Workplace Bullying Policy

CONTENTS

1. Overview

The purpose of this Policy is to outline the processes by which the Department of Education and Training (the Department) prevents and responds to workplace bullying. It applies to all Department employees in schools, central and regional offices.

This Policy is not applicable to students in Victorian government schools. All schools should develop a student bullying prevention policy which provide students with a safe learning environment where the risk of harm is minimised and they feel physically and emotionally secure.

2. Definitions

Bullying is defined as repeated, unreasonable behaviour directed towards or from an employee or group of employees that creates a risk to health and safety.

Employees refers to a person employed by the Department either ongoing, fixed term or casual and whether full-time or part-time.

Health and safety refers to risk to the mental and/or physical health and wellbeing of a person.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

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.

Workplace refers to any Department premises or facilities where Department business is conducted. The workplace is not restricted to our physical workplaces.

The workplace:

- extends beyond the physical boundaries of the workplace

- extends beyond the set times of work

- includes interaction with other organisations and the public (where the individual may be seen as representing the organisation – e.g., in uniform, online social media platforms, etc.)

- includes interaction between employees in a social context e.g., Christmas parties, fundraisers and employee's farewells. It may also include interactions outside of work – e.g., – a workmate's barbeque), especially if it impacts on relationships and behaviours within the workplace.

The workplace can extend to any situation where there is interaction with people at work (especially when the interaction has a negative impact on relationships at work)

3. Policy

The Department is committed to providing a safe working environment without risks to health where all employees are treated with dignity and respect. Bullying will not be tolerated in any of the Department's workplaces.

3.1 What is bullying

For the purpose of this Policy, bullying is repeated, unreasonable behaviour directed towards or from an employee or group of employees that creates a risk to health and safety.

Bullying may be either direct or indirect and can be carried out verbally, physically or in writing (e.g. via email, social media, instant messaging and text messaging). Some examples of behaviour that may amount to bullying include:

- abusive, aggressive or intimidating conduct

- making belittling or humiliating comments

- spreading malicious rumours or misinformation

- teasing or practical jokes

- deliberately excluding someone from work-related activities or events

- unreasonable work expectations, including providing excessive or insufficient workload or setting work below or beyond a worker's skill level

- withholding or denying access to information or resources necessary to perform work functions

- displaying offensive material

- pressure to behave in an inappropriate manner.

In some cases, bullying behaviors may amount to a criminal offence in Victoria.

Bullying is contrary to both the Department's Values and the Victorian Public Sector Values and may lead to action under the Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service

3.2   What isn't bullying

Reasonable management actions carried out in a reasonable manner do not constitute bullying. Some examples of reasonable management action include:

- setting reasonable performance goals, standards and deadlines

- allocating work

- rostering and allocating working hours

- failing to select and promote an employee, or informing an employee that their performance is unsatisfactory, in accordance with the Department's policies

- taking action in relation to unsatisfactory work performance e.g., disciplinary action or terminating employment.

4.   Responsibility for preventing and responding to workplace bullying

4.1   Responsibilities of the Department

The Department recognises its obligations under the *Occupational Health and Safety (OHS) Act 2004 (Vic)* to provide and maintain a safe working environment so far as is reasonably practicable, safe and without risks health. Under the OHS Act 2004, reference to health includes psychological health.

The Department is committed to:

- ensuring that there are clear processes in place for raising grievances and complaints

- clearly communicating and promoting these processes amongst staff

- monitoring the implementation of this Policy

- identifying potential risk factors and taking prompt, reasonable action to minimise those risks including:

  o managing organisational change in an inclusive and participatory way e.g. consult with employees affected as early as possible and develop and maintain effective communication throughout the change process

  o implementing work systems to prevent the risk of bullying and review and evaluate those work systems e.g. review resource availability and seek feedback from employees through the People Matter Survey and School Climate Survey

  o promoting positive working relationships in the Department's workplaces

- ensuring the accessible provision of information and training as necessary to support the effective implementation of this Policy

- reviewing the Policy every two years or earlier, as required and communicating any changes or updates to the Policy across the workforce

4.2   Responsibilities of executives, managers and principals

It is the role of executives, managers and principals to:

- promote and model the Department's Values as per the Values – Department and VPS Value for School Employees Policy e.g., communicating the values to all new employees through their OHS induction prior to commencing work

- provide information, instruction, training and supervision as is necessary to enable all employees to do their work in a way that is safe and without risk to health (e.g., promote the completion of Addressing Workplace Bullying and Respectful Workplaces eLearning modules available on LearnED)

- understand what constitutes bullying and know how to prevent or respond to bullying

- establish and maintain an environment where employees can conduct their daily work in a safe manner and where employees feel comfortable raising concerns relating to bullying or behaviour that causes a risk to health and/or safety

- identify behaviour that may amount to bullying and take prompt action to address the behaviour. If the behavior involves violence or a threat of violence, contact Victoria Police

- consult and communicate with employees and health and safety representatives (HSR) on decisions and changes that may affect their health and safety

- ensure staff responsibilities and accountabilities are clearly defined and agreed to

- ensure availability of adequate resources and information for employees to enable them to perform their role

- facilitate teamwork and cooperation

- respond to concerns in a timely manner

- adhere to the Department's Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service when managing a bullying complaint

- encourage reporting onto eduSafe Plus (login required) and close out reported incidents
- ensure employees are aware of available support services e.g., Employee Assistance Program (EAP)
- ensure that all discussions, communications and actions are handled with sensitivity and confidentiality.

4.3 Responsibilities of employees

Employees are to take reasonable care for their own health, safety and wellbeing while at work and ensure that their acts or omissions do not adversely affect the health, safety and wellbeing of others. It is the responsibility of employees who believe they are experiencing bullying to:

- raise matters of concern at an early stage and actively participate in the complaint management process if necessary
- provide specific information regarding the perceived or alleged bullying in a form that enables the allegation to be considered and managed accordingly
- maintain confidentiality and not discuss or release information relating to a bullying complaint to any third party who has no legitimate involvement in the process
- ensure that any allegations relating to bullying are made honestly and not vexatiously or maliciously, or to impede legitimate managerial action
- cooperate with any complaint procedure in a timely and professional manner.

5. How to report bullying

If an employee believes they are experiencing or witness bullying, the first priority is to seek supports listed in Section 8.

The following steps provide a guide for employees on reporting bullying:

1. The employee can discuss and/or report the behaviour to their manager or principal. If the behaviour relates to their manager or principal, the employee can raise the matter with their HSR. When raising the matter, it is often useful to communicate directly about your experience. You can also report it through eduSafe Plus (login required).

2. With the manager or principal's support, the employee may wish to use informal avenues to discuss and resolve the issues. For instance, they may wish to speak about the behaviour with the person directly, with the support of their manager or principal.

3. The employee may also wish to lodge a formal complaint of bullying. Lodging a complaint will mean that their allegations are properly considered, with an outcome provided to the employee. Based on the allegations, the manager or principal will run a process to examine the allegations and allow the person to respond to the allegations. The employee's complaint should contain specific allegations of behaviour that the employee believes is bullying. It is always best to lodge the complaint in writing.

4. The employee can also report bullying anonymously, although this will limit the manager's or principal's ability to examine the allegations and take action.

6 Responding to reports of bullying

A complaint of bullying behaviour is to be managed in accordance with the Department's Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service.

These guidelines set out the Department's complaints resolution process and processes for managing misconduct including in relation to bullying.

A principal or manager who receives a complaint of bullying can seek advice from the Employee Conduct Branch as to the appropriate procedure to manage it.

Bullying is misconduct and allegations of bullying will generally warrant the commencement of disciplinary proceedings. In some instances, it may be appropriate to manage allegations through complaint resolution procedures, but advice should be sought from the Employee Conduct Branch in order to make that judgement.

7   Incident reporting

The manager or principal must ensure all incidents involving the health, safety and wellbeing of employees are reported on eduSafe Plus (login required) as per the Reporting and Managing School Incidents (including emergencies) Policy

8   Support and assistance

Support is available to all employees, managers and principals involved in reporting and managing a bullying complaint, including after the matter has been resolved.

Employees can seek support from their Workplace Contact Officer, HSR Union Representative as well as the Department services:

- Employee Assistance Program

- Conflict Resolution Support Service

Further information, advice or assistance on any matters related to workplace bullying is available by contacting the:

- People and Culture Unit via email people.matter@education.vic.gov.au

- Contacting the OHS Advisory Service on 1300 074 725 or email safety@education.vic.gov.au

- Contacting the Employee Conduct Branch on 9637 2495 or by email employee.conduct@education.vic.gov.au for information on the managing or reporting of allegations of bullying.

9   Further application of the Workplace Bullying Policy

The Department encourages this Policy to be used by managers or principals for volunteers, school council employees and contractors.

10   Policy review

This policy will be reviewed every two years by the Employee Health, Safety and Wellbeing Division in collaboration with the People and Culture Unit. All Department employees will be provided with an opportunity to have input into the review of the Policy during the consultation period.

11   Legislation, Codes of Practice, Standards and Guidance

- Charter of Human Rights and Responsibilities Act 2006 (Vic)

- Equal Opportunity Act 2010 (Vic)

- Fair Work Act 2009 (Cth)
- Occupational Health and Safety Act 2004 (Vic)