

Bullying and Harassment Policy

Policy Statement

EmployEase is committed to treating all workers fairly. Our aim is for all workers to enjoy the right to work free from all forms of unlawful bullying or harassment at work. To establish this, our is to create an environment which respects difference and supports the personal and professional development of all workers.

If a complaint is made, management will endeavour to support both the complainant and respondent in the investigation process, preventing any discrimination against the worker who made the complaint. Conduct that contravenes laws against bullying and harassment is unlawful and will not be tolerated within the workplace.

Purpose

- To outline EmployEase's commitment to minimising and eliminating all forms of unlawful harassment, discrimination and bullying within the workplace.
- To ensure that all reasonable steps have been taken to prevent bullying and harassment.

Scope

This policy applies to EmployEase workers while at work and when interacting with internal and external stakeholders. The definition of workers covers employees, casual trainers, contractors, students and volunteers

This policy may be reviewed and amended from time to time and does not form part of any worker's contract of employment.

Responsibilities

Managers

- To treat all workers fairly and consistently in the workplace.
- To take all reasonable steps and actions to prevent bullying or harassment from happening.
- To be a good role model by not engaging in any bullying or harassing behaviour.
- To make fair, non-discriminatory and timely decisions.
- To enforce that any unfair, bullying or harassing behaviour will not be tolerated and act immediately if a complaint is made, following the Grievance Policy.
- To encourage workers to come forward immediately if they have any problem or concern about a work issue, so that it can be resolved quickly and efficiently.

Workers

- To act ethically, fairly and impartially towards colleagues, respecting diversity at all times.
- To ensure that they do not discriminate against, bully or harass other workers or participate in actions or activities designed to bully or harass others.
- To have read and understood EmployEase policies and procedures in relation to bullying and harassment and follow them at all times.

- To not participate in or encourage a work environment or workplace culture that is sexually or racially 'hostile'. Examples of a potentially hostile working environment are where crude conversations, innuendo, or offensive jokes are part of the accepted culture.

Principles

EmployEase is committed to eliminating bullying and harassment and aims to:

- Create a workplace environment which is free from bullying and harassment and where all workers are treated with dignity, courtesy and respect;
- Implement training and awareness raising strategies so that all workers know their rights and responsibilities;
- Provide an effective procedure for complaints;
- Treat all complaints in a sensitive, fair and timely manner;
- Keep the complaint confidential to the extent possible;
- Protect complainants from any victimisation which may arise; and,
- Promote professional standards of conduct at all times.

i. Bullying

Workplace bullying is unacceptable in any circumstance and will not be tolerated. A worker is bullied at work if, while at work, an individual or group of individuals repeatedly behaves unreasonably towards the worker and that behaviour creates a risk to health and safety.

Examples of bullying may include but are not limited to:

- Loud insults, especially when others are around to hear.
- Threatening to punish you for no reason.
- Emailing or leaving messages by phone or other electronic means that are offensive or intimidating.
- Sabotaging your work (e.g. giving you wrong information on purpose)
- Excluding you from workplace meetings or social gatherings.
- Spreading false rumours about you.
- Humiliating you through gestures, sarcasm, criticism and insults, especially in front of others.

ii. Harassment

Harassment is any offensive conduct which interferes with a worker's working conditions or performance or creates a hostile or intimidating work environment. Harassment is any form of behaviour that is not wanted and not asked for and that humiliates someone, offends them or intimidates them. Harassment because of relationship to or association with a person of a particular sex, race, marital status etc. is also prohibited. Harassment is an unlawful form of behaviour and EmployEase will not tolerate this form of behaviour whether intentional or not.

iii. Sexual Harassment

Sexual harassment is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated and where that reaction is reasonable in the circumstances. Sexual harassment can involve physical, visual, verbal or non-verbal conduct of a sexual nature.

Sexual harassment focuses on how the conduct in question was perceived and experienced by the recipient rather than the intention behind it.

Examples may include but are not limited to:

- Uninvited touching, kisses or embraces.
- Inappropriate jokes or comments.
- Making promises or threats in return for sexual favours.
- Displays of sexually graphic material including posters, pinups, cartoons, graffiti or messages left in kitchen areas or desks.
- Repeated invitations to go out after prior refusal.
- “Flashing” or sexual gestures.
- Sex-based insults, taunts, teasing or name calling.
- Staring or leering at a person or at parts of their body.
- Unwelcome physical contact such as massaging a person without invitation.
- Deliberately brushing up against a person.
- Requests for sex.
- Sexually explicit conversations.
- Offensive phone calls or letters.
- Stalking.
- Offensive email messages or computer screen savers.

There may be other inappropriate behaviour not listed above that makes workers feel offended, humiliated or intimidated and is not wanted.

What sexual harassment is not

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

While workplace relationships do occur, they are not encouraged by EmployEase. If work colleagues are in a relationship, this should not interfere with either worker’s work or standards of behaviour that EmployEase expects.

iv. Discrimination

EmployEase is committed to maintaining a working environment free of discrimination. Discrimination in employment is prohibited by various anti-discrimination laws on prohibited grounds including the following:

- Sex (including pregnancy and/or potential pregnancy)
- Carers’ responsibilities
- Race (including colour, nationality, descent, ethnic or ethno-religious or national origin)
- Marital status
- Disability (including mental, intellectual, psychological or physical)
- Political opinion or Trade Union activity
- Medical record
- Criminal record
- Sexual orientation
- Sexuality
- Sexual harassment
- Age
- Victimisation

There are two (2) types of discrimination: direct discrimination and indirect discrimination. Direct discrimination is where someone is treated unfairly or unequally on the basis of a prohibited ground set out above. Indirect discrimination is where there is a requirement that is the same for everyone, but which has an unequal or disproportionate effect on different groups of people according to prohibited grounds and is unreasonable taking all the circumstances into account.

v. Victimisation

Victimisation is against the law. EmployEase is committed to treating workers who have made a complaint fairly and preventing victimisation against a person who makes a discrimination complaint or supports another worker involved in a complaint.

Exception

Reasonable management action carried out in a reasonable manner is not bullying or harassment.

Making a false complaint or allegation is a serious matter. Workers who knowingly make a false complaint, or who are not truthful in any investigation, will be subject to appropriate disciplinary action.

Advice to workers

It is sometimes difficult to know whether other people will find certain behaviour acceptable. Workers should be careful not to risk being misunderstood and becoming the subject of a complaint. Remember: some people find particular types of behaviour offensive when others do not.

Workers must always consider their behaviour from the point of view of the person receiving it. It is no defence to a complaint of unlawful bullying or harassment where there was no intention to cause offence.

What to do if you believe you are being bullied or harassed

- Tell the person their behaviour is unacceptable and must stop
- If a worker experiences or observes behaviour (whether by a worker or a client) which they think amounts to bullying and harassment from another person in connection with their employment, they must raise it directly with their Manager or Human Resources.
- The incident should be reported as soon as possible after the incident has occurred.
- A written record of the worker's complaint should be made.
- To assist in the investigation, the complaint should remain confidential.
- The Manager or Human Resources will investigate the complaint in accordance with the Grievance Policy and all parties will be given the opportunity to provide their response. Relevant information will be collected and considered. Only the people directly involved in the complaint and in the process of resolving it will have access to information about the complaint.

Compliance

Any breach of this Bullying and Harassment Policy may result in EmployEase taking disciplinary action against a worker. Dependent on the seriousness of the behaviour, non-compliance may result in disciplinary action up to and including termination of employment.

Related Policies

Code of Conduct

Grievance Policy