

ANTI-BULLYING AND ANTI-HARASSMENT POLICY

1. PREAMBLE

SydneyMet is committed to providing a safe and caring teaching and learning environment and culture, where bullying and harassment is not tolerated. The College believes that all students and staff have a right to be in a safe and secure environment that fosters positive relationships encourages self-esteem, cooperation, personal growth and a positive attitude to learning and teaching.

2. PURPOSE

- 2.1 SydneyMet ('the College') aims to provide a safe and healthy work environment, so far as is reasonably practicable, in which all workers are treated fairly, with dignity and respect. Bullying is a risk to the health and safety in the workplace and will not be tolerated by the College.
- 2.2 This Policy outlines the College's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying while at work. It also details the legal responsibilities of the College and workplace participants in relation to preventing bullying in the workplace.

3. SCOPE

- 3.1 This Policy covers all students and employees of the College (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of the College (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively '**workplace participants**').
- 3.2 This Policy extends to all functions and places that are work related, for example, work lunches, conferences, parties and client functions. This Policy does not form part of any employee's contract of employment. Nor does it form part of any contract for service.

4. COMMENCEMENT OF POLICY

This Policy will commence as the College starts operating and covers all anti-bullying and anti-harassment matters of the College (whether written or not).

5. LEGAL RESPONSIBILITIES

- 5.1 Everyone at the workplace has a legal responsibility to prevent bullying and harassment from occurring.
- 5.2 Under relevant health and safety legislation (the 'WHS Legislation') the College has the primary duty to eliminate or minimise, as far as reasonably practicable, the risks to health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying. This policy will assist the College in complying with its legal responsibilities.
- 5.3 Workplace participants are also required under the WHS Legislation to take reasonable care for their own health and safety, as well as that of others at the College's workplace. All workplace participants must also comply with any reasonable instruction given by the College.

6. DEFINING WORKPLACE BULLYING

- 6.1 Workplace bullying is repeated, unreasonable behaviour by an individual or group of individuals, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.
- 6.2 'Repeated behaviour' refers to the persistent nature of behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities — i.e. a pattern is being established from a series of events).
- 6.3 'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would view as unreasonable in the circumstances and may result in that employee feeling victimised, humiliated, undermined or threatened by that behaviour, regardless of what the intention of the behaviour is.
- 6.4 Cyber bullying consists of all forms of bullying, conveyed through the electronic mediums such as cell- phones, web-logs and web-sites, on-line chat rooms, multi-user domains. It is over the telephone or mobile phone, or in written form.
- 6.5 Harassment is any verbal, physical or sexual conduct, which is uninvited, unwelcome and which is reasonably likely to humiliate, offend, intimidate or distress a person. SydneyMet will actively promote a positive and welcoming personal environment for all members of the College community. When people are bullied or harassed some effects might be anger, embarrassment, fear and humiliation, loss of self-confidence and reduced function and potential. Bullying and harassment will be addressed, individual differences will be respected and students and staff will be enabled and supported in their pursuit of learning and teaching.

7. EXAMPLES OF WORKPLACE BULLYING

- 7.1 Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying.

Direct bullying:

- a) abusive, insulting or offensive language or comments
- b) spreading misinformation or malicious rumours
- c) behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming
- d) displaying offensive material
- e) inappropriate comments about a person's appearance, lifestyle, family, sexual preferences or any personal or private matter
- f) teasing or regularly making someone the focus of pranks or practical jokes
- g) interfering with a person's personal property or work equipment, or
- h) harmful or offensive initiation practices.

Indirect bullying:

- a) unreasonably overloading a person with work, or not providing enough work
- b) setting timeframes that are difficult to achieve, or constantly changing them
- c) setting tasks that are unreasonably below, or above, a person's skill level
- d) deliberately excluding or isolating a person from normal work activities
- e) withholding information that is necessary for effective performance of the person's job
- f) deliberately denying access to resources or workplace benefit and entitlements, for example training, leave etc.
- g) deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers

7.2 The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours, which may constitute bullying and therefore are unacceptable to the College.

7.3 A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

7.4 A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions, which are not intended to victimise, humiliate, undermine or threaten a person, actually have that effect.

7.5 Bullying in the workplace is harmful not only to the target of the behaviour but damages the College's culture and reputation. It is unacceptable and will not be tolerated.

8. WHAT DOES NOT CONSTITUTE WORKPLACE BULLYING?

- 8.1 Managing workplace participants does not constitute bullying, if it is done in a reasonable manner. Managers have the right, and are obliged to, manage workplace participants. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management practices include:
- a. setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience

- b. allocating work fairly
- c. rostering and allocating working hours in a fair and reasonable manner
- d. transferring a workplace participant for legitimate and explained operational reasons if within their employment contract
- e. failing to select a workplace participant for promotion, following a fair and documented process
- f. informing a workplace participant about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- g. informing a workplace participant about inappropriate behaviour in an objective and confidential way
- h. implementing organisational changes or restructuring if within their employment contract, and
- i. conducting performance management processes.

9. STEPS THE COLLEGE WILL TAKE TO PREVENT WORKPLACE BULLYING AND HARASSMENT

- 9.1 The College will take all reasonable steps to prevent bullying through a risk management process. This process includes, but is not limited to:
- a. identification of bullying risk factors — these are issues and situations which could contribute to bullying such as the way in which staff are managed, or organisational changes such as redundancies (refer to the common risk factors set out in Section.9 below.
 - b. assessment of the likelihood of bullying occurring from the risk factors identified and their potential impact on the workplace participants or workplace;
 - c. eliminating the risks, as far as reasonably practicable, or controlling, or minimising, them as far as reasonably practicable;
 - d. reviewing the effectiveness of the control methods put in place and the process generally; and
 - e. informing and training workplace participants about bullying, how to deal with it and its impact on the workplace.
- 9.2 The College will use the Workplace Bullying Assessment Checklist to facilitate the risk management process. This checklist has been developed to assist the College to identify, assess and eliminate bullying in the workplace, taking into account the common risk factors (refer below).

10. SOME OF THE COMMON RISK FACTORS WHICH MAY LEAD TO BULLYING

- 10.1 Bullying can result from a number of different factors in a workplace, from the general culture to poor management skills. Some risk factors which make bullying more likely to occur are:
- a. organisational change — i.e. significant change in the workplace that may lead to job insecurity for example, restructure and redundancy, introduction of technology, change in management.
 - b. the culture — the College's values, views and beliefs can either expressly or implicitly encourage bullying behaviours, for example, when a company promotes aggressive behaviour as a means of ensuring its workers are performing their roles or adopts a culture in which it is acceptable to ignore such behaviours.

- c. negative leadership styles — such as strict, autocratic management styles, which do not allow for flexibility or involvement by employees; or passive, ‘laissez-faire’ management styles, which are characterised by a tendency to avoid decisions, inadequate supervision and little guidance to workers.
 - d. inappropriate systems of work — this includes excessive workloads, unreasonable timeframes, uncertainty about roles and how they should be performed, and lack of support.
 - e. poor work relationships — this can be characterised by poor communication between workplace participants and management, or negative relationships with supervisors or colleagues, excessive criticism by manager and the exclusion or isolation of workers.
 - f. workforce characteristics – groups of workplace participants may be at a higher risk of bullying because of certain characteristics: for example, young workers, new workers, apprentices, injured workers, workers in a minority group because of their race, disability, religion, gender or sexual preference.
 - g. directing students into work groups for assessable assignments.
- 10.2 The College will consider these factors when undertaking its risk management process.
- 10.3 A college-wide approach will be taken to deal with bullying (including cyber bullying) and harassment in a consistent and systematic way, with a focus on student and staff safety and wellbeing.
- 10.4 All new students and staff will be informed of the anti-harassment policy and practices at the commencement of their time at the College.
- 10.5 All complaints of bullying and harassment will be heard in confidence and taken seriously following the College complaints policy document.
- 10.6 The College will organise preventative curriculum programs that promote resilience, life and social skills, assertiveness, conflict resolution and problem solving.
- 10.7 Staff programs will occur periodically to keep staff informed of current issues/strategies for dealing with these issues.
- 10.8 If a staff member feels a student is at serious and imminent risk from bullying (including cyber bullying) and harassment then it is their professional duty to pass on the information to an appropriate person in order to ensure appropriate support for the student. It is important that teachers document fully their interaction with the student and to verify the actions taken. Where the incident involves subject matter that is inappropriate, then a mandatory report may be necessary.
- 10.9 There will be disciplinary consequences, covering a range of strategies, for those in breach of the Anti-Bullying and Anti-Harassment Policy, guidelines and procedures

11. COMPLAINT PROCEDURE

- 11.1 If a workplace participant feels that they have been bullied, they should not ignore it.

11.2 The College has a complaint procedure for dealing with bullying (set out below). The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The procedure should be referred to and followed.

11.3 Any bullying issue should be brought to the College's attention as soon as possible. There are a number of options available to workplace participants.

(a) Confront the issue

- (i) If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the bullying behaviour, explain that the behaviour is unwelcome and offensive and ask that it stop.
- (ii) This is not a compulsory step. If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the worker should report the issue to their manager. If the manager is the alleged perpetrator, then the matter should be reported to a senior manager, or to Human Resources Manager.
- (iii) If at any time, a workplace participant is unsure about how to handle a situation they should contact Human Resources Manager for support and guidance.

(b) Report the issue

- (i) There are two complaint procedures that can be used to resolve bullying complaints: informal and formal (detailed further below). The type of complaint procedure used depends on the nature of the complaint that is made. The aim is to ensure that workplace participants are able to return to a productive and harmonious working relationship as soon as possible.

(c) Informal complaint procedure

- (i) Under the informal complaint procedure there are a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. The manager or Human Resources Manager will determine which process to follow. The possible options include, but are not limited to, the manager or Human Resources Manager:
 - discussing the issue with the person against whom the complaint is made; and/or
 - facilitating a meeting between the parties in an attempt to resolve the issue and move forward.
- (ii) The informal complaint procedure is more suited to less serious allegations that if founded, may not warrant disciplinary action being taken.

(d) Formal complaint procedure

- (i) The formal complaint procedure involves the workplace participant making a written complaint and a formal investigation of that complaint. It is appropriate for more serious allegations, or if senior management are involved. Formal investigations may be conducted

- by the College or by an external investigator appointed by the College.
- (ii) An investigation generally involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the College or the external investigator will make recommendations about what actions should be taken to resolve the complaint and any appropriate disciplinary action.
 - (iii) If the College considers it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during the period of an investigation. The College may also provide alternative duties or work during the investigation period. Generally, workplace participants will be paid their normal pay during any such period.

12. DEALING WITH BULLYING AND HARASSMENT COMPLAINTS

- 12.1 In handling bullying and harassment complaints, the College will adopt the following principles:
- a. Take all complaints seriously.
 - b. Act promptly to investigate the matter.
 - c. Will not victimise any person who makes a complaint, any person accused of bullying, or any witnesses and will direct other workplace participants not to victimise any person involved in a complaint.
 - d. Support all parties.
 - e. Be impartial.
 - f. Communicate the investigation or complaint process to all parties involved, including estimating length of time for resolution.
 - g. Maintain confidentiality the College will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workers in order to determine what happened, to legal representatives or the College's senior managers. It will also be necessary to speak to those against whom the complaint has been made in order to afford fairness. All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Spreading rumours or gossip may expose the workplace participant responsible to a defamation claim.
 - h. Act appropriately — if a complaint is made and it appears that bullying has occurred, the College will endeavour to take appropriate action in relation to the complaint.
 - i. Keep records — documentation is essential. A record of all meetings and interviews stating who was present and agreed outcomes should always be maintained.

13. POSSIBLE OUTCOMES

- 13.1 The possible outcomes of an investigation will depend on the nature of the complaint. Where an investigation results in a finding that a person has engaged in bullying behaviour, that person will be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained

against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected workplace participant and the College.

- 13.2 The College may take a range of disciplinary action. Examples include, but are not limited to:
- a. providing training to assist in addressing the problems underpinning the complaint;
 - b. monitoring to ensure that there are no further problems;
 - c. implementing a new policy;
 - d. mentoring and support from senior management;
 - e. requiring an apology or an undertaking that certain behaviour stop;
 - f. changing work arrangements;
 - g. transferring to another work area;
 - h. issuing a written warning (this can be a first or final warning depending on the circumstances);
 - i. dismissal.

14. MANAGEMENT'S ROLE

14.1 Managers and supervisors have a key role in the prevention of workplace bullying.

- 14.2 Managers and supervisors must:
- a. ensure that they do not bully workplace participants, clients or customers
 - b. ensure that they do not aid, abet or encourage other persons to engage in bullying behaviour
 - c. ensure all workplace participants who report to them are aware and understand this policy and their responsibility to comply with it
 - d. ensure that all workplace participants who report to them understand that any bullying in any form is unacceptable and will not be tolerated by the College
 - e. act promptly and appropriately if they observe bullying behaviours
 - f. ensure that all workplace participants who report to them understand that they should report any bullying behaviour
 - g. ensure all workplace participants who report to them are aware and understand the complaint procedures
 - h. act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the Human Resources Manager as soon as possible.

15. WORKPLACE PARTICIPANT'S ROLE

- 15.1 All workplace participants must:
- a. understand and comply with this Policy
 - b. sign the workplace participant acknowledgement to this policy
 - c. ensure they do not engage in any conduct which may constitute bullying towards other workplace participants, customers/clients or others with whom they come into contact through work
 - d. ensure they do not aid, abet or encourage other persons to engage in bullying behaviour
 - e. follow the College's complaint procedure if they experience bullying

- f. report any bullying they see occurring to others in the workplace in accordance with this policy
- g. maintain confidentiality if they are involved in the incident which has been reported.

16. BREACH OF THIS POLICY

- 16.1 The College takes very seriously its commitment to provide, so far as is reasonably practicable, a safe and healthy work environment, free from bullying. All workplace participants are required to comply with this policy.
- 16.2 If an employee breaches this policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the College terminated or not renewed.
- 16.3 If a person makes a false complaint, or a complaint in bad faith (e.g. making up a complaint to get someone else in trouble, or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

17. MORE INFORMATION

If a workplace participant is unsure about any matter covered by this policy, or requires more information about workplace bullying they should seek the assistance of their manager, or of Human Resources Manager. They may also wish to seek external advice from the relevant regulatory authority, such as WorkCover/WorkSafe/SafeWork.

18. REVIEW

This procedure will be reviewed annually during the College's WHS Audit Program, through consultation with employees and health and safety representatives, or when legislative requirements change, or in the event of a serious occurrence involving bullying.

19. VARIATIONS

The College reserves the right to vary, replace or terminate this policy from time to time.

FURTHER INFORMATION TO IMPLEMENT THIS POLICY

1. Why do we have a Policy on these? This policy is to provide a safe and friendly college environment for students and staff and to encourage care, courtesy and respect for others. All persons have a legal right to protection from harassment under the relevant legislation.
2. What the effects of Bullying and Harassment? The effects can be poor health - anxiety, depression, lower self-esteem, reduced study performance, missed classes, social withdrawal and reduced career prospects
3. Am I bullying or harassing someone? If you are not sure about your behaviour you can: check it out by asking if it is offensive or inappropriate; stop it; apologise; take it seriously if someone says they are feeling uncomfortable and talk it over with an adviser or somebody who has an understanding of the issues.
4. What are some of the feelings victims of bullying or harassment may experience?
 - *"I will ignore it and it will go away."*
If anything it will make things worse - you will give the impression that you agree with the situation.
 - *"I don't want to cause trouble."*
Most causes of harassment are sorted out quite simply. By speaking up, action can be taken to address the problem.
 - *"Am I to blame?"*
Victims of harassment or bullying sometimes feel that it is their fault. Victims are made to feel guilty by the offender and often blame themselves. It is your right to have a safe environment free from harassment or bullying.
 - *"Am I imagining things?"*
Often our hunches are correct. Rather than put up with nagging doubts, talk to someone about your feelings.
5. Bullying or harassment can often make people feel embarrassed or ashamed, offended or humiliated, intimidated or frightened and uncomfortable.
6. What should you do if you see another person being bullied or harassed? (Role of Bystanders)
Bystanders play an important role in creating the College environment. If the bystander(s) feels safe when witnessing bullying happening, they could: walk away and tell a teacher right away; encourage peers to walk away; tell the perpetrator(s) to stop; help the person who is being bullied to get away and go somewhere safe.

If bystander(s) do not feel safe choosing one the previous strategies, bystander(s) can: help a peer who is being bullied by being a support; tell them that bullying is not okay and they didn't do anything wrong; ask them if they want help to get it stopped; tell the teacher about it; try to make sure the peer is not alone when they might get bullied; ask the person who is being bullied to join your group or game; walk away and seek assistance;

Tell the person that you witnessed the incident and advise them to report it to an appropriate person.

If your friend is harassing another person, let them know that their behaviour is unacceptable. Bystanders who do nothing to stop bullying may be contributing to the problem by providing an audience for the bully and/or filming the incident.

7. Some examples:

Bullying can involve

- grabbing, aggressive staring, hitting, pinching kicking, pushing and shoving
- publicly excluding a person from your group
- knocking a person's books or belongings out of their hands or off their desk
- teasing a person because of their looks

Cyber-bullying can involve

- *Flaming* – online fights using electronic messages with angry or vulgar messages
- *Harassment* – repeatedly sending nasty, mean and insulting messages
- *Denigration* – posting or sending gossip or rumours about a person to damage his/her reputation or friendships
- *Outing* – sharing someone's secrets or embarrassing information or images online
- *Exclusion* – intentionally and cruelly excluding someone from an online group
- *Cyber-stalking* – repeated, intense harassment and denigration that includes threats or creates significant fear

Harassment is usually directed at a person because of their gender, race, creed or abilities – it can be subtle or explicit. Subtle (the most common) they include:

- offensive staring and leering
- unwanted comments about physical appearance and sexual preference
- racist or smutty comments or jokes
- questions about another's sexual activity
- persistent comments about a person's private life or family
- physical contact e.g. purposely brushing up against another's body
- offensive name calling *Explicit (obvious)* they include:
- grabbing, aggressive hitting, pinching and shoving, etc
- unwelcome patting, touching, embracing
- repeated requests for dates, especially after refusal
- offensive gestures, jokes, comments, letters, phone calls or e-mail
- sexually and/or racially provocative remarks
- displays of sexually graphic material – pornography
- requests for sexual favours
- extreme forms of sexual harassment will lead to criminal prosecution

SAMPLE OF HOW TO REPORT AN INCIDENT OF BULLYING / HARASSMENT

Staff member recording incident:

_____ Date: __ / __ / _____

Name of student(s) who appears to have instigated bullying

Year/Class: _____

Name(s) of target(s)

Name(s) of witnesses

Did you observe the incident? YES ☐ NO ☐

If 'NO' who reported the incident to you?

Brief description of incident (what was allegedly said or done to the student who appears to have been bullied?)

What form(s) of bullying took place? Verbal ☐ Physical ☐ Indirect ☐ Cyber ☐ Other ☐ Please detail:

Was the incident of bullying: Mild ☐ Severe ☐ Describe how you responded (Did you use a College anti-bullying practice?)

Describe how student responded to your intervention

Where / when / time incident took place:

Location: _____

When: before College ☐ break ☐ lunch ☐ in class ☐ after College ☐ Time: _____: _____ am/pm

Date incident took place: __ / __ / _____

Additional comments:

SAMPLE OF HOW TO REPORT A STUDENT WHO HAS BULLIED / HARASSED TO YEAR LEVEL

Staff member recording incident:

_____ Date: __ / __ / ____

Position: _____

Name of student being referred:

_____ Year/Class:

History of incident(s) of bullying (dates, description)

Have parents/guardian been notified? YES ☐ NO ☐

If 'NO' why not?

Have they attended a conference? YES ☐ NO ☐

If 'NO' why not?

Are they willing to participate? YES ☐ NO ☐

If 'NO' why not?

What appears to be the reason for the student's bullying behaviour (family, peer, College, personal, other)?

What practices have been tried?

Impact

What has been the student's attitude towards student(s) who have been targets? (e.g., any concern or remorse expressed)?

A brief description of academic performance of student over past year or more.

Distinguishing 'at risk' factors of student (e.g. limited English: economic disadvantage of family etc)

REPORTING FORM FOR BULLYING AND HARASSMENT IN THE WORKPLACE

Incident report from – internal bullying and harassment	
Name (person reporting)	
Contact number	
Work section	
Date of incident/s	
What happened?	(Describe incident/s and/or behaviour/s)
Was physical force or threats to use physical force involved?	Please describe:
Did this happen to you or to someone else?	
Was anyone else involved? If so, who?	
Were there any witnesses? If so, who?	
How often has this happened?	
Describe what happened immediately before the incident?	
Was any action taken at the time?	If yes, explain:

EXAMPLE INTERVIEW RECORD FOR BULLYING AND VIOLENCE FROM INSIDE THE WORKPLACE

Employee details	
Name:	
Position:	
Work location:	
Contact number:	
Date and time of interview:	
Interviewer:	
Contact number:	
I have read this document and agree this summary is a true and accurate record of my interview. Signature: Date:	
Witness present:	
Summary of incident details	
Brief summary of incident/s and facts presented to interviewee:	
Response by interviewee to information provided:	
Background information additional to incident/s	
Was any disciplinary action taken after the incident/s?	
What effect has the incident had on the interviewee?	
Has the type of incident occurred before or since?	
What action is being sought by the interviewee?	