



Congregation Policy: Bullying, Harassment and Sexual Harassment Policy - Staff

1.0 Policy Statement

The Congregation is committed to providing a safe and productive work environment where the dignity of every individual is respected and therefore has a zero tolerance approach to bullying, harassment and sexual harassment. The Congregation will actively endeavour to eliminate bullying and harassment /sexual harassment of all kinds from its workplaces and will not tolerate bullying or harassment of any kind, whether it is by managers, staff, contractors, sub-contractors, volunteers or others associated with the Church in the course of its operations.

1.1 Our Calling

As a people journeying together we affirm our calling under God:

- to preach Christ the crucified and risen one and confess him as Lord
- to bear witness to the unity of faith and life in Christ, rising above cultural, economic, national and racial boundaries
- to engage in fearless prophetic ministry in relation to social evils which deny God's active will for justice and peace
- to act with God alongside the oppressed, the hurt and the poor
- to accept responsibility for the wise use and conservation of the finite resources of this earth for the benefit of all
- to recognise, treasure and use the gifts of the Spirit given to all God's people for ministering
- and to live a creative, adventurous life of faith, characterised by openness, flexibility, hope and joy.

Consideration should be given to our calling in seeking guidance and interpretation surrounding this policy.

1.2 Scope

This policy is intended to apply to all staff and volunteers within the Congregational workplaces. The Uniting Church is committed to creating and maintaining child safe environments.

1.3 Principles underpinning process

- (a) Natural justice / procedural fairness
- (b) Equity
- (c) Understanding of Power





1.4 Definitions

(a) Bullying

Bullying is repeated unreasonable behaviour to another person including offensive or abusive language or conduct, behaviour which belittles, threatens or intimidates another person. Workplace bullying is unreasonable behaviour directed toward an employee or group of employees that creates a risk to health and safety.

(b) Complainant

A person who has lodged a complaint of bullying or harassment

(c) Conciliation

A process in which an independent Conciliator works with staff members to reach resolution of an issue or complaint through negotiating and agreed outcome.

(d) Harassment

Unwelcome behaviour or language that has the effect of offending, intimidating or humiliating a person.

(e) Sexual harassment

Unwelcome sexual behaviour or sexual innuendo that has the effect of offending, intimidating or humiliating another person

(f) Natural justice

Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right of support during processes, the right to be treated fairly, the right to be informed of allegation(s) being made and the right to objective consideration of allegations and responses, all within a timely manner.

(g) Contact officers

Trained advisors who provide information about options for resolving issues relating to bullying or harassment. Contact Officers are not responsible for investigating complaints. A list of Contact Officers can be found on the intranet or OHS notice boards.

(h) Respondent

The person who is alleged to have bullied or harassed another person.





(i) Equal Opportunity Officers

Trained advisors and investigators who have experience and expertise in understanding and ensuring compliance in equal opportunity and employment law frameworks. Equal Opportunity Officers will assist to informally resolve behavioural issues with colleagues and to investigate formal complaints as required by the Presbytery. A list of Equal Opportunity Officers can be found on the notice boards.

(j) Discrimination

Discrimination is treating a person (or group or people) unfairly and or disadvantaging them because of the following actual or assumed personal characteristic(s):

- age
- carer status, family responsibilities, parental status
- disability / impairment (including physical, sensory and intellectual disability, work related injury, medical conditions, mental, psychological and learning disabilities)
- employment activity
- gender identity, lawful sexual activity, sexual orientation
- industrial activity
- marital status
- physical features
- political belief or activity
- pregnancy, breastfeeding
- race (including colour, nationality, ethnicity and ethnic origin)
- religious belief or activity
- sex
- personal association with someone who has, or is assumed to have, one of these personal characteristics

1.5 Policy Owner

This Bullying, Harassment and Sexual Harassment in the Workplace Policy is implemented and maintained by Director People and Culture, UCA Synod.

1.7 Related Policies, Procedures, Documents

Code of Conduct

Equal Opportunity Policy

Bullying and Harassment Procedures

Bullying and Harassment – FAQs

Keeping Children Safe Policy





1.8 References

Equal Opportunity Act 2010

Human Rights and Equal Opportunity Commission Act, 1986 (Cth)

Occupational Health and Safety Act 2004 (Vic)

Racial Discrimination Act, 1975 (Cth)

Sex Discrimination Act, 1984 (Cth)

2.0 Policy in Practice

Bullying, Harassment and Sexual Harassment Behaviour

2.1 'Workplace bullying'

Workplace bullying is unreasonable behaviour directed towards an employee or group of employees that creates a risk to health and safety. Bullying is repeated behaviour which makes another person feel intimidated, stressed, or unsafe and may be direct or indirect.

(a) Direct bullying behaviour includes:

- verbal abuse
- putting someone down
- humiliating someone through sarcasm, criticism, or insults
- abusive, belittling or intimidating phone calls, emails or notes;
- Being humiliated, shouted at and /or threatened, sometimes, but not always in front of others

(b) Indirect bullying behaviours includes:

- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- deliberately denying access to information or other resources
- withholding information that is vital for effective work performance
- setting tasks that are unreasonably above or below an employee's ability
- deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular employee or employees





- excluding or isolating employees;
- psychological harassment;
- repeatedly assigning the worst jobs or impossible assignments to particular employees;
- deliberately changing work rosters or projects to inconvenience particular employees;
- deliberately withholding from an employee information or resources necessary to do their job;
- cyber-bullying, which includes the use of email, text messages, chat rooms or social media to humiliate and distress.

When determining whether particular behaviours constitute bullying, consideration will be given to whether:

- the behaviour is a single occurrence or has been repeated;
- the behaviour has created a risk to health and safety, including stress.

(c) Bullying is not:

- reasonable and respectful direction or guidance from management is not bullying.

(d) Behaviour which is not bullying includes:

- legitimate and constructive advice from managers or supervisors who have a duty to monitor an individual's employment performance
- reasonable direction by management including requirements for compliance with laws and policies
- setting performance goals, standards and deadlines
- allocating work to an employee
- transferring an employee
- deciding not to select an employee for promotion
- informing an employee about unsatisfactory work performance
- informing an employee about inappropriate behaviour
- implementing organisational changes
- performance management processes
- constructive feedback
- downsizing





2.2 Harassment

Harassment in the workplace is behaviour that causes concern or distress to a staff member who perceives that the behaviour directed towards them is unwelcome, unjust, or unfair. Harassment may be a single incident or a series of incidents and includes behaviour which is discriminatory, offensive, abusive, belittling, humiliating threatening or intimidating.

Harassment may be an abuse of real power or perceived power to explicitly or implicitly gain favours or to threaten disadvantage. Such perceptions of disadvantage may include lack of collegial acceptance, or loss of employment or career opportunities.

2.3 Sexual harassment

Sexual harassment in the workplace is any form of unwelcome sexual attention or conduct that is perceived by the recipient to be offensive, humiliating or intimidating and that occurs in any Congregational workplace or during any work related activity.

Sexual harassment may be written, verbal or physical and includes:

- unwelcome touching, grabbing or other physical contact
- asking for sex or sexual favours
- leering and staring
- displaying sexually offensive material in any format
- sexual jokes, gestures or comments
- questions or discussion about a staff member's sex life

2.4 Occupational violence

Occupational violence is any incident where an employee is threatened or physically attacked in the workplace. Within this definition:

- 'threat' means a statement or behaviour that would cause the ordinary person in the employee's situation to believe they were in danger of being physically harmed;
- 'physical attack' means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by another person, where that application creates a risk to health and safety.





Violence of any sort within the workplace is serious misconduct and will lead to termination of employment.

2.5 Keeping Children Safe

The UCA is committed To create and maintain a child safe culture. The abuse covered in this policy includes both adult to child abuse and child to child abuse.

Abuse and neglect includes but is not limited to:

- Physical abuse – when a person purposely injures or threatens to injure a child.
- Emotional abuse – an attack on a child’s self-esteem such as bullying, name calling, threatening, ridiculing, harassing, intimidating or isolating the child.
- Family violence – when a family member, partner or ex-partner attempts to physically or psychologically dominate the other.
- Sexual abuse – any sexual act or sexual threat imposed on a child.
- Grooming – concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- Neglect – where a child is harmed by the failure to provide the basic physical and emotional necessities.

The Church mandates any person who is aware of or suspects child sexual abuse to make a report to the authorities immediately and to notify the relevant Presbytery.

The offender means no harm

The intention or motive in allegations of bullying or harassment of any kind is not relevant when determining whether the behaviour was unwelcome. Bullying and harassment focuses on how the conduct was perceived and experienced rather than the intention behind it.

Maintaining a bullying and harassment free workplace

All managers and staff have a responsibility to help maintain a workplace that is free of all forms of bullying and harassment. This responsibility includes

- (a) complying with the Congregation’s Code of Conduct which provides a framework for treating all individuals with dignity and respect.
- (b) being familiar with Congregational policies and procedures on bullying and harassment





- (c) proactively supporting initiatives which are designed to raise awareness of policies, procedures, and issues related to workplace bullying or harassment, including attending education sessions as required.
- (d) encouraging any person who has concerns about possible bullying or harassment to read the Congregation's policy and procedures as well as advising them that assistance can be accessed from Contact Officers, the staff member's manager, an Equal Opportunity Officer or the Synod People and Culture
- (e) acting promptly where behaviour that could constitute bullying or harassment has been observed, either advising the person(s) involved that the behaviour could give offence and to cease immediately or seeking advice from their manager, a Contact Officer or Equal Opportunity Officer.
- (f) where a situation of alleged bullying or harassment has occurred in the workplace, to respect the rights of both complainant and respondent in line with natural justice and procedural fairness. This includes refraining from starting or engaging in gossip about the situation or the staff who may be involved.
- (g) refraining from victimisation of any person associated with a complaint. Victimisation is unlawful and will therefore be subject to disciplinary action.

Consequences of Breaching This Policy

Where it is found that behaviour which constitutes a breach of the Congregation's bullying and harassment policy has occurred, immediate action will be taken. Such action includes, but is not restricted to, disciplinary action including termination of employment.

