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| ***POLICY AND PROCEDURE – HR001.4******DIGNITY AT WORK*** |

**POLICY STATEMENT**

Community Connection recognises the right of all employees to be treated with dignity and respect and is committed to ensuring that all employees are provided with a safe working environment which is free from all forms of bullying, sexual harassment and harassment. Workplace bullying and harassment adversely affects the quality of support of individuals with a disability by undermining employee morale which can result in absenteeism, stress-related illnesses and higher turnover of employees. Bullying and harassment can have a devastating effect on the health, confidence, morale and performance of those subjected to it. Bullying and harassment may also have a damaging impact on employees not directly subjected to inappropriate behaviour but who witness it or have knowledge of it.

We are also committed to providing employees with a safe work environment that is free from inappropriate behaviour and will take all reasonable steps to minimise any form of workplace bullying or harassment.  This commitment is based on our employees right to be respected, and kept safe from any harm.

This Policy and its attached Procedure is aimed at ensuring that employees are not subjected to any unwanted workplace bullying or harassment.  Bullying and harassment in the workplace is also against the law.  For these reasons workplace harassment or bullying by or towards any individual, family member or employee in any work-related situation will not be tolerated by Community Connection under any circumstances.

**PROCEDURE**

This policy and procedure have a strong preventative focus and emphasises that every employee has a duty to maintain a working environment in which the dignity of everyone is respected.

**What is Bullying, Harassment and Sexual Harassment?**

*What is Workplace Bullying?*

Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual’s right to dignity at work.

A key characteristic of bullying is that it usually takes place over a period of time. It is regular

and persistent inappropriate behaviour which is specifically targeted at one employee or a group of employees. It may be perpetrated by someone in a position of authority, by employees against a manager or by employees in the same role as the recipient.

*What Bullying is Not*

The following do not constitute bullying:

* An isolated incident of inappropriate behaviour may be an affront to dignity at work but, as a once-off incident, is not considered to be bullying, e.g. an occasional bout of anger or a conflict of views.
* Fair and constructive criticism of an employee’s performance, conduct or attendance.
* Reasonable and essential discipline arising from the good management of the performance of an employee at work.
* Actions taken which can be justified as regards the safety, health and welfare of the employees.
* Legitimate management responses to crisis situations which require immediate action.
* Complaints relating to instructions issued by a manager, assignment of duties, terms and conditions of employment or other matters which are appropriate for referral under the normal grievance procedure.

*Examples of Bullying*

The following are some examples of the type of behaviour which may constitute bullying. These examples are illustrative but not exhaustive:

* Constant humiliation, ridicule, belittling efforts – often in front of others
* Verbal abuse, including shouting, use of obscene language and spreading malicious rumours
* Showing hostility through sustained unfriendly contact or exclusion
* Inappropriate overruling of a person’s authority, reducing a job to routine tasks well below the person’s skills and capabilities without prior discussion or explanation
* Persistently and inappropriately finding fault with a person’s work and using this as an excuse to humiliate the person rather than trying to improve performance
* Constantly picking on a person when things go wrong even when they are not responsible.

*What is Harassment?*

Harassment (other than sexual harassment) is any form of unwanted conduct related to any of the discriminatory grounds which are outlined below:

* gender
* marital status
* family status
* sexual orientation
* religion
* age
* disability
* race

Harassment is defined as any form of unwanted conduct related to any of these discriminatory grounds which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. Harassment is inappropriate behaviour based on the relevant characteristic of the employee such as race, religion, age or any of the other grounds.

Inappropriate behaviour that is not linked to one of the nine discriminatory grounds is not covered by this definition.

Harassment may be targeted at one employee or a group of employees. Harassment may consist of a single incident or repeated inappropriate behaviour.

The following are examples of inappropriate behaviour which may constitute harassment. These examples of harassment are illustrative but not exhaustive:

* Verbal harassment, e.g. jokes, derogatory comments, ridicule or song;
* Written harassment, e.g. faxes, text messages, e-mails or notices;
* Physical harassment, e.g. jostling or shoving;
* Intimidatory harassment, e.g. gestures or threatening poses;
* Visual displays, e.g. posters, emblems or badges;
* Persistent negative body language; and
* Ostracising a person

An act of harassment may occur outside the work premises or normal working hours provided the perpetrator was acting in the course of employment, for example, at a training course, conference or work-related social event.

*What is Sexual Harassment?*

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Sexual harassment may consist of a single incident or repeated inappropriate behaviour. It may be targeted at one employee or a group of employees.

The following are some examples of inappropriate behaviour which may constitute sexual harassment. These examples are illustrative but not exhaustive:

* Physical conduct of a sexual nature, e.g. unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee’s body
* Verbal conduct of a sexual nature, e.g. unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted and offensive flirtations, suggestive remarks, innuendos or lewd comments
* Non-verbal conduct of a sexual nature, e.g. the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes
* Unwanted or derogatory comments about dress or appearance
* Leering and suggestive gestures

An act of sexual harassment may occur outside the work premises or normal working hours provided the perpetrator was acting in the course of employment, for example, at a training course, conference or work-related social event.

*How does Sexual Harassment and Harassment differ from Friendly Workplace Banter?*

It is the unwanted nature of the conduct which distinguishes harassment and sexual harassment from friendly behaviour which is mutual and welcome. It is up to each employee to decide what behaviour is unwelcome, irrespective of the attitude of others, and from whom such behaviour is unwelcome. The fact that the employee has previously tolerated the behaviour does not stop them from objecting to it now.

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*Is Motive Relevant?*

The intention of the person engaging in the unwelcome behaviour is irrelevant – the effect of the behaviour on the employee concerned is what is important.

**Roles and Responsibilities**

This section sets out the responsibilities of:

* The employer;
* Employees; and
* Coordinators, Operations Manager and Strategic Manager

*The Employer’s Responsibilities*

Community Connection will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of bullying and harassment. This policy and procedure will be communicated throughout the organisation and all employees will be made aware of their responsibilities to create a working environment which is free from bullying and harassment. The policy and procedure will form part of the induction process for all employees and appropriate training will be provided to Lifestyle Coordinators and members of the Management Team to enable them to communicate the policy and procedure to employees and deal with complaints.

The Operations Manager and/or the Strategic Manager will provide confidential information and support to employees who feel that they are being subjected to bullying or harassment. Appropriate and ongoing supervision will be provided to enable the relevant employees to support the complainant.

Progress on the implementation and effectiveness of the policy and procedure will be regularly

monitored and reviewed.

*Employees’ Responsibilities*

All employees have a responsibility to help maintain a working environment in which the dignity of all individuals with a disability and other employees is respected. All employees must comply with this policy and procedure and ensure that their behaviour does not cause offence to individuals, their families, other employees or any person with whom they come into contact during the course of their work.

Employees should discourage bullying and harassment by objecting to inappropriate behaviour. Employees should inform a Lifestyle Coordinator or member of the Management Team if they are concerned that a work colleague is being bullied or harassed.

*Lifestyle Coordinators, Human Resource Coordinator, Operations Manager and Strategic Manager’s Responsibilities*

Lifestyle Coordinators, *Human Resource Coordinator* Operations Manager and the Strategic Manager have a particular responsibility to implement this policy and procedure and to make every effort to ensure that bullying and harassment does not occur, particularly in work areas for which they are responsible. Lifestyle Coordinators, Operations Manager and the Strategic Manager have an obligation to deal promptly and effectively with any incidents of bullying or harassment of which they are aware or ought to be aware.

*Lifestyle Coordinators,* *Human Resource Coordinator Operations Manager and Strategic Manager’s should:*

* Explain the Dignity at Work Policy and Procedure to all employees and ensure that they understand their roles and responsibilities.
* Explain this Policy, Procedure and the Complaints Procedure to new employees as part of their induction.
* Monitor the behaviour of new employees during their probationary period to ensure compliance with the Dignity at Work Policy and Procedure.
* Promote awareness of the policy and procedure amongst employees on an ongoing basis.
* Communicate the policy and procedure to non-employees (e.g. ensure posters and leaflets are prominently displayed and copies of the policy and procedure are readily available)
* Set a good example by treating all employees and any other person with whom they come into contact in the workplace with courtesy and respect.
* Be vigilant for signs of bullying and harassment and intervene before a problem escalates.
* Respond sensitively to any employee who makes a complaint of bullying or harassment.
* Respond promptly and discreetly to requests from employees to intervene and seek to resolve the matter informally where appropriate.
* Ensure that an employee is not victimised for making a complaint of bullying or harassment in good faith.
* Monitor and follow up the situation after a complaint is made so that the behaviour complained of does not recur.
* Keep a record of all complaints and how these were resolved.

**Malicious or Vexatious Complaint**

*Vexatious claims and claims made without reasonable cause:*

Employees should not raise allegations which are vexatious or without reasonable cause.

Vexatious means that:

* The main purpose of a claim is to harass, annoy or embarrass the other party; or
* There is another purpose for the grievance other than the settlement of the issues arising in the claim (or response).

Without reasonable cause’ means that a claim is made without there being any real reason, basis in fact(s) or purpose.

Such claims include allegations that are:

* So obviously untenable that the claim cannot possibly succeed;
* Manifestly groundless; and/or
* Insufficiently particularised.

Where a claim is determined as vexatious or made without reasonable cause, the employee who raised the complaint will receive written notification of the determination which will include reasons as to why the complaint was deemed as vexatious and/or reasonable cause.

Employees should normally raise a claim of bullying, harassment or sexual harassment with their Lifestyle Coordinator and attempt to resolve such claims locally and informally. At this stage, the employee, at their discretion, may also report their attempt to resolve their claim.

Where the attempt to informally resolve the matter fails or is not appropriate, the employee should discuss the matter further with the Lifestyle Coordinator. At this stage, the employee must report their attempt to resolve their issue.

In the case of all bullying, harassment and sexual harassment complaints, Community Connection will review the allegations and respond to the employee who raised the complaint.

While the procedural requirements of the various bullying, harassment and sexual harassment resolution mechanisms vary, Community Connection aims to ensure that:

* Bullying, harassment and sexual harassment complaints are addressed sensitively, promptly and in accordance with relevant policy and the principles of natural justice;
* All reasonable steps are taken to respect the confidentiality of the employee/s involved in a complaint;
* Fairness and impartiality prevail throughout the appropriate resolution process - until a bullying, harassment or sexual harassment complaint is investigated and a decision is made, a grievance is an allegation, not a fact;
* Appropriate records are maintained throughout the resolution process;
* Employees who notify a bullying, harassment or sexual harassment complaint are protected from victimisation or reprisal;
* Employees who notify a bullying or harassment complaint are regularly informed of the progress of the matter and of the consequences of any finding i.e. whether or not the complaint is substantiated.

Most bullying and or harassment complaints should be able to be resolved at local level.  Before entering into the formal process, the grievant should attempt to resolve the complaint with their Lifestyle Coordinator, Strategic and Operations Manager.

In circumstances where the bullying and/or harassment complaint is unable to be resolved at the informal stage or local level, the employee who has received the complaint may refer the matter to the Operations Manager and/or the Strategic Manager. The   relevant Manager may attempt to conciliate or mediate the matter, by agreement with the parties, or appoint an appropriate independent (internally or externally appointed) person who will investigate the matter to make findings of fact.

In the event that the matter is referred for investigation, the investigator will:

* Conduct the investigation with due regard to procedural fairness, timeliness, and the employees’ safety and well-being;
* Notify the parties of the investigation;
* Seek sufficient particulars of the alleged conduct to enable the complaint/concern to be factually investigated;
* Provide the respondent with a summary of allegations and/or a statement of the alleged conduct;
* Provide the respondent with an opportunity to respond to the complaint and/or alleged conduct;
* Interview the parties and, where necessary, any witnesses;
* Review any relevant documentation; and
* Prepare a report setting out the complaint, how the investigation was conducted, relevant facts, and findings, and present this to the relevant Member of the Management Team.

The relevant member of the Management Team will then make a decision based on the investigation report as to whether the alleged conduct is proven, proven in part or not proven. The decision, along with a summary of reasons for making the decision and a clear statement of what actions will follow, will be provided to the complainant, the respondent/s, and Human Resource Coordinator.

If the complaint is dealt with formally, Community Connection will aim to ensure:

* Before a complaint is investigated, the grievant relevantly describes their allegations (in most instances, but not all, this will need to be in writing), including particulars of the allegations so that they can be investigated appropriately;
* The person against whom the allegations are made is provided with a copy of the allegations that will be investigated; and
* All parties are informed in writing of the outcomes of any investigative process.

**Outcome and Referral**

Community Connection, through its investigation of the complaint, seeks to prevent the employee from being further bullied and enable normal working relationships to resume.

If a bullying or harassment complaint is investigated and findings are made that substantiate any or all of the allegations made, the Operations Manager and/or the Strategic Manager may refer the matter to the relevant member of the Manager Team in order for them to take appropriate action to prevent any behaviours that are identified as bullying or harassment. This may include, but is not limited to:

* Requiring the individual or group of individuals to stop the specified behaviour(s);
* Regular monitoring of behaviours by Community Connection;
* Requiring compliance with this policy and any other relevant Community Connection policy; and
* Provision of information, additional support and training of relevant employees.

The relevant Manager may also:

* Counsel the employee involved on their behaviour and the findings made as a result of the investigation;
* Commence disciplinary action in accordance with the Social, Community, Home Care and Disability Services Industry Award 2010 (SCHC&DS), which could lead to disciplinary action being taken, including termination of employment;
* Take some other form of appropriate action; or
* Take no further action.

Notwithstanding the above, the primary purpose of this policy and procedure is to identify bullying, harassment or sexual harassment and act to prevent its occurrence in the workplace.

The Dignity at Work Policy and Procedure is a complete code for Community Connection to manage and resolve bullying, harassment and/or sexual harassment complaints.  It in no way limits an employee’s rights, including their access to a State based WorkCover Authority and/or the Fair Work Commission or any other jurisdiction (court or tribunal).

**Confidentiality and Victimisation**

The parties to a bullying and/or harassment complaint are required, at all stages of this policy and procedure, to maintain confidentiality in relation to the concern or complaint.  The parties must not disclose, by any form of communication, either the fact or the substance of the allegations or issues to anyone other than an advocate or a qualified counsellor.

A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the resolution of a complaint under these procedures.

Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by Community Connection, and may result in disciplinary action.  Any such breach will be referred for investigation and handling in accordance with the relevant misconduct procedure.

**RESPONSIBILITY FOR IMPLEMENTING POLICY AND PROCEDURE**

The Board, Lifestyle Assistants, Lifestyle Coordinators, Operations Manager, Strategic Manager, HR and the Management Team.

**RELATED POLICIES, PROCEDURES AND GUIDELINES**

*Human Services Quality Framework*

* Human Services Quality Standard 1 – Governance and Management
* Human Services Quality Standard 5 – Feedback, Complaints, and Appeals
* Human Services Quality Standard 6 – Human Resources
* HR001.2 – Recruitment of Employees
* HR001.6 – Employee Misconduct and Discipline
* HR001.9 – Anti-Racism
* HR001.19 – Position Description and Position Title
* HR001.20 – Code of Conduct
* GOV001.21 – Continuous Improvement
* WHS001.3 – Incident/Hazard Reporting
* WHS001.4 – Work Health and Safety

**RELATED LEGISLATION**

* Anti-Discrimination Act (1991) QLD
* Industrial Relations Act (2016) QLD
* Information Privacy Act (2009) QLD
* Right to Information Act (2009) QLD
* [Fair Work Act 2009](http://www.austlii.edu.au/au/legis/cth/num_act/fwa2009114/index.html) – (Cth)

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| **DATE OF BOARD ENDORSEMENT** | 06/02/2019 |
| **LAST REVIEW DATE** | 06/02/2019 |
| **NEXT REVIEW DATE** |  |