

Workplace Bullying Policy

Purpose

The purpose of this policy is to promulgate the Archdiocese's Workplace Bullying Policy and procedures to be followed by parishes and diocesan agencies.

This policy is not a term of any contract, including any contract of employment. This policy may be varied by the Archdiocese from time to time.

Background

Bullying behaviour undermines an individual's right to dignity and is incompatible with the Church's teachings. For example, in *Laborem Exercens* (On Human Work), Pope John Paul II wrote that '[T]he Church considers it her task always to call attention to the dignity and rights of those who work [and] to condemn situations in which dignity and those rights are violated.' It is also incompatible with the provision of a working environment that is safe and without risk to health and may constitute unlawful behaviour. Bullying is an abuse of power and is not tolerated in parishes and diocesan agencies.

Application

This policy applies to all workplace participants, including staff (e.g. priests, brothers, sisters, seminarians and employees), volunteers, contractors, agents and clients of the Archdiocese, in relation to behaviour:

- in the workplace of a parish or diocesan agency or department within the Catholic Archdiocese of Melbourne, including while working outside normal working hours; and
- while undertaking work-related activities in relation to such a workplace, including interaction with third parties and while working away from the workplace,

It does not apply to those agencies of the Archdiocese with their own internal human resource management function, eg the Catholic Education Office, CatholicCare and Catholic Homes.

Every person to whom this policy applies is responsible for maintaining a working environment free from bullying and is liable for his or her actions if bullying occurs.

Prohibition of bullying

All people to whom this policy applies are prohibited from engaging in bullying in relation to any other person while at a parish or diocesan agency workplace and/or engaged in any work-related activity.

This prohibition applies to all at a workplace. It is irrelevant whether each person is an employer, an employee or neither. If they are employees, it is irrelevant whether their employers are the same or different.

Consequences for breach of policy

Where a person is found to have breached any of his or her obligations under this policy, disciplinary action may be taken. This may include the termination of his or her employment.

An individual who engages in bullying conduct may also face civil and/or criminal sanctions in relation to such conduct.

Definition

Workplace bullying is repeated unreasonable behaviour by an individual or group that creates a risk to health and safety.

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

The test of what is unreasonable is what a reasonable person, having regard to the circumstances, would consider unreasonable. It may be direct or indirect, verbal or physical and/or involve some form of negative interaction between one or more persons.

Bullying may also amount to unlawful discrimination or harassment, but it may also relate to attributes which are not protected by anti-discrimination legislation. Bullies may focus their prejudices on things that are not covered by anti-discrimination legislation.

The following types of behaviour, whether intentional or unintentional, may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety:

- abusive, insulting or offensive language or comments;
- unjustified criticism or complaints or excessive scrutiny at work;
- setting unreasonable timelines or constantly changing deadlines;
- setting tasks that are unreasonably below or beyond a person's skill level;
- denying access to information, supervision, consultation or resources such that it has a detriment to the worker;
- spreading misinformation or malicious rumours;
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers; and
- continuously and deliberately excluding someone from work activities.

Other types of behaviour may also constitute bullying.

Bullying is not always a "management down" issue.

It can involve:

- workers being bullied by managers/supervisors;
- workers being bullied by their peers; or
- managers/supervisors being bullied by their subordinates.

Bullying does not include:

- a single incident of unreasonable behaviour;
- occasional differences of opinion;
- low level workplace conflict or disagreements that are task based, or
- reasonable management action carried out in a reasonable way (including informing a worker about unsatisfactory work/conduct and/or implementing performance management procedures)

Other examples of reasonable management include, but are not limited to:

- setting reasonable performance goals, standards and deadlines;
- rostering and allocating working hours where the requirements are reasonable;
- transferring a worker for operational reasons;
- deciding not to select an employee for promotion where a reasonable process is followed and documented;
- informing an employee about unsatisfactory work performance;
- informing an employee about inappropriate behaviour in an objective and confidential way;
- implementing organisational changes or restructuring; and
- termination of employment.

Roles and responsibilities

Employers and/or others in control of a workplace

The responsibilities of employers and/or other persons in control of a workplace include:

- complying with their legislative obligation to provide a working environment that is, so far as reasonably practicable, safe and without risks to health (including psychological health);
- taking reasonable steps to ensure that employees and other workplace participants are aware of this policy; and
- taking reasonable steps to ensure that this policy is applied and enforced in all relevant circumstances.

Managers and supervisors

The responsibilities of managers and supervisors include:

- complying with this policy;
- taking reasonable steps to ensure that other employees are aware of and comply with this policy;
- monitoring the workplace to ensure as far as practicable that acceptable standards of conduct are maintained and that bullying is not tolerated;
- taking appropriate steps to manage inappropriate behaviour, regardless of whether a complaint is received about that behaviour;
- encouraging all staff to behave towards others with respect and courtesy at all times;
- providing leadership and role modelling in relation to appropriate and professional behaviour in the workplace;
- responding promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred and take appropriate steps in response to any such behaviour or allegation;
- taking appropriate steps to ensure that a person is not victimised for making, or being involved in, a complaint of bullying.

Employees and other workplace participants

The responsibilities of all employees and other workplace participants include:

- complying with this policy;
- behaving towards others with respect and courtesy at all times;
- reporting observations and/or experiences of bullying behaviour;
- addressing bullying behaviour through the internal and/or external mechanisms referred to in this policy;
- offering to act as a witness in relation to bullying behaviour that they observe if the person being bullied decides to report the incident;
- treating information in relation to bullying allegations with appropriate confidentiality; and
- ensuring that they do not victimise a person for making, or being involved in, a complaint of bullying.

What can you do if you are being bullied?

Complainants are encouraged to use the internal processes to address concerns regarding bullying, but are free to refer the matter to an external body such as the Equal Opportunity and Human Rights Commission at any time.

If the complainant feels comfortable doing so, he or she is encouraged to raise the complaint directly with the person/people against whom the allegations are made and ask the person to stop, or make it clear that he or she finds the behaviour intimidating or threatening.

If the above step is not appropriate, or is unsuccessful in resolving the complaint, the complainant may raise the issues with their agency head or the parish priest/administrator or the Archdiocese's Human Resources Manager.

If the matter is raised with the agency head or parish priest/administrator, the Archdiocese's Human Resources Manager is to be informed. If the complaint relates to a priest, brother, sister or seminarian, the Vicar General is to be informed.

If the complainant raises the issues with their agency head, parish priest/administrator or the Archdiocese's Human Resources Manager, the complainant will be asked to provide an account of the allegation/s. The allegation/s will be treated seriously and generally in accordance with this policy.

The Archdiocese will determine the most appropriate method of dealing with the complaint.

This may include (among other things):

- requesting further information from the complainant;
- requesting information from other co-workers or third parties;
- meeting with the complainant or others involved in the complaint;
- reviewing and responding to the complaint or arranging for an appropriate person to review and respond to the complaint;
- facilitating a meeting between the complainant and the person(s) that the complaint is about;
- referring the complaint to an external mediator; or
- referring the complaint to an external investigator.

It may also be appropriate for the Archdiocese to take steps to investigate the allegations or to refer the matter to an appropriate person for investigation. Any investigation will include putting the allegations to the person whose actions are alleged to have breached this policy. In addition, witnesses or other relevant people may be interviewed regarding aspects of the complaint. The person making the complaint and the person whose actions are alleged to have breached the policy are at liberty to have and are encouraged to have a support person present with them when being interviewed.

The role of the support person is;

- to assist the interviewee and provide support;
- observe proceedings and make notes, if desired;
- if appropriate, request a break to discuss relevant issues privately

It is not the role of the support person to advocate on the interviewee's behalf or to provide answers or opinions and the support person would be expected to observe the confidentiality of this process.

The Investigator will, within the bounds of this policy, determine the process to be followed but shall have regard to the model process set out in the attachment.

A finding will be made regarding whether this or any other Archdiocesan policy has been breached. Recommendations for action will then be made and implemented.

This complaint procedure has the following features:

- *Confidentiality*: Ordinarily only the people directly involved in the investigation or attempted resolution of a complaint will have access to information about the complaint. Procedural fairness will require that the alleged bully be told of the matter at an appropriate stage of the investigation. This will be handled sensitively. There will be exceptional circumstances when information cannot be kept completely confidential (for example when physical threats are involved, when the matter has been referred to an external body such as the police and/or when it is necessary to disclose information to conduct the investigation to protect the interests of other members of staff or people in the workplace). During an investigation, the complainant and the subject of the complaint are required to keep the matter confidential save for informing a support person. It will be the investigator's task to contact witnesses and any other persons pertinent to the complaint.
- *Impartiality*: All parties will have a chance to tell their side of the story. No assumptions will be made and, to the extent possible, no action will be taken until all relevant information has been collected and considered.
- *No Repercussions*: No action will be taken against anyone for making or helping someone to make a genuine complaint. Steps will be taken to ensure that anyone making such a complaint is not victimised. If the complaint is vexatious, or if the complainant lies about or exaggerates a complaint, the Archdiocese will view this as a very serious matter, and the complainant may be disciplined or dismissed.
- *Promptness*: All complaints will be dealt with as quickly as possible.
- *Outcome*: The outcome of a complaint could take a variety of forms, including: no further action, an apology, alteration of behaviour, removal of offending material, conciliation, training or counselling, re-assignment of one or both parties to another position or location, or even termination of employment. At any stage during an investigation, the investigating person may determine that the complaint warrants no further action, or refer it to the

police as a criminal matter. The Archdiocese will take whatever action it considers appropriate if there has been bullying, including disciplining or dismissing offenders.

- *Follow up:* Once the complaint has been determined, arrangements may be made for ongoing counselling and support for the complainant and the person who was found not to have engaged in the bullying behaviour, where appropriate.

Attachment

Standard Investigation process

- The Investigator will interview the complainant and clarify the particulars of the complaint including times, dates and any witnesses.
- Based on the interview, the Investigator will prepare a record of interview including a statement of particulars of complaint for the complainant to check and sign off that it is a true and accurate record of the discussions. The Investigator will endeavour to have the record of interview and statement ready as soon as possible (desirably within a few days) and send it to the complainant in draft form and invite comment and then forward a final copy to the complainant for signature.
- The Investigator will interview any employee who has knowledge of the matter under investigation, or who may be involved in the allegations. In each case the Investigator will prepare a record of interview including a statement for them to check and sign off that it was a true and accurate record of our discussions.
- Once the complainant's complaints have been identified and the records of interview signed, the Investigator will put the allegations to the subject of the complaint and provide him or her with an opportunity to respond.
- The Investigator will, if appropriate, propose mediation as an alternative to pursuing the complaint. Should that be accepted by both parties, the investigation will be put on hold while mediation occurs. Should mediation not succeed, the investigation will resume.
- Having conducted the interviews, the Investigator will determine whether there was sufficient evidence to establish, on the balance of probabilities, whether there had been a breach by the subject of the Workplace Bullying policy or any associated policies and procedures.
- The Investigator will form a considered view about the subject matter of the Investigation and provide a report to the Human Resources Manager detailing the findings of the Investigation and any recommendations concerning possible actions to be implemented by the Archdiocese.
- There may be circumstances in which some of the steps outlined above are not appropriate and the Archdiocese will determine, in its absolute discretion, on a case by case basis, the most appropriate method of handling the complaint.