



Workplace Anti-Bullying Policy

1 Purpose

The purpose of this Workplace Anti-Bullying Policy (the Policy) is to explain the standard of behaviour expected of employees and to outline Macquarie Grammar School's (the School) policy on workplace bullying.

2 Scope

This Policy applies to all staff—including full-time, part-time and casual employees—volunteers, pre-service teachers and contracted staff of the School. Relevant legislation always applies in addition to this Policy. This Policy does not apply to students of the School. For information relating to bullying of students, please refer to the *Promoting Positive Relationships Policy*. This Policy does not apply to parents or others in the broader school community. Parents may raise concerns with the School in alignment with the *Complaints Handling Policy*.

3 Policy

The School will not tolerate workplace bullying, workplace violence or indirect bullying from any member of School staff. Workplace bullying is regarded as a serious matter under workplace health and safety laws. The School is committed to providing a safe working environment free from bullying and violence of any kind, including by educating and informing its employees of their rights and responsibilities, and ensuring complaints are dealt with fairly and promptly.

4 Roles and Responsibilities

4.1 The Principal

The Principal (or authorised delegate) is responsible for ensuring:

- (a) a safe work environment that enables employees to carry out their work free from workplace bullying
- (b) implementation of this Policy and communication to all staff
- (c) training is provided to staff covering their rights and responsibilities under this Policy
- (d) two Workplace Support Officers (WSOs) are appointed (one academic and one professional staff member) and receive appropriate training

(e) complaints are received and investigated in accordance with the procedures set out in this Policy

(f) complainants and others involved in the investigation of complaints are not victimized

4.2 Staff

Staff are responsible for:

(a) treating all colleagues and others in the School community with respect

(b) complying with the standards of conduct imposed by this and other conduct-related policies

(c) reporting incidents to management and taking reasonable steps to prevent workplace bullying occurring in the School, whether during or outside normal working hours and on or off the School campuses

(d) maintaining complete confidentiality if they are involved in an investigation of a complaint.

4.3 Human Resources (HR)

(a) HR are responsible for providing advice and support to staff in relation to the relevant legislation and guides as referenced in this Policy and the procedures for dealing with complaints

(b) notifying the Principal of any workplace bullying complaints and conducting confidential investigations as per the Policy, where requested by the Principal.

4.4 Workplace Support Officers (WSOs)

WSOs are responsible for providing information and support to staff who contact them seeking assistance to resolve a workplace concern.

5 Definitions

Workplace bullying is when a person is subjected to repeated behaviour, by a person, including the person's employer, colleague or group of colleagues, that:

(a) is unwelcome and unsolicited

(b) would be considered by a reasonable person to be offensive, intimidating, humiliating or threatening and

(c) creates a risk to health and safety.

Workplace bullying includes workplace violence and indirect bullying.

Complainant means a staff member who has made a complaint, whether informal or formal, about perceived workplace bullying directed towards that employee, another employee or group of employees in accordance with this Policy.

Repeated behaviour refers to the constant nature of the behaviour, not the specific type of bullying behaviour. Behaviour is considered 'repeated' if an established pattern can be identified and it may involve a series of diverse incidents.

Single incidents of bullying type behaviour should neither be ignored nor allowed, in order to prevent the situation escalating.

Unreasonable behaviour means behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is unwelcome or unsolicited, offensive, victimising, humiliating, intimidating or threatening. It is irrelevant whether the offender intended to offend, victimise, humiliate, intimidate or threaten.

Vexatious complaints are false or made in bad faith and are motivated by malice. These include complaints made solely or largely with the intention of causing harm to a respondent.

Victimisation occurs when a person is treated or threatened to be treated in an adverse manner as a result of making or threatening to make a complaint, supporting a complainant or alleged victim of discrimination, workplace bullying or sexual harassment, or participating in the investigation or resolution of a complaint.

Work health and safety laws means the Work Health and Safety Act 2011 (NSW) and the Work Health and Safety Regulation 2011 (NSW).

Workplace Support Officer (WSO) means a staff member appointed by the School to act as a point of contact for staff who believe they have an issue in the workplace. Issues may relate to discrimination, harassment, bullying or other workplace concerns. Workplace Support Officers are trained to provide information and support to staff wanting to address their concerns. They do not undertake investigations.

6 Review

This Policy shall be reviewed every two (2) years or in the event of any information, incident, legislative changes or organisational practice that would demonstrate the need for a review.

7 Related documents

7.1 Relevant legislation and guides Work Health and Safety Act 2011 (NSW)
(<https://www.safeworkaustralia.gov.au/bullying>) Work Health and Safety Regulation

2017 (NSW) Anti-Discrimination Act 1977 (NSW) Fair Work Act 2009
(<https://www.fwc.gov.au/disputes-at-work/anti-bullying/what-is-the-process>)

7.2 Relevant School policies

Code of Conduct

Promoting Positive Relationships Policy

Work Health and Safety Policy

Anti-Discrimination Policy

Sexual Harassment Free Workplace Policy

Employee Grievance Resolution Policy

Use of the Network Policy (Staff) Social Media Policy (Staff) Complaints Handling Policy

Appendix A:

Procedures

1 What is workplace bullying?

Workplace bullying is repeated, unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

It does not include sexual harassment (please refer to the School's Sexual Harassment in the Workplace Policy). It does include indirect bullying and workplace violence.

Workplace bullying may take place in person or via telephone, emails, social media or other communication methods. Some instances of workplace bullying may also amount to unlawful discrimination (please refer to the School's Anti Discrimination Policy).

Workplace bullying includes, but is not limited to:

- (a) verbal abuse or the use of offensive language
- (b) repeatedly speaking to an employee in a manner which is sarcastic or designed to humiliate
- (c) repeatedly sending offensive or humiliating emails
- (d) routinely assigning meaningless tasks unrelated to a person's job
- (e) deliberately changing working hours to inconvenience particular employees on an ongoing basis
- (f) deliberately and consistently withholding information that is vital for effective work performance

(g) repeatedly sabotaging another employee's work.

1.1 Indirect bullying

Indirect bullying often involves treatment that excludes or removes benefits from a person or group. Indirect bullying includes:

- (a) deliberately or maliciously overloading a person with work or not providing enough meaningful work
- (b) setting unreasonable deadlines or constantly changing deadlines
- (c) setting tasks that are significantly below or above a person's skill level
- (d) deliberately excluding, isolating or marginalising a person from normal work activities, e.g. excluding a worker from meetings or functions that everyone else attends
- (e) deliberately denying access to information, consultation or resources
- (f) unfair treatment in relation to accessing workplace entitlements, e.g. leave or training.

1.2 What is workplace violence?

Workplace violence is any incident where an employee is physically attacked or threatened in the workplace. This definition applies regardless of the perpetrator's intent.

Violence can occur through direct or indirect means. It involves applying force to an employee's body, clothing or equipment, which creates a risk to health and safety.

A threat consists of a statement or behaviour that causes a person to believe that they are in danger of being physically attacked.

2 Behaviour that is not workplace bullying

The following actions do not constitute workplace bullying:

- (a) reasonable management action taken in a reasonable way, including:
 - performance management
 - disciplinary procedures
- (b) an instruction to carry out reasonable duties (including those that may be difficult or mundane) within the employee's responsibilities and capabilities
- (c) a change to working arrangements to accommodate the business needs of the School
- (d) an instruction to comply with the School's policies, procedures or guidelines
- (e) an isolated or single incident of unreasonable behaviour
- (f) actions that may be perceived as unfair.

3 What should a staff member do if they perceive workplace bullying?

Where an employee considers they or another employee is being, or has been, the subject of workplace bullying, the employee should take action to try to stop it happening.

The first thing to do (if the employee feels they can) is to discuss it with the alleged offender. Let the alleged offender know their behaviour is unacceptable and ask them to stop.

If an employee does not believe there has been any benefit from talking to the offender, or is unable or unwilling to talk to the offender, the employee should seek guidance from their supervisor, a School WSO, a HR representative or the Principal.

3.1 Procedural fairness and Investigation

A staff member may notify their Manager, HR or the Principal of their complaint and their preferred method of resolving the complaint, i.e. informally, formally or externally.

In pursuing action to investigate and resolve a complaint, the principles of natural justice and procedural fairness will be observed. These principles include informing the respondent of the allegations made against them, providing them with an opportunity to respond and ensuring that the decision-maker is impartial and fair in their dealings with the parties.

Every complaint will be dealt with in a manner that is both procedurally and substantively fair.

The principles of natural justice to be observed include:

- (a) the right of each party to be heard
- (b) the right of each party to be treated fairly
- (c) the right of the respondent to have a witness or support person, who may be a union representative, present at any meetings
- (d) the right of the respondent to know the allegations made against them
- (e) the right of the respondent to respond to the allegation(s) made against them
- (f) the right of both parties to a decisionmaker who acts fairly and in good faith.

Complaints, whether the staff member chooses to have them dealt with by the School informally or formally, will be investigated promptly involving as few people as possible.

Parties to a complaint shall be entitled to receive advice and support as appropriate, and to be kept informed of the progress of the complaint.

3.2 Informal resolution

The complainant may discuss the matter with their manager or the Human Resources Department (HR), who will attempt to assist the complainant to resolve the matter without the need for a formal complaint being made. Often, the informal approach will resolve the issue quickly and effectively.

The Principal may elect to investigate the matter further, even in circumstances where the complainant elects not to pursue the formal option, where it considers it appropriate to do so.

3.3 Formal resolution

If the complaint is not resolved informally, or the complainant wishes to proceed formally, a written complaint should be lodged with the Principal.

The Principal or another senior representative of the School may do any of the following:

- (a) ask the complainant to provide further information about what has taken place, including submitting a Record of a Workplace Bullying Incident Form (refer to Appendix B: Incident Report of Alleged Bullying)
- (b) interview the complainant, the alleged offender, any witnesses or any other person/s involved
- (c) undertake other activities to investigate the complaint, which will depend on the nature of the complaint.

The School may, where appropriate, engage an external investigator to investigate the complaint. Depending on the nature of the complaint, during the investigation it may be necessary to make adjustments to working arrangements of any person involved in order to ensure a safe and thorough investigation process.

The outcome will be communicated to the complainant and the respondent.

The Principal (or authorised delegate) may continue to review the resolutions and the wellbeing of the complainant and the alleged harasser for a period, to ensure the actions taken have been effective in resolving the complaint.

3.4 External resolution

Staff members may lodge an application with the Fair Work Commission for an order to stop workplace bullying. The Commission encourages workers to first try and address issues internally, through their supervisor, health and safety representative or Human Resources department. Further information is available at the Fair Work Commission website.

3.5 What if the complaint relates to a senior manager or the Principal?

All complaints involving a senior manager or the Principal will be treated seriously and investigated fully. Seniority will not excuse workplace bullying behaviour or deter the School from taking action against an individual who has engaged in workplace bullying.

If a complaint under this Policy relates to a senior manager, the complaint should be made to the Principal. If the complaint relates to the Principal, it should be directed to the Chair of the Board via E.lee@mgs.edu.au

When a formal complaint is received by the Chair of the Board, the Chair will follow the procedures described herein.

4 Potential outcomes

Potential outcomes of an investigation could include:

- (a) the complainant receiving a verbal or written apology
- (b) the respondent receiving a verbal or written reprimand
- (c) one or both parties agreeing to participate in some form of counselling
- (d) disciplinary action where the School's Code of Conduct has been found to have been breached, and/or where serious misconduct or unsatisfactory performance has occurred
- (e) finding the complaint is unsubstantiated.

5 Appeals

If the complainant or respondent are not satisfied with the manner in which the complaint has been dealt with by the School, the Chair of the Board will act as the School's Appeals Officer. Employees may also pursue external resolution.

6 No victimisation

It is unlawful to victimise a person who alleges a breach, or who is, or is associated with someone who is involved in the complaint procedure. There are severe penalties for this offence.

7 Vicarious liability

The School can be held liable for workplace bullying undertaken by staff or agents under a legal obligation to protect staff from this behaviour. Complaints can therefore be made against individuals, workers, employers and organisations.

The School takes all complaints of workplace bullying seriously and will investigate all allegations promptly, confidentially and impartially.

8 Confidentiality

The School will take all reasonable steps to keep complaints confidential and only disclose matters relating to complaints to the persons involved in resolving or investigating the complaint. This may include senior managers at the School, the School's Board or the School's professional advisors and insurers. In certain circumstances, the School may refer a complaint to external authorities.

9 Breach of this Policy

Should a breach of this Policy occur, complaints can be made in the first instance to the staff member's manager, Human Resources or the Principal as per above.

Appendix B:

Incident Report of Alleged Bullying.

Disciplinary action, up to and including termination of employment, may be taken against any employee who is found to have engaged in workplace bullying or otherwise breached this Policy. The School may take disciplinary action against a complainant if their complaint is found to be false, frivolous, or vexatious

Appendix B: Incident Report of Alleged Bullying

NB. A Microsoft Word version of this document can be found on [??? Schoolbox??? / Jotform](#)

Date of incident/s

What happened?

Provide details of what the person said or did, including dates, times and places.

Attach additional notes if necessary.

How did you respond?

Was physical force or threats to use physical force involved? ☐ Yes ☐ No

Details:

Did this happen to you or 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?

Have you reported this/these incident(s) before?
☐ Yes ☐ No

If yes, was any action taken at the time? ☐ Yes ☐ No

Details: What was the person's reaction and has their behaviour changed since then?

Would you like a Workplace Support Officer (WSO) to speak to you about assistance to resolve this complaint ☐ Yes ☐ No

Sign \ Date \ OR completed this form on my behalf and I hereby acknowledge it is accurate and complete. (insert name) Sign \ Date \