

ANTI-BULLYING AND HARASSMENT POLICY

1.0 INTRODUCTION

This Anti-Bullying and Harassment Policy applies to all primary and secondary Catholic schools managed and operated by Diocese of Sale Catholic Education Limited (**DOSCEL**). This Policy also applies to the DOSCEL Secretariat.

DOSCEL recognises the importance of demonstrating respect for the dignity of each person and creating an environment of dignity and fairness and where a sense of belonging for all is experienced. These aspirations are central to the wellbeing of individual employees and to a workplace where all employees feel safe and respected.

DOSCEL is therefore committed to building and nurturing workplaces that are free from bullying and harassment. It is important that all employees share a responsibility for upholding professional standards of conduct and for building and nurturing a workplace where bullying does not occur. It is therefore expected that employees will desist from engaging in or condoning such behaviours and practices.

It is also expected that employees who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

This Policy and the accompanying documents are compliant with the legislative framework under which DOSCEL operates. DOSCEL is guided by the applicable legislation in determining its bullying and harassment prevention and intervention measures.

2.0 PURPOSE

This Policy provides clarity of processes and procedures regarding the Anti-Bullying and Harassment Policy for all employees and students of DOSCEL.

This Policy is not limited to the workplace or working hours, and will include all work-related events which includes, but is not limited to, lunches, functions, meetings, conferences and staff gatherings (i.e. Christmas parties).

This Policy also relates to, but is not limited by, the following types of communication (please note that this list is not exhaustive):

- Verbal communication either by telephone or in person in the workplace, and outside of it
- Written communication, including letters, notes, minutes or meetings etc.
- Internal and external electronic communication including:

- Email
- Instant messaging services
- Intranet
- Faxes
- Communication via MS Teams, Zoom, Google, Face-Time and other platforms
- Social media and networking forums, including Facebook, LinkedIn, Twitter and other forms of social media, and
- Communications via text message.

3.0 PRINCIPLES

The following guiding principles give direction in determining processes and procedures regarding the Policy.

- 3.1** DOSCEL is committed to building and nurturing workplaces that are free from bullying and harassment.
- 3.2** DOSCEL is committed to implementing awareness-raising programs and strategies that heighten each employee's understanding of the impact of their behaviour on others and awareness of their rights and responsibilities.
- 3.3** DOSCEL aims to achieve resolution of complaints of perceived or actual incidents of bullying and harassment promptly. DOSCEL will endeavour to ensure that the offending behaviour stops.
- 3.4** DOSCEL encourages the reporting of behaviour which is perceived to be in breach of this Policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

4.0 DEFINITIONS

Bullying: Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records).

Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying.

Contact Officers: A Contact Officer is an employee who is trained in, and responsible for, being a contact point for employees with concerns about whether they may have been bullied. A Contact Officer is able to provide employees with information on bullying, clarify any questions or concerns a person may have and provide advice on the options that are available for dealing with bullying.

Covert bullying: Covert bullying can be very difficult for someone outside of the interaction to identify. It can include hand gestures and threatening looks, whispering, excluding or turning your back on a person, restricting where a person can sit and who they can talk with. Social bullying (spreading rumours, manipulation of relationships, excluding, isolating) is often covert bullying.

Cyberbullying: Cyberbullying includes any form of bullying behaviour that occurs online or via a mobile device. It can be verbal or written, and can include threats of violence as well as images, videos and/or audio.

Direct bullying may include:

- Verbal abuse
- Putting someone down
- Spreading rumours or innuendo
- Interfering with a person's property.

Employees, Contractors and Volunteers: All persons who work in a DOSCEL workplace, including volunteers and contractors, are required to comply with this policy in relation to the treatment afforded to other employees and contractors.

Indirect bullying may include:

- Unjustified criticism or complaints
- Deliberately excluding someone from meetings/workplace activities
- Setting timelines that are difficult to achieve or
- Deliberately changing work arrangements e.g. rosters/leave to inconvenience.

Physical bullying: Physical bullying includes hitting, pushing, shoving or intimidating or otherwise physically hurting another person, damaging or stealing their belongings. It includes threats of violence.

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

Social bullying: This is sometimes called relational or emotional bullying, and includes deliberately excluding someone, spreading rumours, sharing information that will have a harmful effect on the other person and/or damaging a person's social reputation or social acceptance.

Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Verbal and written bullying: Verbal and written bullying includes name-calling or insulting someone about an attribute, quality or personal characteristic.

Note: Serious cases of bullying and harassment may constitute a criminal offence. Bullying and harassment is also against DOSCEL's Health, Safety and Wellbeing Policy as it can create an unsafe work environment.

If a complaint is substantiated, appropriate action, will be taken which may include:

- An apology
- Changes to work practices
- Disciplinary action, including dismissal
- An undertaking that the behaviour will not be repeated
- Reversal of an action or decision or substitution of a different action or decision, and/or
- Training.

5.0 BULLYING

Bullying is defined as being repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety and is unlawful.

5.1 What is not bullying behaviour?

Fair and reasonable management action taken in order to counsel an employee for instances of underperformance, investigating complaints made against employees, discipline for misconduct and other work directions in line with business needs does not amount to bullying.

6.0 HARASSMENT

Harassment occurs where a person engages in uninvited or unwelcome behaviour which a reasonable person would expect would cause another person to be offended, humiliated or intimidated. It does not matter if the person who committed the act intended, or did not intend, to upset or cause offence to the other person. So long as the conduct was such that a reasonable person would expect that it would cause another person to be offended, then a breach of this Policy will be found to have occurred.

Prohibited harassment can take many forms, for example, sexual harassment, bullying, disability harassment or racial or religious vilification although it is not limited to these forms of harassment.

Harassment prohibited under this Policy may occur by way of:

- an ongoing pattern of behaviour;
- a series of incidents; or
- an isolated incident of harassment.

Harassment can be physical, verbal or written. It can include words, pictures or statements. It may be transmitted by post, phone, fax, video, e-mail, mobile phone text messages, posters or photographs, computer servers or screensavers.

7.0 SEXUAL HARASSMENT

Sexual harassment is defined in the *Equal Opportunity Act 2010* (Vic.) when a person sexually harasses another person if they:

- a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person, or
- b) engages in another other unwelcome conduct of a sexual nature in relation to the other person

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Depending on the circumstances, the following kinds of behaviour may be deemed sexual harassment:

- jokes or cartoons about someone's appearance, body shape, or any of the personal matter that may cause embarrassment and make people feel uncomfortable
- sexual or physical contact such as putting your arm around someone, slapping them, kissing, touching or patting them
- staring or leering in a sexual manner (looking someone up and down)
- standing too close to someone or brushing them as you walk past
- verbal abuse or comments that put down or stereotype people because of their sex, appearance or sexual preference; these gestures may not need to be obviously crude for the behaviour to be deemed sexual harassment
- offensive gestures and "wolf" whistling
- displaying in the workplace or in personal belongings material that is sexist, sexually explicit or homophobic (anti-gay); this includes offensive e-mails, screensavers or computer 'wallpaper'
- repeated sexual invitations when the person invited has refused similar invitations before
- intrusive questions or remarks about a person's sexual activities or private life.

7.1 Conduct must be 'unwelcome'

Conduct will only be sexual harassment if it is 'unwelcome'. Consensual conduct will not be 'unwelcome'.

7.2 Intention is irrelevant

You do not need to intend to offend, humiliate or intimidate, or even to know that this was the effect of your behaviour for this conduct to be sexual harassment. For example, a practical joke that 'everyone else thinks are funny' can amount to sexual harassment of somebody else who finds it offensive.

8.0 BREACH OF POLICY

Non-compliance with this Policy may be grounds for disciplinary action. Depending on the seriousness of the circumstances, disciplinary action can be up to and including termination of employment.

9.0 COMPLAINT HANDLING PROCEDURE

All employees covered by this Policy who believe they have been subject to or observed bullying or harassment should follow the Procedure as outlined in the Anti-Bullying and Harassment Procedures.

10.0 VEXATIOUS COMPLAINTS

DOSCEL will not deal with complaints under this Policy that:

- are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter
- do not have sufficient details so as to allow investigation or resolution of the matter
- taken at their highest, do not constitute bullying or harassment as defined by this Policy.

Where a Complainant makes frivolous, vexatious or malicious claims against a Respondent; for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution, then depending on the circumstances, disciplinary action may be taken against a Complainant.

11.0 SUPPORT AGENCIES

11.1 WorkSafe Victoria

WorkSafe Victoria is a statutory body set up to, amongst other things, enforce Victoria's occupational health and safety laws and assist injured workers back into the workforce.

Phone: 1800 136 089

Website: www.worksafe.vic.gov.au

Address: 567 Collins Street, Melbourne, Victoria 3000

11.2 Fair Work Commission

Fair Work Commission is a statutory body set up to deal with various workplace matters, including complaints of bullying.

Phone: 1300 799 675

Website: www.fwc.gov.au

Address: Level 4, 11 Exhibition Street, Melbourne Vic 3000

12.0 REFERENCES

- DOSCEL Anti-Bullying and Harassment Checklist
- DOSCEL Anti-Bullying and Harassment Procedures
- [Equal Opportunity Act 2010](#) (Vic.)
- *Victorian Catholic Education Multi-Enterprise Agreement 2018*
- [Sex Discrimination Act 1984](#) (Cth)

13.0 RELATED POLICIES

- DOSCEL Health, Safety and Wellbeing Policy
- DOSCEL Privacy Policy
- DOSCEL Social Media Policy
- DOSCEL Whistleblower Policy

14.0 REVIEW

Implementation Date: May 2020

Updated: September 2024

Review Date: April 2025