

Inappropriate Behavior (Bullying, Harassment and Discrimination)

Policy Statement

Burke and Beyond is committed to ensuring a safe and healthy workplace that is free from, bullying, harassment, and discrimination. These behaviours are unacceptable and will not be tolerated under any circumstances.

Objective

Burke and Beyond is committed to ensuring all staff and participants are treated fairly and with dignity and respect. An important part of this commitment is providing an environment free from harassment, bullying and unlawful discrimination.

Scope

This policy applies to all participants, employees, volunteers, students, visitors, and contractors engaging with Burke and Beyond's sites and services. It covers all activities, whether at service locations, in the community, or through outreach programs.

Policy Details

Burke and Beyond will take the following actions to prevent and respond to inappropriate workplace behaviours:

- Promote a workplace free from inappropriate behaviour and act on incidents.
- Provide appropriate training, supervision and information to staff to ensure a common understanding of acceptable and unacceptable workplace behaviours
- Have a clear process for staff to follow if they feel they exposed or intimidated including access to Burke and Beyond Contact Officers and feedback and complaints system.
- Provide appropriate support to staff who make a complaint, including ensuring that the matter is treated confidentially and that the complainant is not victimized and access to an Employee Assistance Program
- Maintain a complaint handling system which includes procedures for reporting, investigating, resolving and appealing inappropriate workplace behaviour complaints.
- Reports of inappropriate behaviour will be treated seriously and investigated promptly, fairly and impartially.

Anyone exposed to inappropriate behaviour can contact either their Coordinator/Manager, General Manager Community Services (GMCS), Manager Quality and Risk or the CEO for information and assistance in the management and resolution of a workplace complaint.

Any reports of Violence, Abuse, Neglect, Exploitation towards participants are handled in line with the Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination Policy and Procedure and the Feedback and Complaints Procedure. Serious complaints may be referred to an external investigator, police or other regulatory organisation as appropriate.

Procedure



If an employee feels they have been bullied, harassed, or discriminated against, they are encouraged to first discuss the issue informally with their manager or coordinator. If the problem isn't resolved or if the employee feels unable to address it informally, a formal process should be initiated.

If a complaint of bullying, harassment or discrimination is brought to the attention of leadership at any level, whether informal or formal, action will be taken to address it, failure to respond to bullying, harassment or discrimination will be seen as misconduct, which may lead to disciplinary action.

Informal Resolution

Sometimes, people are unaware their behavior is inappropriate, and an informal conversation can resolve the issue. Employees are encouraged to address the problem informally if they feel comfortable, either by telling the person directly that their behavior is unwanted or discriminatory, or by asking a colleague or manager to speak on their behalf.

If a complaint is made against you, you should:

- Listen carefully to the complaint.
- Respect the other person's viewpoint.
- Understand that the impact of their behavior is what matters.
- Agree to change any inappropriate behavior.

If a Coordinator or Manager is involved in supporting an Informal Resolution all actions should be recorded and confidentially reported in writing to the GMSD and MQR.

Formal Resolution

If the behavior continues or the issue is too serious for informal resolution, a formal complaint should be made to the employee's manager, coordinator, Manager Quality and Risk (MQR) or the GMSD.

If the employee feels unable to do this, they can submit the complaint in writing to the MQR or the CEO. Complaints will be handled in line with the Feedback and Complaints Management Procedure.

Employees will not face any retribution or be victimized for making a complaint. All complaints will be handled confidentially. Breaching confidentiality could result in disciplinary action.

While confidentiality will be made a priority, to ensure the issue can be properly investigated and resolved the person accused must be made aware of the allegations, including the names of the person who made the complaint and any witnesses.

If someone involved in a bullying or harassment complaint needs to be moved to a different worksite, it's usually the person being accused, rather than the person who filed the complaint. The decision about who should move depends on the details of the situation and will be formally reviewed by the GMSD and CEO.

Corrective action may require an investigation, investigations will be conducted in line with the Incident Management Policy and Feedback and Complaints Policy.

If after investigation the complaint against a worker is substantiated, the Performance Support Assistance



Plan will be followed. Disciplinary action may be taken, this could include dismissal, a formal warning, or transfer or altered work arrangement. The harasser may be asked to attend training and be provided with additional supervision or counseling.

If after investigation the complaint against a participant is substantiated the Review Procedure will be followed.

If the complaint is found to be frivolous or malicious, the person who made the complaint may face disciplinary action.

Appeals

Appeals against decisions or disciplinary actions can be made in line with the Staff Grievance Policy for staff, and the Feedback and Complaints policy for Participants.

Record Keeping

All allegations must be reported to the GMSD who is required to keep a record in accordance with the Equality and Human Rights legislation. Records related to disciplinary actions will be managed in accordance with Discipline Procedure

Implementation and Review

This document will be reviewed every three years and following significant incidents if they occur. Improvements to this document can be made by completing a suggestion and improvement form, attaching any suggested amendments and forwarding it to your manager and/or the Quality Manager for review.

Definitions

Discrimination, harassment, bullying and victimization, are defined in law, the legal definitions should be used when assessing if inappropriate behavior has occurred.

Discrimination	<p>The Equal Opportunity Act 2010 (Vic) prohibits unlawful discrimination in direct and indirect discrimination. Discrimination is also unlawful under various federal legislation</p> <p>Protected attributes in Victoria include:</p> <ul style="list-style-type: none">• Age,• colour,• descent, nationality or ethnic background,• disability/impairment,• industrial activity/inactivity,• lawful sexual activity/sexual orientation or preference,• gender identity,• marital status, including de facto,• physical features,• political belief or activity,• pregnancy/breastfeeding,• race,
-----------------------	--

	<ul style="list-style-type: none"> • religious belief or activity, • sex, • irrelevant criminal conviction • social origin • medical record • status as a parent or carer, • an association with someone who has, or is assumed to have, one of these characteristics
<p>Harassment and Sexual Harassment</p>	<p>Harassment and Sexual Harassment are unlawful in the workplace, as outlined in the Equal Opportunity Act 2010 and under federal legislation (Sex Discrimination Act 1984 (Cth)).</p> <p>The workplace includes any place a person goes for the purpose of carrying out any function in relation to his/her employment and can extend to social functions.</p> <p>Unlawful harassment may have occurred if the behaviour of the individual makes the victim feel offended and humiliated, intimidated or frightened, or uncomfortable at work.</p> <p>Examples of unlawful harassment can include behaviour such as:</p> <ul style="list-style-type: none"> • Telling insulting jokes about protected attributes. • Circulating, displaying written or pictorial material that is offensive or belittling • Sending or forwarding offensive communications including digital communication such as Facebook, Twitter, LinkedIn and WhatsApp • Sending explicit or sexually suggestive emails. • Displaying offensive or pornographic material including posters or screen savers. Making derogatory comments or taunts about someone's race or religion or protected attributes. • Asking intrusive questions about someone's personal life, including their sex life. <p>Examples of unlawful sexual harassment can include behaviour such as:</p> <ul style="list-style-type: none"> • Persistent, unwelcome demands or even subtle pressures for sexual favours or outings. • Sexually suggestive behaviour including staring or leering at a person or at parts of their body. • Unwelcome hugging, fondling, patting, pinching, touching or unnecessary familiarity, such as unnecessarily brushing up against a person. • Offensive comments or questions about a person's physical appearance, dress or private life. • Sexually explicit pictures, posters, calendars, objects or screen savers (words and images). • Sexually explicit telephone calls, letters, faxes, emails or voice mail messages. • Inappropriate advances on social networking sites.

	<ul style="list-style-type: none"> • Humour such as smutty or suggestive jokes or comments. • Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality, or tales of sexual performance. • Accessing sexually explicit internet sites • Requests for sex. • Insults or taunts of a sexual nature • Sexually explicit physical contact. <p>Sexual harassment can also be a criminal offence: • Physical molestation or assault. • Indecent exposure. • Sexual assault. • Stalking. • Sharing personal images of a sexual nature • Obscene communications (by way of telephone calls, letters, emails etc).</p>
<p>Bullying</p>	<p>Bullying is a significant occupational health and safety issue, as it can cause harm to a person's health and wellbeing, both physical and psychological. Under the Victorian Occupational Health and Safety Act 2004 employers have a primary legal duty to provide a healthy and safe workplace.</p> <p>Employees also have a responsibility to abide by safety standards and to cooperate with their employer's actions to ensure a healthy and safe workplace is maintained.</p> <p>Serious cases of bullying may also be illegal under the Crimes Act (Vic) 1958. Workplace bullying can occur between a worker and a manager or supervisor, or between coworkers.</p> <p>If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.</p> <p>The following types of behaviour, where repeated or occurring as part of a pattern of behaviour could be considered workplace bullying:</p> <ul style="list-style-type: none"> • Physical or verbal abuse (yelling, screaming, offensive language or direct physical contact). • Sarcasm and other forms of demeaning language • Intimidation • Excluding or isolating employees • Psychological harassment • Assigning meaningless tasks unrelated to the job • Making malicious, frivolous, or vexatious rumours about a person with an intent to cause the person harm • Undermining work performance by deliberately withholding information vital for effective work performance • Unreasonable refusal of requests for leave, training or other workplace benefits • Misuse of technology to harass, tease, intimidate or threaten another person by sending or posting inappropriate and hurtful email messages, instant messages, text messages, phone messages, digital images or web site postings, irrespective

	<p>of whether or not the information can be viewed by a wider audience or not.</p> <p>Reasonable management action carried out in a reasonable manner is not considered bullying. Reasonable management actions are comprised of three elements:</p> <ul style="list-style-type: none"> • The behavior must be management action • It must be reasonable for the management action to be taken • The management action must be carried out in a manner that is reasonable. <p>Bullying does not cover situations where it constitutes reasonable management action:</p> <ul style="list-style-type: none"> • Performance management process • Ongoing meetings to address underperformance or behaviours • Counselling or disciplining a worker for misconduct • Modifying a worker’s duties including by transferring or deploying the worker • Investigating alleged misconduct • Allocation of work in compliance with systems and policies • Implementation of organisational change or downsizing
Victimisation	<p>Victimisation is subjecting (or threatening) 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.</p> <p>Victimisation is against the law under the Victorian Equal Opportunity Act 2010 (Vic). It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint. Victimisation is a serious breach of this policy and may result in formal discipline against the perpetrator.</p>

ADMINISTRATION:

Standards related to:	Governance and Operational Management
Legislation or external reference documents:	<p>Commonwealth related legislation:</p> <p>Australian Human Rights Commission Act 1986 Cwlth Age Discrimination Act 2004 Cwlth Disability Discrimination Act 1992 Cwlth Racial Discrimination Act 1975 Cwlth Sex Discrimination Act 1984 Cwlth Fair Work Act 2009</p> <p>A Guide for creating a Child Safe Organisation</p> <p>Victorian related legislation:</p> <p>Equal Opportunity Act 2010 Racial and Religious Tolerance Act 2001 Charter of Human Rights and Responsibilities Act 2006. Victorian Crimes Act 1958 Occupational Health and Safety Act 2004</p>
Related Policies or Procedures:	Feedback and Complaints Policy Diversity Policy



BURKE & BEYOND

	Freedom from Violence, Abuse, Neglect, Exploitation and Discrimination Occupational Violence Policy Incident Management procedures Review Policy Performance Support Assistance Plan	
Reviewing and approving this policy		
Frequency	Person responsible	Approval
Every 3 years	Manager Quality and Risk	CEO

Indexing:

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	23/01/2019	Bruno Cyr	2022
2	14/05/2024	Lisa Sawatzky	2025
3	23/04/2025	Lisa Sawatzky	2028

**Contact Officer****Overview of the role**

Bullying, Harassment and Discrimination Contact Officers provide information to the Burke and Beyond community on policies and procedures related to the prevention, reporting and resolution of discrimination, harassment (including sexual harassment), and bullying. Contact Officers may also provide appropriate referral information and play an active and important role in promoting a culture of respect across the organisation.

Add vision mission and values

Role of a support person and complaints liaison

Objectives

The primary objectives of a contact officer is to:

- show empathy and listen to the person's concerns;
- provide information on policies and procedures related to discrimination, harassment and bullying;
- provide information on options for reporting and resolution;
- provide referral information (for example, EAP information; external agencies; advocacy options);
- allow the person to choose their resolution and/or reporting option;
- maintain confidentiality (except where there are limits to confidentiality – see below);
- model positive behaviours and promote an inclusive and safe work environment.

Responsibilities

Harassment and Discrimination Contact Officers are required to:

- Keep up-to-date with relevant policies, procedures and support;
- Log deidentified details of each contact and send to Manager Quality and Risk;
- Model appropriate behaviour, consistent with Burke and Beyond Code of Conduct;
- Contact the Manager Quality and Risk if they have any concerns or require guidance.

Limitations

Harassment and Discrimination Contact Officers will not:

- provide advice or an opinion on what the person should do;
- act as an advocate;
- lodge a complaint with or on behalf of a staff or participants
- direct or influence a course of action;



- provide counselling
- provide legal advice; and
- break confidentiality (except in situations outlined below).

Confidentiality

Bullying, Harassment and Discrimination Contact Officers are required to maintain confidentiality unless there is:

- consent given by the person to disclose information to a third party;
- imminent danger of serious harm to self or others;
- a legal obligation or concern that the law has been broken.

Contact Officers are encouraged to seek guidance on these matters and may contact the Manager Quality and Risk who will seek appropriate advice on the issue.