



# Bullying, harassment & sexual harassment procedure

## Parent policy

Bullying, Harassment and Sexual Harassment policy

## Background

The purpose of this procedure is to facilitate the Synod's commitment to a workplace that is free of bullying and harassment by providing a framework for the informal and formal management of bullying and harassment incidents, issues and complaints.

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## Scope

This policy applies to all Synod workplaces and work related activities. This procedure applies when a bullying or harassment incident occurs in a Synod workplace or at a work related function or activity.

Procedures and information are provided for:

- a person who has been bullied or harassed (the complainant)
- a witness who has observed a bullying incident
- a person who has had bullying allegations made against them (the respondent)

## Natural justice

Natural justice will be afforded to all parties where any allegation of bullying, harassment or sexual harassment is made.

## Understanding the procedures and options

Procedures for resolution of bullying, harassment and sexual harassment issues have been fully described in this document.

In some cases it may be difficult to decide which is the most appropriate option for the specific circumstance. Where this occurs, employees are encouraged to access the Synod's Employee Assistance Program for professional and confidential counselling.

It is important to be aware of anonymity constraints before proceeding to discuss an incident with a Contact Officer, Manager or Equal Opportunity Officer. For further information about anonymity constraints, refer to 'Anonymity' under *Section A: General Information* in this procedure.

## 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 Synod's Code of Conduct which provides a framework for treating all individuals with dignity and respect.

- b) being familiar with Synod 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 Synod's policy and procedures as well as advising them that assistance can be accessed from Contact Officers, the employee's manager, an Equal Opportunity Officer or the Employee Assistance Program (refer to OHS notice boards)
- 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 policy breaches**

Where it is found that behaviour which constitutes a breach of the Synod Bullying, Harassment and Sexual Harassment policy has occurred, immediate action will be taken. Such action includes, but is not restricted to, disciplinary action including termination of employment.

### **Definitions**

*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.

*Complainant:* A person who has lodged a complaint of bullying or harassment

*Conciliation:* A process in which an independent Conciliator works with employees to reach resolution of an issue or complaint through negotiating and agreed outcome

*Contact Officer:* A trained advisor who provides 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.

*Discrimination:* is treating a person (or group of 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.

*Equal Opportunity Officer:* A trained advisor and/or investigator who has experience and expertise in understanding and ensuring compliance in equal opportunity and employment law frameworks. Equal Opportunity Officers assist to informally resolve behavioural issues with colleagues and to investigate formal complaints as required by the General Secretary. A list of Equal Opportunity Officers can be found on the intranet or on OHS notice boards.

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

*Manager:* At the Synod, this term refers to managers, directors, executive directors and the General Secretary.

*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.

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

*Sexual harassment:* Unwelcome sexual behaviour or sexual innuendo that has the effect of offending, intimidating or humiliating another person.

*Support person:* A person who accompanies an employee during a dispute or grievance and may provide support in a number of ways including preparing for meetings, taking notes during meetings and debriefing after meetings.

*Synod:* The Uniting Church in Australia Synod of Victoria and Tasmania

*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.

### **Related policies and procedures**

Bullying, Harassment & Sexual Harassment policy  
 EAP Emotional Psychological Support procedure  
 Equal Opportunity policy  
 Conflict of interest policy  
 Grievance resolution policy  
 Keeping Children Safe policy  
 Occupational Health & Safety policy  
 Workplace Ethos & Values

### **Related documents**

EAP brochure  
 Lay Staff Collective Employment Agreement  
 UC Camping Lay Staff Collective Employment Agreement

Age Discrimination Act 2004 (Cth)  
 Australian Human Rights Commission Act 1986 (Cth)  
 Disability Discrimination Act 1992 (Cth)  
 Equal Opportunity Act 2010 (Vic)  
 Fair Work Act 2009 (Cth)  
 Occupational Health and Safety Act 2004 (Vic)  
 Protected Disclosure Act 2012 (Vic)  
 Racial Discrimination Act 1975 (Cth)  
 Racial and Religious Tolerance Act 2001 (Vic)  
 Sex Discrimination Act 1984 (Cth)

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1: Senior Leadership Team	Director People & Culture	29 August 2014
2: Senior Leadership Team	Director People & Culture	26 October 2019

**Further assistance**

If you require assistance or advice in relation to bullying or harassment incidents and/or these procedures, please contact your manager, a Contact Officer or an Equal Opportunity Officer (details are provided on OHS notice boards). People & Culture can also provide assistance with interpretation and assistance with these procedures.

## Section A: General information

### 1. What is 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 behaviour 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.

c) 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.

### 2. What is not workplace bullying?

Reasonable and respectful direction or guidance from management is not bullying. 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

### 3. What is harassment?

Harassment in the workplace is behaviour that causes concern or distress to an employee 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.

### 4. What is 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 Synod 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 an employee's sex life

### 5. What is 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.

### 6. Is it bullying or harassment?

Employees are encouraged to have a confidential conversation with a Contact Officer at any time they are unsure if the behaviour they have experienced or witnessed constitutes bullying or harassment.

### 7. Anonymity

From time to time requests are received from employees for management or People & Culture to take action about inappropriate behaviour whilst maintaining anonymity of the complainant.

If an employee states that they have an issue they think is bullying or harassment and they would like it to remain anonymous, the People & Culture representative will immediately advise the employee that:

- If there is risk or perceived risk to the health and safety of any person in the workplace then the Synod is legally obligated to take action about the matter and it may not be possible to maintain the anonymity of the complainant
- The employee has the option of discussing the matter with a trained counsellor from the Employee Assistance Program on a completely confidential basis
- If there is no risk to health and safety then the employee will be encouraged to consider accessing the Employee Assistance Program for assistance through counselling.
- If there is a complaint about the behaviour of any employee that requires action then that person

(the respondent) has the right to know the details of the complaint and who has made the complaint.

## **8. Complaint withdrawal**

The complainant may decide not to continue with a complaint at any stage of the informal or formal process. In this event, the complainant will be required to advise withdrawal in writing.

It should be noted that the Synod has a legal obligation to ensure no bullying or harassment in the workplace and so withdrawal of a complaint does not necessarily mean that the Synod will take no further action.

## **9. Records**

A confidential file will be created and maintained by People & Culture in accordance with the Synod's record retention policy and any relevant legislative or regulatory requirements.

## **10. Other assistance**

### **10.1. Counselling**

The Synod provides counselling through an Employee Assistance Program (EAP). This service is provided for the benefit of employees, and is completely confidential. Counsellors are very experienced in workplace matters and employees are assured that no reports are provided back to their manager or anyone else in the Synod office. EAP is provided to the Synod by Caraniche. They may be contacted on 1800 099 444.

### **10.2. Fair Work Commission**

Phone: 1300 799 675

Web: [www.fwc.gov.au](http://www.fwc.gov.au)

### **10.3. Fair Work Ombudsman**

Phone: 13 13 94

Web: [www.fairwork.gov.au](http://www.fairwork.gov.au)

### **10.4. Unions**

Employees who are members of a union may seek advice and support from their union.

### **10.5. Victorian Equal Opportunity and Human Rights Commission (VEOHRC)**

These procedures have been put in place to facilitate prompt resolution in the workplace of any issues pertaining to bullying or harassing behaviour. However it should be noted that staff have the right at any time to lodge a complaint with VEOHRC. Contact details are as follows:

Level 3, 380 Lonsdale Street, Melbourne 3000

Phone: 1300 891 848

Email: [information@veohrc.vic.gov.au](mailto:information@veohrc.vic.gov.au)

[complaints@veohrc.vic.gov.au](mailto:complaints@veohrc.vic.gov.au)

Web: <http://www.humanrightscommission.vic.gov.au/>

### **10.6. WorkSafe**

Information about workplace bullying can also be obtained from WorkSafe

Phone: 1800 136 089

Web: <http://www.worksafe.vic.gov.au/wps/wcm/connect/wsinternet/WorkSafe>

## **Section B: Initial response**

### **1. If you feel bullied or harassed**

Do not ignore bullying or harassment because silence gives the impression that the behaviour is acceptable. In most cases early intervention will eliminate or minimise the risk of the behaviour being repeated, it will help to prevent damage to working relationships and it is likely to prevent other staff being subject to bullying or harassment.

As soon as possible after an incident has occurred, make notes of the incident/s including date, time, place, witnesses, what was said or done. Next, refer to procedures in *Section C: Procedures* to review options for next steps and seek the assistance of your manager, a Contact Officer or an Equal Opportunity Officer.

### **2. If you see or become aware of a bullying incident**

All management and staff have a responsibility to help maintain a safe and healthy work environment that is free of bullying, harassment and sexual harassment, so if you witness an incident of this kind then make notes of the incident(s) including, time, place and witnesses and what was said or done. Next, advise your manager or an Equal Opportunity Officer of the incident.

If you do not observe directly but become aware of bullying behaviour in the workplace then please ensure that you bring this to the attention of your manager, a Contact Officer, or an Equal Opportunity Officer who will take appropriate investigative action.

Sometimes an incident of bullying will occur which seems to be fairly minor but may form part of a pattern where multiple people are subjected to inappropriate workplace behaviour. If you are in any doubt about whether behaviour may constitute bullying then please discuss the situation with a Contact Officer, Equal Opportunity Officer, or your manager.

It is important to take action early and to remember that silence will be taken to condone inappropriate behaviour.

Where a complaint of sexual abuse of a child becomes known it must be immediately reported to the authorities and steps taken to assess and minimise any risk or harm must be followed. The Church mandates any person who is aware of or suspects child sexual abuse to make a report to the authorities.

The Synod will support investigations into any concerns about children and/or allegations of abuse or harm towards children by the relevant authorities and Church leadership. We will clearly document all instances and action taken.

### **3. If you are informed that your behaviour is bullying or harassment**

Employees are encouraged to respond early and informally where they feel bullied or harassed by the behaviour of a colleague. It is therefore important that you listen with an open mind if a concern is raised about your behaviour. Refer to the informal and formal procedures in this procedure for information about dealing with a bullying incident or complaint.

It is important to take the matter seriously because bullying, harassment and sexual harassment are unlawful.



## Section C: Procedures

Informal and formal procedures are provided in this procedure to facilitate the elimination of any bullying or harassment behaviour. In the first instance, employees are strongly encouraged to arrange an early intervention through informal procedures (below).

If no action is taken, then the person who is engaging in bullying or harassing behaviour may perceive that you are condoning their behaviour. Without early intervention, such behaviour may become a pattern and require resolution through the formal complaint process (refer to 'formal procedures'). In some cases attempts at informal resolution may not be appropriate and the formal complaint process will apply.

### 1. Informal self-managed resolution procedure

The purpose of this procedure is to provide a means to resolve concerns about behaviour promptly and informally through a self-managed process of constructive and clear communication.

An employee who feels intimidated, bullied or harassed is encouraged to attempt to resolve the issue informally in the first instance. In many cases the person who is engaging in bullying or harassing behaviour is not intending to intimidate, harass or bully and will cease such behaviour if asked to do so.

Employees who feel able to address a colleague's behaviour are advised to adopt the following procedure:

- a) Identify the specific behaviour(s) that is causing you concern;
- b) Arrange to meet at a suitable time and place with the colleague whose behaviour is a problem;
- c) Ensure that sufficient time is allowed so that you do not feel rushed; and
- d) Plan what you will say in a way that makes it clear that the behaviour is the problem (and not the person).
- e) An example of how this can be done follows:

*"Thank you for making time to see me.*

*The purpose of meeting with you today is to try to work with you to resolve a problem on an informal basis.*

*You may not realize it but when you (insert bad behaviour – e.g. raise your voice, exclude me, withhold information, put me down in meetings or in front of others) I feel intimidated / uncomfortable / stressed.*

*I need to be clear with you that I find that your behaviour is challenging / creates difficulties for me / is stressful / is unacceptable and so I am asking you not to do this again / to find some other way of working / doing this."*

- f) Make notes about the outcome of your meeting; and
- g) If your colleague refuses to acknowledge that the behaviour is a problem or the behaviour does not improve, then the following options are available:
  - Assisted informal resolution; or
  - Lodgement of a formal complaint.

### 2. Assisted informal resolution procedures

In some cases employees who feel bullied or harassed may be able to resolve the problem informally by enlisting the assistance of a support person. The support person will normally be the employee's manager or an Equal Opportunity Officer.

The purpose of the assisted resolution process is to resolve the complaint constructively and to jointly determine a satisfactory outcome.

The manager of the employee who is feeling bullied or harassed or an Equal Opportunity Officer will:

- a) meet with the employee who is alleged to have engaged in bullying or harassing behaviour, communicate concerns about that behaviour, and seek assurance of appropriate behaviour for the future;
- b) communicate the outcome to the employee who feels bullied or harassed;
- c) with the agreement of the parties, meet with both parties together;
- d) make confidential notes about the agreed outcomes.

### **3. Formal complaint and investigation procedure**

#### **3.1. Responsible Officer**

The General Secretary is the officer responsible for ensuring the procedures below are carried out following receipt of a formal complaint of bullying or harassment from an employee or an allegation or report of sexual harassment.

The purpose of this procedure is to establish the facts of the alleged incident/s and so a complaint may be promptly followed by an investigation. The General Secretary will normally delegate responsibility for an impartial investigation of allegations to an Equal Opportunity Officer.

#### **3.2. Formal complaint procedure**

##### **3.2.1. Parties involved**

The parties involved in an investigation include the complainant, the respondent, contact officer/s, support person/s, investigator and (in some cases) witnesses.

##### **3.2.2. Support person**

Both the complainant and the respondent may have a support person in attendance for all parts of this procedure. The support person must not be from the employee's work area, be involved in the process, or be someone that who will be interviewed in relation to the matter.

##### **3.2.3. Suspension of employment duties**

If the Synod considers it appropriate for the safe and efficient conduct of an investigation, parties involved may be required not to report for work during the investigation period. Parties will receive their normal pay during any such period.

##### **3.2.4. Investigation procedure**

- a) As soon as a complaint is received, the General Secretary will advise all parties in writing that a formal complaints process has commenced, that the matter is strictly confidential and no information must be disclosed to others without the prior authorisation of the General Secretary;
- b) where the General Secretary deems it is appropriate, the manager of the complainant and/or respondent will be confidentially advised that a complaint is in process. The manager will not have formal involvement in the complaint process unless specifically required by the General Secretary;
- c) the General Secretary will advise the relevant Executive Director that a complaint is in process;
- d) where an employee makes a verbal complaint, then they will be asked to provide details in writing. If a record of the complaint has been made by a Contact Officer or other employee then the complainant will be requested to correct (if appropriate) and sign the record;

- e) the investigator will provide details of the allegation/s to the respondent in writing;
- f) after receiving the written allegation/s the respondent will be provided up to 5 working days to prepare a response. The General Secretary may extend this period where appropriate;
- g) the respondent and/or Contact Officer/s and/or support person/s will meet with the investigator to present the written response.
- h) A record of any additional verbal response will be made by the investigator and a copy of that record will be provided to the respondent;
- i) at any time during the investigation, the investigator may seek clarification from either the complainant or respondent about any matter pertaining to the allegations;
- j) the investigator will interview witnesses to the alleged incidents and make a record of their response/s. During this process, witnesses will be advised that the matter is confidential. The investigator will not unnecessarily disclose information about the allegations/ investigation to witnesses;
- k) information gathered during the investigation process will be recorded, collated and provided to the General Secretary in a report for consideration and determination of an outcome. The report will include the allegations, the response and any statements from witnesses.
- l) full details of the outcome will be provided in writing to the respondent. Outcomes may be one or more of the following:
  - that the behaviour which is the subject of the complaint did not constitute bullying or harassment;
  - that the respondent is required to apologise verbally or in writing to the complainant;
  - that undertakings in relation to improved behaviour are required of the respondent;
  - that the respondent is required to undertake counselling or training sessions which are behaviour related;
  - that the respondent is subject to disciplinary action in the form of a warning;
  - that serious misconduct has occurred and employment of the respondent's employment will be terminated.

If the outcome is that disciplinary action is required then this will be undertaken in accordance with the disciplinary provisions of the relevant industrial instrument (e.g Lay Staff Collective Employment Agreement).
- m) the complainant will be advised of the outcome in general terms. The complainant will also be provided with information where behavioural undertakings are required on the part of the respondent and/or complainant.
- n) It should be noted that the respondent has a right to confidentiality and that information relating to any disciplinary action taken will not be provided to the complainant.
- o) the General Secretary will advise the line manager and Executive Director of:
  - finalisation of the complaint; and
  - any other information pertaining to the complaint as deemed appropriate by the General Secretary.
- p) the formal complaint procedure will normally be completed within 2 weeks of lodgement of the complaint.
- q) Where a formal complaint is made against the General Secretary then the Moderator will fulfill the functions of the Responsible Officer.

### 3.3. Dispute over outcome

Any dispute in relation to the outcome of these procedures may be referred to the Victorian Human Rights and Equal Opportunity Commission or the Fair Work Commission.

## Section D: Roles and responsibilities

### 1. Contact officers

#### 1.1. Role

The role of a Contact Officer is to provide advice and support to employees who experience bullying, harassment or sexual harassment in the workplace or during work related activities. It is important to note that it is not the role of a Contact Officer to investigate a complaint (refer to *Equal Opportunity Officer* below).

#### 1.2. Qualifications and appointment

Synod Contact Officers are appointed by the General Secretary and have completed a recognised Contact Officer training course.

The names and contact details of Contact Officers are displayed on OHS notice boards in Synod workplaces.

#### 1.3. Process

A Contact Officer who receives a report or allegation of bullying and/or harassment will provide a copy of these procedures to the complainant and explain options for resolving the complaint.

The Contact Officer may act in an ongoing supporting role in the resolution of the complaint if requested to do so by the complainant. Support provided by a Contact Officer may involve:

- a) assisting the person to work through the advantages and disadvantages of resolution options in a sensitive and confidential manner;
- b) advising and assisting the person to resolve the problem through a self-managed process (refer to *Section C: Procedures*);
- c) providing advice and support during an assisted informal resolution process (refer to *Section C: Procedures*);
- d) providing advice and support throughout a formal investigation process (refer to *Section C: Procedures*) including:
  - meeting with the person prior to the scheduled meeting to listen to any queries about processes or concerns, and if required, seeking clarification on their behalf;
  - listening to discussions and taking notes during meetings;
  - asking questions of clarification around any matters that are not clear during discussions;
  - requesting a break during meetings if time out would be helpful; and
  - debriefing with the person after the meeting, providing clarification if needed and offering general support.

#### 1.4. Confidentiality

Contact Officers are required to maintain strict confidentiality on bullying, harassment and sexual harassment information which is disclosed to them and, with the exception of the General Secretary and Equal Opportunity Officer(s), not convey information about the matter to any other person including their direct manager.

Where an employee seeks to have a complaint addressed at the same time as maintaining their anonymity, the Contact Officer will provide a copy of the Anonymity clause contained in *Section A: General Information*.

#### 1.5. Conflict of interest

A Contact Officer has the right to decline to be a support person if there is a conflict of

interest.

### **1.6. Employee Assistance Program**

As part of providing support to the complainant the Contact Officer will encourage the complainant to access confidential counselling through the Synod's Employee Assistance Program. EAP is provided to the Synod by Caraniche. They may be contacted on 1800 099 444.

## **2. Equal Opportunity Officers**

### **2.1. General**

The role of Equal Opportunity Officers is:

- a) to work in conjunction with the People & Culture and Senior Leadership Teams to promote equal opportunity in the workplace
- b) to plan and arrange an annual education program on bullying, harassment, sexual harassment, discrimination and other equal opportunity matters for all Synod staff
- c) to investigate complaints or allegations of bullying, harassment or sexual harassment which have occurred in the Synod workplace or in connection with work related activities.

### **2.2. Qualifications and appointment**

It is a pre requisite that Synod Equal Opportunity Officers have completed an equal opportunity complaints investigation training course, have knowledge, expertise and experience in employment law compliance and are appointed by the General Secretary.

The names and contact details of all Equal Opportunity Officers are displayed on OHS notice boards in Synod workplaces.

### **2.3. Process**

An Equal Opportunity Officer who is requested by the General Secretary to investigate a complaint or allegation of bullying, harassment or sexual harassment will do so in accordance with the formal procedures set out in *Section C: Procedures*.

During the investigation process the Equal Opportunity Officer will report directly to the General Secretary.

### **2.4. Confidentiality**

Equal Opportunity Officers will maintain strict confidentiality on bullying, harassment or sexual harassment information which is disclosed to them during a formal complaint investigation process. This means that, with the exception of the General Secretary, Equal Opportunity Officers will not convey information about any matter related to the investigation to any other person unless necessary as part of the investigation process or requested to do so by the General Secretary.

Where an employee seeks to have a complaint addressed at the same time as maintaining their anonymity, the Equal Opportunity Officer will provide a copy of the Anonymity clause contained in *Section A: General Information*.

### **2.5. Conflict of interest**

An Equal Opportunity Officer has the right to decline to undertake an investigation if there is a conflict of interest.

### **2.6. Employee Assistance Program**

As part of providing support to employees involved in bullying or harassment incidents the

Equal Opportunity Officer will encourage access to confidential counselling through the Synod's Employee Assistance Program. EAP is provided to the Synod by Caraniche. They may be contacted on 1800 099 444.

### **3. People & Culture**

#### **3.1. General**

It is the responsibility of the People & Culture staff to provide advice as required and, under the direction of the General Secretary to:

- a) work collaboratively with Equal Opportunity Officers to develop, recommend and implement strategies to facilitate the elimination and prevention of bullying and harassment / sexual harassment
- b) maintain an appropriate number of trained Contact Officers in Synod workplaces
- c) maintain confidential records of harassment or bullying complaints lodged by any Synod employee
- d) monitor legislative and regulatory changes, amend policies and procedures accordingly and arrange appropriate education in the workplace.

#### **3.2. Confidentiality**

People & Culture staff will maintain strict confidentiality on bullying, harassment and/or sexual harassment information which is disclosed to them during a formal complaint investigation process. This means that, with the exception of the General Secretary and Equal Opportunity Officer, they will not convey information about any matter related to the investigation to any other person unless requested or authorised to do so by the General Secretary.

Where an employee seeks to have a complaint addressed at the same time as maintaining anonymity, People & Culture will provide a copy of Anonymity clause contained in *Section A: General Information*.



## Section E: Information for complainants and respondents

### 1. What to expect if a formal complaint is made against you

The following steps will normally occur but may be varied by the General Secretary depending on circumstances of the particular complaint. Outcomes will normally be determined within 2 weeks of lodgement of the complaint. Refer to *Section C: Procedures* for relating to the formal complaint procedure.

If a complaint is made against you:

- a) The General Secretary will advise you in writing
  - that a complaint has been lodged against you
  - of details of allegations which have been made against you
  - that the complaint will be investigated
  - that you have up to 5 working days to prepare a response to the allegations
  - that an investigator has been appointed, and the name of the investigator
  - that the investigator will meet with you to discuss the allegations
  - that you are entitled to be accompanied by a support person for all discussions during the investigation process
  - that the investigator may seek information from witnesses to alleged incidents
  - that the matter is to remain confidential and not discussed except with the investigator, General Secretary, and your support person
  - In some circumstances, that you are to take leave with pay until the outcome of the investigation has been determined
- b) The General Secretary will advise your manager and Executive Director that a complaint investigation is in progress;
- c) The investigator will record and collate information provided during the investigation and submit a report to the General Secretary for consideration and determination of an outcome.
- d) Potential outcomes of the investigation may be one or more of the following:
  - that the behaviour which is subject of the complaint did not constitute bullying or harassment;
  - that you will be required to apologise verbally or in writing to the complainant;
  - that undertakings in relation to improved behaviour are required from you;
  - that you are required to undertake counselling or training sessions which are behaviour related;
  - that you will be subject to disciplinary action in the form of a warning\*;
  - that serious misconduct has occurred and your employment will be terminated.\*

\* processes will be in accordance with the disciplinary provisions of the relevant industrial instrument (eg Lay Staff Collective Employment Agreement).

- e) Dispute over outcome  
Any dispute in relation to the outcome may be referred to the Victorian Human Rights and Equal Opportunity Commission or Fair Work Australia (refer to *Section D: Roles and responsibilities*)

## 2. What to expect if you make a formal complaint

The following steps will normally occur but may be varied by the General Secretary depending on circumstances of the particular complaint. Outcomes will normally be determined within 2 weeks of lodgement of the complaint. Refer to Section C: Procedures for relating to the formal complaint procedure.

If you make a formal complaint:

- a) The General Secretary will
    - advise you that the complaint will be investigated
    - appoint an investigator and advise you of the name of the investigator
    - advise the respondent of the allegations in writing and that he /she has up to 5 working days to prepare a response to the allegations
    - advise you that you are entitled to be accompanied by a support person for all discussions during the investigation process
    - advise that the investigator may seek information from witnesses to alleged incidents
    - advise that the matter is to remain confidential and not discussed except with the investigator, General Secretary, and your support person
    - In some circumstances, the respondent may be required to take leave with pay until the outcome of the investigation has been determined
  - b) The General Secretary will advise your manager and Executive Director that a complaint investigation is in progress;
  - c) The investigator will record and collate information provided during the investigation and submit a report to the General Secretary for consideration and determination of an outcome;
  - d) Potential outcomes of the investigation may be one or more of the following:
    - that the behaviour which is subject of the complaint did not constitute bullying or harassment;
    - that the respondent will apologise verbally or in writing to the complainant;
    - that undertakings in relation to improved behaviour are required of the respondent;
    - that the respondent is required to undertake counselling or training sessions which are behaviour related ;
    - that the respondent is subject to disciplinary action in the form of a warning\*;
    - that serious misconduct has occurred and employment of the respondent will be terminated\*
- \* processes will be in accordance with the disciplinary provisions of the relevant industrial instrument (eg Lay Staff Collective Employment Agreement).
- e) You will be advised of the outcome in general terms
  - f) Dispute over outcome  
Any dispute in relation to the outcome may be referred to the Victorian Human Rights and Equal Opportunity Commission or Fair Work Australia (refer to *Section D: Roles and responsibilities*)