

POLICY ON HARRASSMENT, BULLYING AND VIOLENCE IN THE WORKPLACE:

Clayfield College considers any form of harassment, bullying or violence in the workplace to be unacceptable behaviour. All staff and students should be able to work in an atmosphere based on mutual respect and the dignity of each individual. Harassment based on sex, race and disability is unlawful under the Commonwealth Sex Discrimination Act 1984 and the Queensland Anti-Discrimination Act 1991. All harassment, bullying and violence are contrary to the duty of care to provide a safe framework for work and learning.

Definitions of Harassment and Bullying

What is harassment?

Harassment is any behaviour which is not invited and not welcomed and which often occurs because of a person's sex, race, age, marital status, disability or sexuality.

Harassment offends, upsets, humiliates or scares another person. It makes the workplace uncomfortable and unpleasant. Harassment often occurs when power is used inappropriately as in employer/employee relations. Harassment is not always intended – acts or behaviour which some see as amusing or trivial may hurt or offend another. A workplace without harassment is a workplace where people respect the rights and differences of others.

Acts of hatred on the grounds of race, homosexuality or HIV/AIDS may constitute vilification contrary to anti-discrimination laws.

What is workplace bullying?

Bullying at work is becoming increasingly recognised as a major workplace stress. Bullying is a form of psychological harassment and women and men at all levels of employment can be affected by it. In the education context, the bully can be an administrator, a coordinator, a colleague, a student or a parent.

A bully is a person who uses strength or power to coerce others by fear. Workplace bullying exists in various forms and involves behaviour that intimidates, degrades or humiliates an employee. Sometimes the behaviour may be very open, at other times it may be subtle and not easily observed by others. It may include verbal abuse, behaviour which is intended to punish, constant 'put-downs', aggression, and poorly managed conflicts of opinion or 'personality clashes'. Persistent, unreasonable criticism of work performance is also a form of bullying, as is the threat or use of inappropriate performance review.

Unfortunately, student violence against teachers, including damage to teachers' property, is of increasing concern.

Assault, both physical and threatened, is a criminal offence and should be reported to the police for action.

Types of harassment and bullying

Harassment and bullying in the workplace can take many forms. It can be overt or subtle, direct or indirect (for example where a hostile feeling/environment is created without any direct attacks being made on a person).

Some forms of verbal harassment include:

- sexual or suggestive remarks
- making fun of someone
- imitating someone's accent
- spreading rumours
- obscene telephone calls/unsolicited letters, faxes or email messages
- repeated unwelcome invitations
- offensive jokes
- repeated questions about personal life
- threats or insults
- name calling
- the use of language that is not suitable in the workplace

Non-verbal harassment includes:

- putting sexually suggestive, offensive or degrading/insulting material on walls, computer screen savers, email, etc
- suggestive looks or leers
- wolf whistling
- unwelcome practical jokes displaying or circulating racist cartoons or literature
- mimicking someone with a disability
- being followed home from work
- ignoring someone or being particularly cold or distant with them
- continually ignoring or dismissing someone's contribution in a meeting/discussion
- not sharing information

Physical harassment includes:

- offensive hand or body gestures
- unnecessarily leaning over someone
- unnecessary and unwelcome physical contact (pinching, patting, brushing up against a person, touching, kissing, hugging)
- indecent or sexual assault or attempted assault
- pushing, shoving or jostling
- putting a hand or an object (like a payslip or a note) into someone's pocket
- damage to property, such as teachers' cars

Harassment and bullying may occur between colleagues, across age and gender, between groups or individuals.

In relationships where formal authority and power can be exercised, it can be particularly distressing and intimidating, especially if threats are made in relation to performance review or to job security.

Mutual attraction between people is not sexual harassment. Similarly, the tensions and conflict which occur in all workplaces should be able to be managed without harassment, bullying or verbal or physical violence.

Impact of Harassment and Bullying

Harassment can have a serious adverse impact on the work satisfaction and performance of teachers and students. For example it can:

- affect work performance and opportunities
- create a hostile and unpleasant environment
- make employees feel insecure and anxious
- lower morale
- cause occupational health and safety problems, including stress related illnesses
- reflect on the integrity and reputation of the College
- be costly for employers in terms of time, money and other resources when having to deal with and resolve complaints.

Procedures

The main aims of procedures to counter harassment and bullying are to ensure:

- the behaviour stops
- that there are no reprisals for having made the complaint
- where disadvantage has occurred, that the situation is redressed as far as possible to the complainant's satisfaction.

The guiding principles behind such aims are:

- the right of all individuals to be treated with respect
- observance of natural justice
- observance of confidentiality
- acceptance of the legitimacy of the complainant's feelings
- support and protection for all parties concerned
- preservation of a non-judgmental and non-adversarial approach by mediators.

In the first instance, the complainant should attempt to resolve the dispute directly with the harasser. The complainant should ensure that the harasser is verbally informed that the behaviour is unacceptable.

This needs to be in unambiguous terms and in plain language. The approach to the harasser should be polite but firm and clear, indicating that the harassment should stop.

In some circumstances the person being harassed may not be able to approach the harasser unaided, especially if the harasser is in a position of authority. In such cases the person can choose:

- to seek the assistance of a peer, a colleague, union representative, contact officer or Principal in verbally approaching the harasser; or
- to make the complaint to the harasser in writing rather than face to face.

Should such an approach not be sufficient to stop the harassment a formal complaint should be made in writing to:

Staff: One of the College Harassment Officers – Mrs Tamer, Mrs Gallinaro or Rev Bernard.

Students:

- Parents or older brother or sister
- Friends at school who can be trusted to tell a teacher
- Seniors in the College
- Any member of staff
- Pastoral Care teacher
- Head of House
- Chaplain
- Dean of Students
- Head of Senior School
- Principal
- Teen Challenge – (07) 3422 1500
- Life Line – 13 11 14

The complaint should be supported by relevant documentation indicating time, date, location, what happened and what was said.

In dealing with the complaint, procedures utilised may be advice, counselling, mediation and/or conciliation.

It is unlawful to victimise a person who alleges a breach, or who is, or is associated with someone who is, involved in the complaint procedure. There are **severe penalties** for this offence.

Other legal avenues

If a complaint cannot be resolved at the workplace level, other options include:

- Federal Human Rights Commission and Equal Opportunity or appropriate State or Territory anti-discrimination agency.
- Industrial tribunals where the person being bullied or harassed has been forced to resign because of the harassment.
- Occupational Health and Safety laws which provide that it is the employer's responsibility to ensure that all employees work in a safe environment.
- Defamation or other laws as a private civil action.