



Workplace Bullying Policy

PURPOSE

The purpose of this policy is to promulgate the Diocesan Workplace Bullying Policy and procedure to be followed by parishes and diocesan agencies.

BACKGROUND

The Catholic Diocese of Ballarat is committed to providing a safe working environment. Bullying is incompatible with this and may constitute unlawful behaviour. It is an abuse of power and is not tolerated in parishes and diocesan agencies.

APPLICATION

This policy applies to Portland – All Saints

This policy applies to all people in the workplace including staff (eg priests, brothers, sister, seminarians and employees), volunteers, contractors, agents and clients of the Diocese. Every person in the workplace is responsible for maintaining a working environment free from bullying and is liable for his or her actions if bullying occurs.

The responsibility for providing a working environment free from bullying is discharged through agency heads or through the parish priest/administrator of a parish.

DEFINITION

Workplace bullying is repeated inappropriate behaviour that can occur at work and/or in the course of employment. It may be direct or indirect, verbal or physical, or some form of negative interaction between one or more persons against another or others. In this contact, bullying behaviour can be regarded as undermining an individual's right to dignity.

The following behaviours may constitute bullying:

- manipulation and/or intimidation
- belittling remarks
- unreasonable persistent criticism
- loud and aggressive attacks or more subtle intimidation, eg shouting and throwing objects, constant criticism of a trivial nature, or verbal and physical abuse
- deliberate isolation of the employee or the withholding of information that the employee needs to perform their job, or removal of responsibility and/or imposing menial tasks
- horseplay in the workplace where the "joke" is based on sex, race, religion, physical appearance or disability.

An isolated incident of behaviour is not considered to be bullying. It is not always a "management down" issue, but is also observed in peer groups and in subordinate to supervisor situations. In fact, studies have found that regardless of race or gender, most bullying is targeted at confident employees who are seen as a threat to the perpetrators of bullying. Bullies may focus their prejudices on things that are not covered by discrimination legislation.

ROLES AND RESPONSIBILITIES

Employers

Employers and employees should engage in conduct that communicates in the strongest sense that any form of bullying in the workplace is totally unacceptable and will be dealt with accordingly. While there is no particular legislation covering bullying, there are several areas that provide a legislative recourse of action:

Common law – an employer's duty of care. If the employer could "reasonably foresee" the risk of harm to the employee and does nothing to prevent it, the employee may bring a civil law claim in tort for negligence.

Criminal conduct – assault, sexual assault, battery, wrongly confine or detain a person against their wishes.

Anti-discrimination – based on grounds of race, sex, disability or equal opportunity. Where the discriminatory behaviour includes an attribute covered by the legislation and involved bullying, unless all reasonable precautions have been taken, an employer may be vicariously liable. Individual employees may also be liable.

Work Cover – injury to workers in the course of employment may result in weekly payments and, in some instances, lump sum compensation.

Occupational Health and Safety – court decisions demonstrate that failure by an employer to prevent bullying is a breach of occupational health and safety legislation. The underlying principles of this legislation throughout Australia are that employers have a responsibility to provide a safe work environment for their employees, and employees must take reasonable care of their own health and safety and avoid adversely affecting the health and safety of others.

Industrial relations – Workplace Relations Act 1996 (Cth) prohibits unfair dismissal or unlawful dismissal. Where an employee (earning less than \$85,400 per annum) "resigns" as a result of bullying a tribunal may be asked to determine whether in fact the employee had no option but to resign in the circumstances.

Manager and supervisors

In general, managers/supervisors are responsible for ensuring that employees are aware of and adhere to the organisation's policies and procedures. They should:

- be aware of the signs of and prevent the occurrence of bullying in the work place
- manage inappropriate behaviour, regardless of whether a complaint is received about that behaviour
- encourage all staff to behave in accordance with the principles of dignity in the workplace, equal opportunity and anti discrimination
- provide leadership and role modelling in relation to appropriate and professional behaviour in the workplace
- respond promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred

Employees

In general, all employees should:

- be aware of and identify bullying behaviour and where appropriate utilise our procedures and/or external mechanisms to stop any further instances of bullying behaviour to themselves or others
- behave in accordance with the principles of equal opportunity and antidiscrimination

- if bullying behaviour is witnessed or experienced and the employee feels able, speak with the alleged bully to object to the bullying behaviour
- offer to act as a witness if the person being bullied decides to report the incident
- keep a record or diary noting what happened, when and the names of witnesses.

Identifying Bullying in the Workplace

Ms Arnold, who has not been able to work since 1991 claimed that she was subjected to foul, abusive, aggressive, belittling and sarcastic language. She alleged her manager repeatedly threatened to dismiss her, made false allegations against her and played workers off against each other. She said he refused compassionate leave when her father-in-law was dying, and at one stage asked her to find someone to kill a person. She also claimed to have witnessed aggressive and humiliating behaviour directed at colleagues.

Ms Arnold left her employment with a serious psychiatric injury, and it is unlikely that she will ever work again. The Queensland Supreme Court found that her employer had failed to provide her with a safe system of work and she was awarded a total of \$572, 512.87 in damages. Arnold v Midwest Radio Ltd No.80 of 1994

The definition of a workplace is wide reaching and can include company premises, indoor and outdoor worksites, conferences, seminars and company sponsored or organised social events. It also incorporates the "electronic" workplace such as email, internet, telephone, fax and mobiles. Bullying can be difficult to identify. The non-existence of a history of reporting is not necessarily an indication of the absence of bullying. Employees are often reluctant to come forward, especially where the procedures for reporting are not regularly communicated or due to the position of perception of the bully in the organisation.

Bullying can often be overlooked or dismissed as a weakness on the part of the person on the receiving end, a personality clash or a strong management style. Some bullies try to excuse their unacceptable behaviour as "the way they do their job" or "their communication style". Frequently, people who have problems of their own and feel inadequate in some way perpetrate the bullying. It involves creating an "us and them" culture in which people are pressured to take sides.

Mr. Chadwick had an "almost incurable habit of tripping people up or otherwise engaging in horseplay and skylarking". On this occasion Chadwick tripped Mr. Hudson, a fellow employee, resulting in injury for which the company was held liable in negligence as "simply reprimanding Mr. Chadwick in the face of his repetitive behaviour did not satisfy the employer's duty of care to its other employees". Hudson v Ridge Manufacturing Company Ltd (1957) 2QB 348.

Bullying **does not** include:

- occasional difference of opinion
- non-aggressive conflicts
- problems in working relations, workplace counselling, or performance management
- action in accordance with the organisation's policy and procedures.

Types of Bullying

Unwitting bullying (including reactive or isolated instances of bullying) is where stressful circumstances, stemming from either the workplace or from personal issues, result in a deterioration of office behaviour.

Serial Bullying is the most serious type of workplace bullying. Serial bullying behaviour is identified when an individual targets a number of employees in succession.

Unsubstantiated allegations of workplace bullying or other activities that are designed to intimidate a staff member are also considered a form of workplace bullying.

Signs of Bullying

In Individuals

Stress, anxiety or sleep disturbance; ill health or fatigue; panic attacks or impaired ability to make decisions; incapacity to work, concentration problems; loss of self confidence and self-esteem or reduced output and performance; depression or sense of isolation; physical injury; reduced quality of home and family life; post traumatic stress syndrome; risk of suicide (in extreme cases).

In Work Groups

Lower workplace productivity and efficiency; high staff turnover; low morale; increased or unexplained absenteeism and sick leave; increased counselling of workers; and increase in stress related claims.

What can you do if you are being bullied?

Complainants are encouraged to use the internal processes, but are free to refer the matter to an external body at any time.

The complainant is encouraged to raise the complaint directly with the person/people against whom the allegations are made.

If the above step is not appropriate, or is unsuccessful in resolving the complaint, the staff member with the complaint may raise the issues with their agency heads or the parish priest/administrator or the Diocesan Vicar General. If the matter is raised with the agency head or parish priest/administrator, the Diocesan Vicar General is to be informed. If the complaint relates to a priest, brother, sister or seminarian, the Vicar General is to be informed.

The complainant will be asked to provide an account of the allegation/s.

The investigation will be put in place, which 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.

A finding will be made regarding whether this or any other Diocesan policy has been breached.

Recommendations for action will then be made and implemented.

Documents will only be kept on employee files where allegations are found to have occurred.

This complaint procedure has the following features:

- *Confidentiality:* Only the people directly involved in the investigation or attempted resolution of a complaint will have access to information about the complaint. There will be exceptional circumstances when information cannot be kept confidential, eg when physical threats are involved, when the matter has been referred to an external body such as the police.
- *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. All reasonable steps to ensure that anyone making a complaint is not victimised.
- *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 the investigation, the investigating person may determine that the complaint warrants no further action, or refer it to the police as a criminal matter.
- *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, or not, to have engaged in the harassing behaviour, where appropriate.

Further Information please contact the Vicar General.

<http://www.workcover.vic.gov.au>

Human Rights and Equal Opportunity Commission
www.hreoc.gov.au