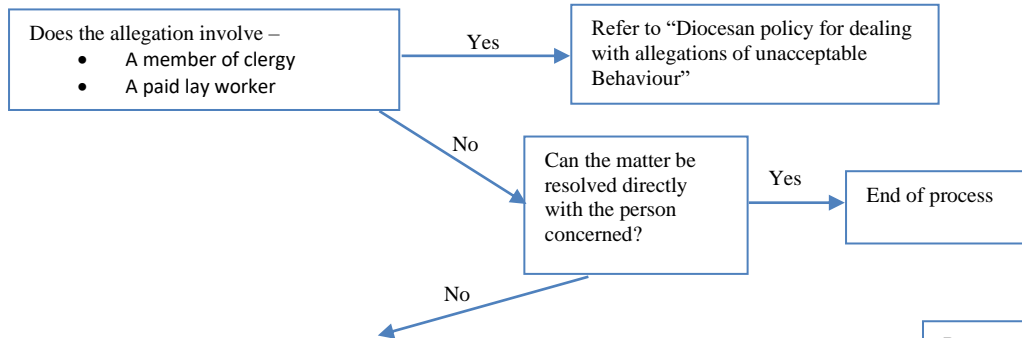
A worker involved in a complaint or investigation must ensure that the circumstances and facts of the complaint/investigation are only disclosed to those people who are directly involved in progressing its resolution. In particular, it is important that employees who either make a complaint or may be witnesses to the circumstances giving rise to a complaint do not discuss the matter outside the resolution process.

References

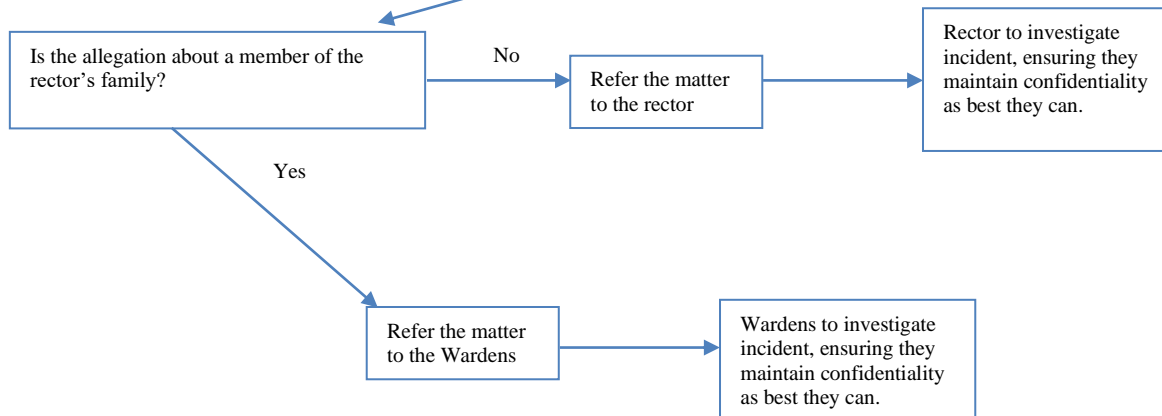
- SDS Risk Management guide – 5. Bullying and Violence
- 'Faithfulness in service' code of conduct for clergy – <http://www.sds.asn.au/assets/Documents/SynodPolicy/FaithfulnessInService.pdf>
- Guide for preventing and responding to workplace bullying May 2016 - Safe Work Australia -- <http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/827/Guide-preventing-responding-workplace-bullying.pdf>

Model procedure for dealing with allegations of bullying

Step 1 - Direct Resolution



Step 2 - Local Resolution



Model adapted from the Diocesan policy for dealing with allegations of unacceptable behaviour - https://www.sds.asn.au/sites/default/files/Diocesan%20policy%20for%20dealing%20with%20allegations%20of%20unacceptable%20behaviour.pdf?doc_id=Mzg2MDY=