



PREVENTION AND MANAGEMENT OF HARASSMENT & BULLYING POLICY

The SKPS Committee of Management will review and update this policy as and when required or as determined by KPV updates.

SCOPE

This policy applies to all persons, paid or unpaid who work at South Kingsville Pre-School. All persons paid and unpaid, are to act in accordance with the principles set down in this policy at all times. The Employer may be held responsible for the behaviour of the people who are employed by them and those who access the workplace.

BACKGROUND AND RELEVANT LEGISLATION

- Sex Discrimination Act 1984 (Cth).
- Equal Opportunity Act 1995 (Vic).
- Disability Discrimination Act 1992 (Cth).
- Occupational Health and Safety Act 1985 (Vic).

DEFINITIONS

Sexual harassment: Under the *Sex Discrimination Act 1984* and the *Equal Opportunity Act 1995*, sexual harassment refers to unwanted, unwelcome behaviour, which is offensive, embarrassing, intimidating or humiliating. Sexual harassment can involve physical contact or suggestive behaviour or comments, propositioning and unnecessary and/or unwelcome familiarity.

Harassment includes, but is not limited to, unwanted, unwelcome behaviour, which is offensive, embarrassing, intimidating or humiliating.

Bullying includes systematic/repetitive physical and/or psychological abuse.

Workplace Bullying is repeated, unreasonable behaviour directed towards an Employee or group of Employees, that creates a risk to health or safety.

Unreasonable behaviour means behaviour that a reasonable person, having regard to all of the circumstances, would expect to victimise, humiliate, undermine or threaten.

For the purpose of this policy, harassment will include sexual and other forms of harassment including bullying.

POLICY STATEMENT

The South Kingsville Pre-School Committee acknowledges and supports the right of all Employees, Committee members, parents/guardians and other visitors to the preschool to work in an environment free of sexual and other forms of harassment, including bullying.

PREVENTION AND MANAGEMENT OF HARASSMENT & BULLYING POLICY

Sexual and other forms of harassment including bullying are unlawful and are not acceptable in any form by the Employer. Distress caused by harassment or bullying can be the same whether the conduct is intentional or unintentional.

All Employees, Committee members, parents/guardians and students on placement at the preschool will be made aware of the policy and the procedure available for dealing with harassment. This policy will be displayed prominently in the workplace and form part of information given to all Employees and Committee members, and made available to all parents and students.

HARASSMENT COMPLAINTS PROCEDURE

Confidentiality is a cornerstone of this procedure. Any Employee, Committee member, parent/guardian or student who uses the Harassment Reporting Procedure will be treated in the strictest confidence. Particular attention will be paid to the sensitive nature of a sexual harassment complaint and confidentiality will be maintained.

Because of possible conflict of interest, if the President, Vice President or other Committee members are personally involved in issues as a complainant, or in allegations of harassment, they will stand aside from participation in sub-committees, or procedures related to the investigation or management of complaints.

The preschool will ensure that all complaints/grievances in relation to harassment, regardless of whether they are of a major or minor nature, will be treated seriously and an investigation carried out fairly and efficiently.

All parties to a grievance have the right to:

- Have grievances conducted in a fair, objective and unbiased manner;
- Be treated with respect;
- Be kept informed about the progress of their grievance;
- Only have relevant factors taken into account in resolving a grievance;
- Not be subjected to any form of retribution, either stated or implied;
- Have a support person present at all stages of the process, but not a legal representative. A support person may be a work colleague, union representative or friend. A support person may offer support only, and is not there to act as an advocate or to disrupt proceedings;
- Be kept informed, orally and in writing of the outcome of the grievance and the reasons for it.

All parties to the grievance are expected to:

- Respect and consider alternative views and opinions;
- Fully participate in the grievance process.

HARASSMENT REPORTING PROCEDURE

Step 1: Opportunity for resolution

If an Employee is offended or believes they are the subject of harassment, the best response is to take firm and positive action. The Employee is encouraged to make the person or persons aware that their actions are unwelcome.

If the behaviour continues or, if the Employee feels they are unable to speak to the person themselves, the Employee should go to the President or in her absence the Vice President to:

- Obtain information and clarify if the nature of the behaviour may constitute harassment; and
- Explore possible strategies for resolving the difficulty without recourse to a formal complaint.

Step 2: Lodgement of complaint

If the problem is not, or cannot be rectified by approaching the alleged harasser, the following steps need to be taken. The Employee, Committee member, parent/guardian or student should report the complaint in writing to the Employer, marked for the attention of the President, or in her absence the Vice President. The report should set out the nature and details of the complaint as well as any suggestions they have to resolve the complaint. Once the complaint has been made, care will be taken not to discriminate against or victimise the complainant or the alleged harasser.

The President/Vice President advises Committee members of the receipt of the complaint at the next Committee meeting.

Step 3: Consultation about complaint

The Committee delegates authority to the President, or in her absence the Vice President, on the receipt of a complaint in relation to harassment, to appoint two Committee members (one of whom may be the President) to a sub-committee to consult with the parties involved to try and seek a resolution and investigate the matter if necessary.

The consultation should be completed within five working days of the lodgement of the formal grievance, unless the complainant agrees to an extension of this time frame.

The sub-committee, in consultation with the complainant, will decide on how to resolve the matter. Attempts will be made to resolve the complaint to the mutual satisfaction of those involved. Depending on the nature and severity of the matter the following action may be undertaken.

The sub-committee will meet with the alleged harasser to notify him/her of the complaint. This person must be advised of the following:

- (a) The right to have a support person present at all stages of the process, but not a legal representative. A support person may be a work colleague, union representative or friend. A support person may offer support only, and is not there to act as an advocate or to disrupt proceedings.
- (b) Not to contact the complainant.

- (c) That no action will be taken until he/she has had an opportunity to be heard.
- (d) If, after discussions with the alleged harasser, it appears that a simple modification of behaviour on the part of the alleged harasser will, to the satisfaction of the complainant, resolve the complaint, the sub-committee should agree with the complainant that no further action should be taken. If after a period of three months there are no further complaints, the matter will be closed.
- (e) The sub-committee will report back on its actions and findings to the Committee on completing their consultation.

Step 4: Complaint investigation phase

If it is not possible to resolve the complaint through discussions with relevant parties, within the time frame set out in Step 3 above for the consultation phase, the sub-committee will investigate the complaint. This investigation should be completed within 10 working days of the conclusion of the consultation phase, except in situations where there is a lodgement of a serious case of sexual or other forms of harassment, where the investigation phase should be completed within five working days.

All documents related to the complaint will be kept confidential and shall not be produced or made available for inspection except on instruction from a relevant authority in line with the preschool's Privacy Policy.

The Committee will be kept informed of the progress of the investigation.

During the period of investigation of serious sexual or other harassment, wherever possible the complainant and alleged harasser should not be required to work with each other in the same physical area, if requested by either party. Wherever possible, alternate-working arrangements should be made if requested by either party. If an alternative working arrangement is not possible, the Committee will arrange for a third person to be present whose role it will be to monitor all contact.

The sub-committee will report its findings back to the Committee on completing their investigation.

Step 5: Resolution of complaint following investigation

If following investigation and resolution a complaint is found to have foundation, the Committee will determine an appropriate action plan, which addresses the issues of concern and will take steps to immediately prevent a recurrence of the behaviour. Both parties will be told of the decision and the reasons for the decision. If the harasser is an Employee, the complaint and resolution are to be noted on the personnel file.

Where the incident involved an Employee and did not warrant dismissal, but disciplinary action taken was effective, or the action taken with a non-Employee was effective, a check should be made at regular intervals to ensure the behaviour has stopped and that the solution is working satisfactorily.

Redress or compensation for the complainant could include a private or public written or verbal apology from the harasser.

PREVENTION AND MANAGEMENT OF HARASSMENT & BULLYING POLICY

If, following investigation the complaint is found to have no foundation, the complainant may be counselled. If it is considered that the complaint was made maliciously, then disciplinary action may be taken against the complainant.

Application to an External Organisation

As sexual and disability harassment are breaches of Victorian and Commonwealth legislation, the aggrieved party is entitled to take his/her complaint to the appropriate Commission.

- The Equal Opportunity Commission can be contacted on 9281 7111 or 1800 134 142.
- The Human Rights and Equal Opportunity Commission can be contacted on 1300 369 711.

KEY RESPONSIBILITIES AND AUTHORITIES

RESPONSIBILITIES

The **Committee** is responsible for:

- Implementing this policy.
- Ensuring confidentiality is maintained.
- Authorising change to this policy.

The **Harassment Sub-committee** is responsible for:

- Responding to, and investigating any complaints to the preschool that are covered by this policy, in accordance with this policy
- Seeking assistance and advice from relevant organisations or persons in dealing with the complaint.

The **Staff** are responsible for:

- Complying with this policy.

RESOURCES AND SUPPORT

WorkSafe Victoria Prevention of Bullying and Violence at Work. Available from local WorkSafe Victoria offices or web site on www.workcover.vic.gov.au

EVALUATION

In order to assess whether this policy has achieved the purposes set out in this policy under the Policy Statement section, the Committee will:

- Monitor complaints received in relation to harassment and assess whether a satisfactory resolution has been achieved.
- Take into consideration feedback on this policy from Employees, students, volunteers, parents/guardians and Committee members.