

## Workplace Anti-Bullying & Anti-Harassment Policy

Grays Point Activity Centre (GPAC) seeks to provide a work environment that is safe and enjoyable for all.

The Service acknowledges that respectful interactions between adults contribute to a child-safe culture and positive outcomes for children.

We are committed to providing a safe and equitable workplace for all staff and educators. Bullying, discrimination, harassment and workplace violence will not be tolerated under any circumstances. As part of this commitment, we aim to prevent workplace bullying by adhering to the National Quality Standard, Fair Work requirements, My Time, Our Place: Framework for School Age Care in Australia (Version 2.0) and our Service statement of philosophy, ensuring a safe workplace and the wellbeing of all staff and educators employed at the Service. GPAC is committed to fostering a psychologically safe workplace where workers feel respected, supported and able to raise concerns without fear of victimisation. This policy has been developed to ensure all educators, staff, families and visitors to our Service are clear about the standards of behaviour that is expected.

GPAC is committed to providing a safe, respectful and inclusive workplace free from bullying, harassment and violence. Workplace bullying has a detrimental effect on GPAC and its people. It can create an unsafe working environment, result in a loss of trained and talented workers, cause the breakdown of teams and individual relationships, increase absenteeism and reduce efficiency and productivity. People who are bullied can become distressed, anxious, withdrawn and can lose self-esteem and self-confidence. Workplace bullying is also in some circumstances against the Law. For these reasons, bullying will not be tolerated by GPAC.

GPAC recognises that workplace bullying may involve comments and behaviours that offend some people and not others. The Centre accepts that individuals may react differently to certain comments and behaviour. That is why a minimum standard of behaviour is required of workers. This standard aims to be respectful of all workers.

GPAC recognises that workplace bullying can take place through a number of different methods of communication including face to face, email, text messaging and social media platforms. As such, this Policy applies to all methods of communication through which workplace bullying can take place.

This Policy applies to behaviours that occur:

- In connection with work, even if it occurs outside normal working hours;
- During work activities, for example, when dealing with families or the team;
- At work related events and functions, for example, at Christmas parties; and
- On social media platforms where team members interact.

This Policy applies to all workers including employees, the Committee, contractors and volunteers.

In so far as this Policy imposes any obligations on GPAC (i.e. those additional to those set out under Legislation), those obligations are not contractual and do not give rise to any contractual rights. To the



extent that this Policy describes benefits and entitlements for employees (i.e. those additional to those set out under Legislation), they are discretionary in nature and are also not intended to be contractual. Terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

GPAC may unilaterally introduce, vary, remove or replace this Policy at any time.

## **WHAT IS WORKPLACE BULLYING?**

Workplace bullying occurs when an individual, or a group of individuals, repeatedly behaves unreasonably towards a worker, or a group of workers, and the behaviour creates a risk to health and safety. It includes both physical and psychological abuse.

Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect).

The following are some examples of direct bullying:

- Abusive, insulting or offensive language or comments;
- Violent, aggressive or intimidating conduct;
- Belittling or humiliating comments;
- Victimisation; and
- Practical jokes or initiation.

The following are some examples of indirect bullying:

- Unjustified criticism or complaints;
- Deliberately excluding someone from work-related activities;
- Withholding information that is vital for effective work performance;
- 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 to the detriment of the worker;
- Spreading misinformation or malicious rumours; and
- Changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

**Psychosocial Hazards** refer to aspects of work-related conditions or factors that could cause potential psychological or social harm to employees. Stress, fatigue, bullying, violence, aggression, harassment and

burnout can be examples of potential psychosocial hazards, which can cause harm to employees physical and mental health, negatively impacting their overall wellbeing.

**Sexual Harassment** includes unwelcome sexual advance, unwelcome request for sexual favours and engaging in other unwelcome conduct of a sexual nature. Our service implements a zero-tolerance approach to Sexual harassment.

The above examples are not an exhaustive list of bullying behaviours. They are indicative of the type of behaviours that may constitute bullying and are therefore unacceptable to GPAC. If you are unsure whether behaviour not provided on this list constitutes bullying you should contact your direct leader in the first instance or the Centre Manager.

### **WHAT IS NOT WORKPLACE BULLYING?**

Reasonable management action taken by managers or leaders to direct and control the way work is carried out is not considered to be workplace bullying, if the action is taken in a reasonable and lawful way.

The following are some examples of reasonable management action:

- Realistic and achievable performance goals, standards and deadlines;
- Fair and appropriate rostering and allocation of working hours;
- Transferring a worker to another area or role for operational reasons;
- Deciding not to select a worker for a promotion where a fair and transparent process is followed;
- Informing a worker about unsatisfactory work performance in an honest, fair and constructive way;
- Informing a worker about unreasonable behaviour in an objective and confidential way;
- Implementing organisational changes or restructuring; and
- Taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

### **OTHER UNACCEPTABLE CONDUCT**

Single incidents of unreasonable behaviour (such as harassment, violence or threatening behaviour) can also present a risk to health and safety and will not be tolerated.

Harassment is considered to be any form of behaviour that is:

- Unwanted;
- Offends, humiliates or intimidates; or
- Creates a hostile environment.

Where such conduct occurs towards a person due to a particular characteristic of that person (such as when based on sex, sexual orientation, pregnancy, marital status, age, disability, ethnicity or race,) this may be unlawful under discrimination and equal opportunity Law, even if it is limited to a single incident.

For example, sexual harassment is unlawful even where it is not repeated conduct. All workers are required to comply with the Centre's Equal Opportunity and Anti-Discrimination Policy which provides further guidance in this area.

It is important to note that individuals may also be held personally liable if they have been found to have engaged in sexual harassment or harassment on the grounds of sex.

It is also unlawful for an individual to cause, instruct, induce, aid or permit someone else to engage in sexual harassment or sex-based harassment.

GPAC will also not tolerate any form of workplace violence. Workplace violence is considered to be any incident where a person is physically attacked or threatened in the workplace, whether this is directed to a co-worker, subcontractor, client, customer or visitor.

It includes (but is not limited to):

- Any type of direct physical contact such as punching, pushing, tripping, spitting or blocking of someone's way;
- Any form of unwanted physical contact.

### **Vilification and victimisation**

Vilification and victimisation are both forms of conduct and are unlawful.

Vilification is where a person commits a public act which is reasonably likely to offend, insult, humiliate or intimidate another person because of their race, sex, religion, sexuality or sexual identity.

Hatred or vilification due to an attribute protected under equal opportunity laws is unlawful.

Victimisation occurs when someone is 'subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

### **MANAGERS', LEADERS AND SUPERVISORS' ROLES**

Managers, leaders and supervisors have an important role to play in terms of fostering a culture that does not tolerate or encourage harassment, bullying or workplace violence and should ensure that they do not engage in any conduct of this nature themselves.

Managers and supervisors should also ensure that workers understand this Policy and consequences of non-compliance. When managers, leaders and supervisors observe harassment, bullying or workplace violence occurring, they should take steps to prevent this conduct from continuing and warn the person or people involved of the consequences if the behaviour continues (including disciplinary measures up to and including termination of employment).

Managers, leaders and supervisors must also treat all grievances raised by workers in accordance with the Centre's Grievance Handling Policy.

## WORKERS' ROLE

The Centre expects workers:

- Not to engage in harassment, bullying or workplace violence;
- Not to aid, abet or encourage others to engage in harassment, bullying or workplace violence;
- To behave in a responsible and professional manner;
- Treat others in the workplace with courtesy and respect;
- Listen and respond appropriately to the views and concerns of others; and
- To be fair and honest in their dealings with others.

## ARE YOU EXPERIENCING BULLYING, HARASSMENT OR BEING SUBJECT TO VIOLENCE?

Complaints of bullying, harassment and workplace violence will be taken seriously and will be handled in accordance with the Centre's Management of Complaints Grievance Handling Policy.

If you make a complaint of workplace bullying, harassment or violence it will be taken seriously and will be dealt with sympathetically and in a confidential manner (except where GPAC deems it is necessary to disclose information in order to properly deal with the complaint).

You will not be victimised or treated unfairly for making a complaint.

If the claim is found to be substantiated, GPAC will act in accordance with its Disciplinary & Termination Policy.

Please note that any worker found to have fabricated a complaint may be subject to disciplinary action under the Discipline & Termination Policy, up to and including termination of employment.

## OTHER MEASURES

GPAC also recognises the need for open communication in the workplace. The Centre may implement what training it considers necessary in relation to behavioural standards and where appropriate will hold meetings to address standards, expectations and any issues. The frequency, dates and form of this training and meetings will be determined by management of GPAC.

## MORE INFORMATION

If you need any more information about workplace bullying, harassment, or violence please see your manager or the Committee.

## OTHER POLICIES

Discrimination, bullying, sexual harassment and harassment on the ground of sex are unacceptable at the Company and are unlawful under legislation.

There are a number of anti-discrimination, equal employment, workplace relations, and human rights laws which make it illegal to discriminate or harass a person in the workplace. Australia’s federal anti-discrimination laws are contained in the following legislation:

[Age Discrimination Act 2004](#)

[Disability Discrimination Act 1992](#)

[Racial Discrimination Act 1975](#)

[Sex Discrimination Act 1984](#)

[Fair Work Legislation Amendment \(Secure Jobs Better Pay\) Act 2022](#)

Our OSHC Service Philosophy, Code of Conduct and the [Early Childhood Australia \(ECA\) Code of Ethics](#) will guide Educator behaviours and interactions and adhere to best practice by providing a vision and a purposeful and meaningful direction to ensure a safe working environment for all staff.

Fair Work [Bullying in the Workplace](#)  
 Respect@Work <https://www.respectatwork.gov.au/>  
 Safe Work Australia [Preventing workplace sexual harassment](#)

Other Service Policies/documentation
<ul style="list-style-type: none"> <li>- Staff Code of Conduct;</li> <li>- Code of Conduct Expectation Charter</li> <li>- Digital Device and Social Media Use Policy;</li> <li>- Equal Employment Opportunity and Anti-Discrimination Policy;</li> <li>- Management of Complaints Grievance Handling Policy;</li> <li>- Discipline &amp; Termination Policy.</li> <li>- Interactions with Children, Family and Staff Policy</li> <li>- <i>Australian Human Rights Commission Act 1986 (Cth).</i></li> </ul>

## NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.



4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
168	Education and care services must have policies and procedures

ENDORSEMENT BY THE SERVICE:

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