



PILGRIM UNITING CHURCH

We are called by God to be a prophetic witness in the city of Adelaide so that new life and vitality will be generated in our city and its people. We celebrate in our unity and diversity, our shared beliefs and past experiences, and value worship, teaching, creativity and justice.

HR-10

WORKPLACE HARASSMENT AND BULLYING POLICY

1. Introduction

1.1 Pilgrim Uniting Church (Pilgrim) is committed to:

- fostering a positive and productive workplace which is mutually beneficial for Pilgrim and our staff; and
- ensuring that employment practices are in accordance with relevant legislation and best practice in human resources management.

1.2 Pilgrim acknowledges its responsibility to do all that is reasonably practical to ensure that staff are not subjected to inappropriate behaviour and are safe from injury and risks to health at work. Pilgrim is committed to taking all reasonable steps to minimise any form of workplace harassment or bullying.

2. Purpose

This Policy outlines Pilgrim's responsibility for ensuring that all current and prospective staff are not subjected to any bullying or harassment in the workplace. Bullying and harassment is unlawful, pursuant to State legislation (*Equal Opportunity Act 1984 and Work, Health and Safety Act*, and Federal legislation (*Sex Discrimination Act 1984, Racial Discrimination Act, 1975, Disability Discrimination Act 1992 and Human Rights and Equal Opportunity Commission Act 1986*).

3. Definitions -

3.1 Unacceptable Conduct?

Behaviour of the following kinds are defined as "Unacceptable Conduct" by the Uniting Church of South Australia:

- Harassment
- Bullying
- Vilification
- Sexual Harassment
- Retaliation or victimisation against someone involved in a complaint

3.2 Bullying

Workplace bullying can adversely affect the psychological and physical health of a person. Workplace bullying is a psychological hazard that has the potential to harm a person, and it also creates a psychological risk as there is a possibility that a person

may be harmed if exposed to it. If effective control measures are put in place to address and resolve workplace issues early, a workplace can minimise the risk of workplace bullying and prevent it from becoming acceptable behaviour in the workplace. (*SafeWork SA*)

Bullying has many similarities to harassment, but the reasons for bullying behaviour do not have to be based upon an unlawful or discriminatory ground.

3.2 Harassment

Harassment is any verbal, written or physical behaviour or conduct that is of an offensive, threatening, intimidating, abusive or belittling nature and that is unwelcome, unreciprocated, uninvited and usually, but not always, repeated.

It can also be based on race, disability, age, pregnancy, marital status, homosexuality, transgender, or HIV/AIDS status.

Workplace harassment usually consists of a pattern of unwelcome behaviour. However, it can consist of just one act of a serious nature. Also, there is no requirement that the harasser intended to offend or harm in order for it to be unlawful. All that is required, under the law, is that a reasonable person would consider that the person being harassed would be offended, humiliated or intimidated by the behaviour in question.

Harassment in the workplace can create an unpleasant or even hostile environment. Harassment makes work difficult for everyone – the person being harassed, as well as personnel witnessing the harassment. The harasser is not concentrating on their work when he/she engages in this type of behaviour.

4. Examples of harassing or bullying behaviour

Harassing or bullying behaviours may include (but are not limited to):

- offensive comments on physical appearance, dress or private life;
- unwanted physical contact such as patting, hugging, touching or unnecessary familiarity;
- sexual jokes, suggestive behaviour, sexual innuendo, spoken comments or offensive telephone calls, emails;
- demands for sexual favours or unwanted comments about a person's sex life;
- leering, wolf whistles, catcalls and obscene gestures;
- display of offensive posters, pictures, graffiti, or pornographic material;
- racially based jokes or comments;
- mimicking someone with a disability;
- isolating someone;
- unfair or excessive criticism;
- initiation 'rituals'; and/or
- using aggressive language.

Bullying and harassment are not acceptable. It is a risk to the health and safety of our staff, decreases productivity, increases absenteeism and is illegal.

Any complaint of bullying and harassment will be treated seriously and immediate action will be taken to resolve the complaint quickly and fairly and with complete confidentiality. Staff who make a complaint or who support a staff member making a complaint of bullying and harassment will not be subjected to victimisation.

Authorisation

Church Council Chair:



Reviewed February 2020

Approved: March 2020

Next review date: March 2022

BULLYING AND HARASSMENT PROCEDURES

1. Responsibilities

1.1 Business Manager

The Business Manager is responsible for the management and implementation of the Workplace Bullying and Harassment Policy, and ensuring that the Policy and Procedures are adhered to.

1.2 Managers are responsible and accountable for ensuring that:

- they model appropriate behaviour and monitor the working environment to ensure that the appropriate standards of conduct are observed at all times;
- the Workplace Bullying and Harassment Policy and Procedures are actively promoted to new and existing staff so that they are aware of their rights and obligations as outlined in this Policy.

1.2 Staff are responsible for ensuring that they understand their rights and responsibilities outlined in this policy and do not commit or encourage harassment or bullying in the workplace.

2. Actions for dealing with an alleged incident of bully and harassment

A staff member who believes that they have been bullied or harassed may take one of the following courses of action.

- They may choose to approach the harasser themselves and ask them to stop the offending behaviour.
- If they are not satisfied with the outcome of their discussions with the harasser, or they feel uncomfortable about approaching the harasser on their own, they should seek the assistance of their Manager, or the Business Manager or the Chair of Church Council in dealing with the complaint.
- They may refer a formal complaint in writing to the Business Manager, outlining the circumstances of the complaint and the action they want taken in relation to the person(s) concerned. This will result in a formal investigation into the complaint.

3. Formal Complaints

3.1 Investigation of Complaints

Formal complaints must be referred to the Business Manager for investigation.

Note: In the event of a complaint being made against the Business Manager, the Chair of the Church Council will take responsibility for managing the complaint.

The Business Manager will ensure that all complaints are investigated quickly and fairly and treated with complete confidentiality.

Under the principles of procedural fairness the investigation will involve interviewing all parties to the complaint and they will be provided with the opportunity to put their positions fully. Any other person(s) who may have been involved or who may have witnessed the incident(s) will also be interviewed as part of the investigation.

Pilgrim will take all necessary steps to ensure that people involved in a complaint are not victimised by anyone for coming forward with the complaint or for helping to resolve it.

3.2 Confidentiality

All details of complaints of bullying and harassment will remain confidential unless specific permission is granted by the complainant. Any person who breaches confidentiality may be disciplined. It is also important that the complainant keeps the matter confidential to avoid idle gossip and the possibility of defamation proceedings against the complainant or Pilgrim.

3.3 Right to be represented

During any meetings or discussions, the complainant will have the right to be represented or accompanied by a person of their choice. This may be a family member or friend.

3.4 Outcome of the Investigation

Following the investigation, the complainant will be informed of what action (if any) is proposed to be taken by Pilgrim and/or the next steps to be taken.

Appropriate action, where necessary, will be taken against anyone who is found to have harassed or bullied a staff member or any other person during the course of their employment. This may include counselling, disciplinary action or termination of employment.

All reasonable steps will be taken to ensure that there is no further occurrence of the offence.

3.5 Independent Advice

If, in the first instance, the staff member is not comfortable in approaching their Manager, the Business Manager or the Chair of the Church Council, or if they are not satisfied with the way their complaint has been handled by Pilgrim, they may seek independent advice from the Human Resources section of Synod, SafeWork SA or the Equal Opportunity Commission.

4. Related Policies

- HR-01 - Grievance Policy HR-01
- HR-07 - Confidentiality Policy
- HR-08 - Equal Opportunity Policy
- HR-09 - Sexual Harassment Policy
- HR-11 - Code of Conduct – Staff

Authorisation

Chair of Operations Committee:



Reviewed February 2020

Approved: March 2020

Next review date: March 2022

