

BULLYING AND HARASSMENT

POLICY

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The Green Academy Australia

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Purpose

This policy ensures that The Green Academy is committed to preventing bullying and will endeavor to implement policies that reflect our values of equity and mutual respect. The Green Academy will create awareness and understanding of how an individual's behavior or the behavior of a group affects others around them. Bullying will not be tolerated under any circumstances and that it may be treated as a disciplinary offense that could lead to dismissal.

Scope

This policy applies to all staff and students of The Green Academy.

Policy

1. Definitions of Bullying and Harassment

Harassment is any conduct related to sex, sexual orientation, marital status, age, race, color, nationality, national or ethnic origin, religion or belief or disability which is unwanted by, or offensive to the individual involved, or which causes the individual to feel threatened, humiliated, bullied or harassed or which interferes with the individual's performance, undermines their sense of security, or creates a threatening or intimidating work/study environment.

Bullying is repeated, unreasonable behavior directed towards a worker/a student, or a group of workers/students, that creates a risk to health and safety. Whether it is intended or not, bullying is an occupational health and safety hazard. Two types of bullying can be observed:

1.1. Bullying behaviour relates to repeated, unreasonable acts which may create a risk to health, safety and wellbeing of another individual. Behaviour which may be considered bullying includes but is not limited to:

- aggressive or intimidating conduct
- yelling, screaming, abusive or offensive language, insults, inappropriate comments about a
- person's appearance, personal life or lifestyle;
- belittling or intimidating comments; constant belittling of another's opinions or unreasonable
- criticism of others;
- spreading malicious rumours;
- teasing, practical jokes or 'initiation' ceremonies
- isolating individuals from normal interaction without justification; exclusion from activities/ events;
- unreasonable expectations, including too much or too little work, or work below or beyond a

- worker's/student's skill level; impossible demands within the framework of existing work unit standards
- pressure to behave in a certain manner

Under the law, Bullying applies to employees, contractors, apprentices, volunteers, etc., however for the purposes of this Policy, complaints may be lodged and penalties may apply for Bullying relating to student misconduct as well as staff misconduct.

In accordance with the law, any reasonable management actions relating to the management of an employee that is carried out in a fair and reasonable manner in the workplace is not deemed to be bullying. These actions can include but are not limited to:

- genuine and reasonable disciplinary procedures for misconduct
- performance management processes – setting performance goals, standards and deadlines for an
- employee/student;
- deciding not to select an employee for promotion;
- deciding not to promote a student to the next level if their performance and attendance have been unsatisfactory
- constructive feedback informing or counselling an employee/student about his/her unsatisfactory performance or inappropriate behaviour;
- directing a worker to perform duties in keeping with their job; criticism or comments relating to observable deficiency in performance or issues of concern;
- directing a worker to perform duties in keeping with their job and controlling how work is done;
- implementing organisational and/or supervisory changes

2. Sexual Harassment

Sexual harassment means any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offense or humiliation to any employee/student or other person, or that might, on reasonable grounds, be perceived by that employee or person as placing a condition of a sexual nature on employment, or an opportunity for training or promotion. The conduct, contact, or comment will be assessed according to objective standards of reasonableness.

Examples of sexual harassment include:

- Derogatory or demeaning comments, jokes, or innuendoes of a sexual nature.
- Unwanted physical contact that is sexual in nature, such as touching, pinching, grabbing, or brushing against another person's body, or sexually suggestive gestures.
- Retaliation or threats against a person who has rejected a sexual advance from someone in a position of greater authority or power to grant or deny a benefit or advancement.

3. Sexual Orientation

Sexual orientation is defined as 'orientation towards persons of the same sex, orientation towards a person of the opposite sex, and/or orientation towards persons of the same sex and the opposite sex'.

Examples of harassment include:

- Jokes, comments, or innuendoes referring to sexual orientation.
- A person who has same sex partner being continually referred to by nicknames that imply the opposite sex.
- Teasing an individual who may have associations with people of particular sexual orientations.
- Non-selection for a job, promotion, or training, denying a benefit or advancement
- due to sexual orientation.

4. Racial Harassment

Racial harassment means any conduct, comment, or gesture of a racial nature that is objectionable or likely to cause offense to an employee or other person, or creates an intimidating or hostile environment, including the production, display, or circulation of written words, pictures, or materials. 'Racial nature' includes race, color, nationality, and ethnic or national origin.

Examples of harassment include:

- Name-calling, racist abuse, and jokes.
- Patronising remarks.
- Display of racially offensive written material or images.
- Non-selection for job, promotion, or training, denying a benefit or advancement because of race.
- Threatened assault or physical attack.

5. Religion or Beliefs Harassment

'Religion' or 'belief' means any religion, religious belief, or philosophical belief. Harassment towards employees/students who are (or admit to being) members or followers of a particular religion, or who hold particular religious beliefs, is unlawful.

An example of harassment or victimisation on the grounds of religion or belief could be placing a requirement that employees/ students must work on a particular day which could or should be adhered to by a religious group, or would put members of the group at a disadvantage.

6. Age Harassment

'Age harassment' means any conduct, comment, gesture, or contact of an ageist nature that is likely to cause offense, be frightening or humiliate any employee or

other person, or that might, on reasonable grounds, be perceived by a person as placing a condition of age ownership, or employment, or an opportunity for training or promotion. The conduct or comment need not be deliberate or conscious and will be assessed according to objective standards of reasonableness.

Examples include:

- Derogatory or demeaning comments, jokes, or innuendoes of an ageist nature.
- Patronising remarks.
- Non-selection for job, promotion, or training, denying a benefit or advancement because of age.

This does not include legal restrictions placed on individuals under the age of 18.

7. Effects of Bullying

Bullying in a training organisation can result in absenteeism, loss of experienced and skilled staff through resignation; reduce productivity and motivation. Bullying may also have significant legal, social, and health costs, including loss of confidence, increased anxiety, depression, loss of sleep, headaches, and increased blood pressure. Bullying can also affect others in a similar way, even when they are only witnesses to the bullying and are not subject to the bullying themselves.

8. Responsibilities of Staff

Staff has the responsibility to ensure that their actions do not negatively affect another staff member's or student's performance, health, or well-being. This includes not condoning bullying by failing to do anything about it, such as raising the matter with the bully or management.

A staff member found to have bullied another staff member/ student may be subject to disciplinary action. A student suspected of bullying and harassment should be addressed at once. Ideally, staff should attempt to resolve issues of bullying at the local level by:

- Raising the issue directly with the person they believe is responsible for bullying. Often, an informal approach can quickly resolve an instance of bullying; or
- Involving his/her supervisor.

If the issue is not resolved in this way, an employee may:

- Raise the matter with the Director of Studies, CEO.
- Lodge a formal complaint with the Director of Studies, the CEO.

9. Responsibilities of Management

Management has a responsibility to provide a safe work environment that enables staff to carry out their work responsibilities and students to enjoy their learning free

from bullying. This includes investigating complaints of bullying expeditiously. Managers should be fully aware of the adverse consequences of not dealing with bullying as outlined above. Managers should be alert of the possibility of bullying and should monitor key indicators such as culture factors, high absenteeism, and high staff turnover, reasons for students' course termination, and reasons for course/group change requests.

10. Recognising and Removing the Risks

Step 1 Identifying the Hazard

- Consider the procedures around The Green Academy, to determine if there are factors in the workplace/ in the classroom that make it more likely that bullying can occur.
- Focus on the systems of work rather than on the individuals.
- Conduct a survey of employees/students on the issues of bullying and harassment.
- Monitor patterns of absenteeism, sick leave, staff turnover, grievances, injury reports, students' premature course termination, and reasons for course/group change requests and other such records to establish any regular patterns or sudden unexplained changes.
- Monitor deterioration in workplace relationships between employees, clients, or managers.
- Monitor feedback from exit interviews/feedback forms given directly from management or any other external party

Step 2 Controlling the Risk Factors

- Establishing expectations of appropriate behavior and the consequences for failing to comply.
- Developing a Complaints Handling and Investigation procedure. Providing information and awareness for employees and students on bullying.
- Ensuring that managers are aware of the responsibilities they have to assist the employer in complying with their obligation.
- Providing clear job descriptions that include an outline of specific roles and responsibilities for each position in the workplace.
- Keeping information relating to productivity, absenteeism, grievances, work-related injuries, customer complaints, disciplinary actions, and so on.

Step 3 Evaluation and Review

- This involves the ongoing review and evaluation of the specific strategies and plans that have been implemented at The Green Academy to prevent and control bullying.
- The evaluation and review process should ensure that the strategies implemented are effective in preventing or minimizing incidents of bullying.

- If the strategies have not been effective, it is important that further analysis of the situation occurs in order to determine how the employer and staff can improve to rectify the situation.

11. Complaint Resolution Process

It is important that all employees are made aware that a procedure exists in the event that they experience bullying behavior. It is useful to provide a number of resolution options to employees and students that range from taking action personally, to lodging either an informal or formal complaint.

11.1. Personal Options

- An employee may choose to speak to the perpetrator directly. They should be advised to keep a record of that conversation.
- Employees can be advised that information and advice can be sought from the following:
 - Student Support Officer
 - Teacher
 - Manager.

11.2. Informal Resolution Process

No investigation or disciplinary action should be taken as a result of an informal complaint. Rather, a no-blame, conciliatory approach should be used to assist the individuals in reaching an outcome that will ensure appropriate conduct in the future. The main focus is to return the individuals to productive work without further interruption. No records resulting from this action should be kept after the resolution of the issue.

If the informal resolution process fails to provide an agreed outcome then the employee/student should be told that they could pursue a formal complaint leading to investigation.

11.3. Formal Investigation Process

- The investigation procedures will adhere to natural justice principles and ensure fairness for all concerned.
- An investigation will occur as soon as possible after the complaint is received.
- An impartial person who can carry out the investigation without hindrance will conduct the investigation.
- The following steps should be followed:
 - **11.3.1. Lodging the complaint** - ensure that the complainant knows how and to whom they should lodge their complaint. For example, the complaint should be in writing with specific allegations including dates, times, and names of any witnesses.

- **11.3.2. Initial Response** - arrange for an appropriate senior manager to meet separately with both parties as soon as possible and explain the formal process and their rights and responsibilities.

This might include:

- a. The expected timetable for resolution of the complaint.
 - b. How the complaint will be investigated, for example, interviews with the complainant, the alleged bully, and witnesses.
 - c. Who will receive copies of any statements or records of the interview if obtained;
 - d. Who can be present at interviews.
 - e. Whether parties can refuse to participate.
 - f. What interim measure will be taken to ensure the safety and welfare of the complainant during the investigation.
- **11.3.3. Appointment of an Investigator** - arrange for an independent investigator to investigate the complaint. Ensure the investigator understands their role, the rights of the alleged bully, and what the expected outcomes may be. Either party should have the right to challenge the independence and impartiality of the investigator, providing they present reasonable grounds to do so.
 - **11.3.4. The Investigation** – the investigator should contact the alleged bully in writing and notify them about the details of the complaint, interview time, process, and their rights (including their right to have a representative present), timeframe for the investigation, requirement for confidentiality and the possible consequences.

The investigator should then interview the alleged bully. If they admit to the behaviour, the matter can be referred back to the employer for appropriate action. This may include disciplinary procedures or referral to support services, for example, anger management counseling.

If the alleged bully disputes the allegation, further investigation should be carried out in an attempt to determine the facts. This will include meeting with the complainant and available witnesses.

- **11.3.5. Findings** - the investigator should provide the employer with a written report on the findings of the investigation. The employer should then meet with both parties individually to explain to them the findings of the investigation as well as notifying them in writing. If the allegation cannot be substantiated, this does not necessarily mean the bullying did not occur. Employers need to identify what can be done to assist the individuals to return to a working relationship.

This may involve mediation, counseling, and redressing other organizational issues that may have contributed to the circumstances of the complaint. This may include possible disciplinary action against the complainant if their complaint is proven to be unwarranted or vexatious. If the allegation is substantiated, appropriate action needs to be determined, including disciplinary action against the bully such as requiring the bully to provide an apology and assurance that the behavior will not occur again, a formal warning, counseling, transfer to another work area, suspension from work or as a final resort, dismissal.

- **11.3.6. Appeal** - provide mechanisms to enable the parties to appeal against the decision if they consider it warranted.
- **11.3.7. Advice to Seek Counseling and/or Rehabilitation** – advice on how to access should be provided for: the complainant, to assist him or her to find coping strategies to deal with the alleged bully whilst the matter is being resolved; the alleged bully to enable him or her to recognize and change their behavior; and/or any affected work team member.
- **11.3.8. Review** - ensure the resolutions and continuing wellbeing are reviewed with the complainant and alleged bully for a period of time the following resolution to ensure your actions to stop the bullying have been effective.

Legislation

www.humanrights.gov.au/ – the Australian Human Rights Commission;

www.humanrights.gov.au/our-work/legal/legislation – Australian Human Rights Commission Act 1986, Sex Discrimination Act 1984; Racial Discrimination Act 1975, Disability Discrimination Act 1992, Age Discrimination Act 2004

www.eoc.wa.gov.au/about-us/equal-opportunity-act-1984 – Equal Opportunity Act 1984(WA) ESOS Act 2000



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