



Catholic Education
Diocese of Cairns
*Learning with Faith
and Vision*

Policy

Directive No:

Approval Date: 2017 (BoG 5/17)

Previous Review Dates: 2014,2015

Next Review Date: 2022

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Workplace Bullying

Purpose

The purpose of this policy is to define workplace bullying and to confirm the commitment of Catholic Education in the Diocese of Cairns to prevent and eliminate bullying in our workplaces, consistent with our commitment to provide a safe workplace.

It applies to all Catholic Education workplaces in the Diocese of Cairns.

Policy

Catholic Education in the Diocese of Cairns has a zero tolerance to bullying, and is committed to preventing and eliminating bullying in the workplace. Catholic Education will treat reports of workplace bullying seriously and will respond promptly, impartially and confidentially.

This policy applies to behaviour that occurs:

- in connection with work, even if it occurs outside normal working hours;
- during work activities including interaction with third parties and while working away from the workplace;
- at work-related events, for example at conferences and work-related social functions; and
- on social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly.

Inappropriate behaviour will not be tolerated. Catholic Education in the Diocese of Cairns expects people 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
- be fair and honest in their dealings with others.

This policy applies to all workplace participants, including staff, priests and religious, volunteers, contractors, agents and clients of Catholic Education.

This policy will be made available to all staff through the Staff Portal. All staff, including new employees, will be directed to relevant on-line training, as required.

Definitions

Bullying is repeated, unreasonable behaviour directed toward a worker, or group of workers, that creates a risk to health and safety. Bullying may include:

- Verbal insult or abuse.
- Personal attack, threats, intimidation and misuse of power.
- Job-related harassment, such as withholding information, having responsibilities removed or work overload.
- Deliberate exclusion or isolation from workplace activities.

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers, that creates a risk to health and safety. The term 'worker' refers to all workplace participants, including Catholic Education staff, priests and religious, volunteers, contractors, agents and clients of Catholic Education.

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time. Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying may also amount to unlawful discrimination or sexual harassment, but it may also relate to attributes which are not protected by anti-discrimination legislation. It may be direct or indirect, verbal or physical and/or involve some form of negative interaction between one or more persons.

Covert and overt bullying

The most obvious form of bullying is overt. This includes:

- Abusive, insulting or offensive language or comments.
- Demeaning remarks.
- Physical violence.

Covert bullying is more indirect. It takes place in a secret or disguised fashion, such as:

- spreading misinformation or malicious rumours;
- deliberately excluding someone from workplace activities;
- anti-social treatment, refusing to say "hello" or "goodbye" or intentionally not acknowledging a person when they speak to you; and
- other non-verbal conduct (eye-rolling, sideways glances or aggressive pointing).

Other examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety, include but are not limited to:

- unjustified criticism or complaints;
- 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; and
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers.

Cyber bullying

Cyber bullying hurts or embarrasses someone through the use of technology such as email, social networking sites or text messages. Online behaviour is subject to the same laws that make bullying unlawful. Posting content that may tarnish a person's reputation to the point where others' opinions of that person has lessened, may also constitute as defamation.

What is not workplace bullying?

The following do not constitute workplace bullying:

- A single incident of unreasonable behaviour.
- Reasonable management action in connection with a worker's employment is not considered workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.
- Workplace conflict – differences of opinion and disagreement are generally not considered to be workplace bullying.

Examples of **reasonable management action** 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 a worker for promotion where a reasonable process is followed;
- Informing a worker about unsatisfactory work performance in an honest, fair and constructive way;
- Informing a worker about inappropriate behaviour in an objective and confidential way;
- Implementing organisational changes or restructuring; and
- Taking disciplinary action, including suspension or terminating employment.

Rationale

Let no unwholesome word proceed from your mouth, but only such a word as is good for edification according to the need of the moment, so that it will give grace to those who hear. (Ephesians 4:29)

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 'The Church considers 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'.

Workplace bullying can have significant detrimental effects on human and financial costs for organisations.

Under work health and safety laws, workers and other people at our workplace must take reasonable care that they do not adversely affect the health and safety of others.

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

Consequences

Appropriate disciplinary action will be taken against a person who is found to have breached this policy in order to prevent further incidents. These measures will depend on the nature and circumstances of each breach, they may include:

- A verbal or written apology.
- One or more persons agreeing to counselling, mediation or additional training.
- Disciplinary letter or warning.
- Termination of employment.

If the investigation finds bullying has not occurred or cannot be substantiated, Catholic Education may still take appropriate action to address any workplace issues leading to the report.

All staff will be aware of their responsibilities outlined in the Guideline: Guiding Principles for Managing Unacceptable Workplace Behaviour.

This policy does not restrict the rights of a staff member to make an application to the Fair Work Commission for an order to stop bullying. Note the FWC cannot issue fines or penalties and cannot award financial compensation. The Fair Work Commission can be contacted on 1300 799675

Reflection

Fair Work Act 2009 (Cth) sections 789Fa – 789FI

Work Health and Safety Act 2011

See also (Related Policies and Guidelines)

Policy: Grievance (Maintaining Right Relations)

Guideline: Grievance (Maintaining Right Relations) plus posters

Guideline: Employee Misconduct and investigation processes

Guideline: Guiding Principles – Managing Unacceptable Workplace Behaviour

Policy: Student Anti-bullying