



Diocese of Cairns Policy and Procedure

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Approved by:	Bishop of Cairns – DFC meeting

Workplace Bullying

1. Purpose

The purpose of this policy and procedure is to inform and educate all staff from parishes and diocesan agencies that the Diocese is committed to ensuring that the working environment is free from bullying, that bullying will not be tolerated under any circumstances and that disciplinary action will be taken against any workplace participant who breaches this policy.

This policy and procedure is not a term of any contract, including any contract of employment. This policy may be varied by the Diocese from time to time.

2. Application

This policy and procedure applies to all workplace participants, including staff (e.g. priests, brothers, sisters, seminarians and employees), volunteers, contractors, agents and clients of the Diocese.

This policy and procedure applies to behaviours that occur:

- in connection with work, even if it occurs outside normal working hours
- during work activities including interaction with third parties and while working away from the workplace
- at work-related events, for example at conferences and work-related social functions
- on social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly

All policies, procedures or guidelines within any parish, agency or other entity of the Diocese covering the same or similar content as this policy must be consistent with this policy. In the event of inconsistency or where no existing approved policy exists, this policy will be the overriding document for all Diocesan entities.

3. Background

Bullying behaviour undermines an individual's right to dignity and is incompatible with the Church's teachings. For example, in *Laborem Exercens* (On Human Work), Pope John Paul II wrote that '[T]he Church considers her task always to call attention to the dignity and rights of those who work [and] to condemn situations in which dignity and those rights are violated.' It is also incompatible with the provision of a working environment that is safe and without risk to health and may constitute unlawful behaviour. Bullying is an abuse of power and is not tolerated in parishes and diocesan agencies.

4. Responsibility of staff

All staff contribute to the creation of a bullying free and inclusive workplace and a healthy workplace culture.

Senior staff have a particular obligation to model appropriate behaviour; promote this policy; treat all complaints seriously and attend to them promptly; monitor the work environment and seek expert help for complex or serious matters.

All staff have the responsibility to comply with this policy; report incidents to their manager and to not participate in bullying behaviours

5. Policy

Catholic social teaching serves as a guide that helps us to enter into relationships that respect human dignity.

This policy makes it clear that the Diocese is committed to upholding the dignity of all people and their right to respect; and to safe and supportive relationships at work. This commitment includes the Diocese considering bullying in the workplace as unacceptable and that it is committed to ensuring that the working environment is free from bullying behaviour.

Our commitment

The Catholic Diocese of Cairns is committed to providing a safe and healthy workplace free from bullying.

Bullying is not acceptable and will not be tolerated

Workers are protected by this policy whether they feel bullied by a supervisor, another worker, client, contractor or member of the public.

The Catholic Diocese of Cairns will treat reports of workplace bullying seriously. We will respond promptly, impartially and confidentially.

This policy will be made available to all workers including contractors. New workers will be provided this policy at their induction and will be able to access this policy on the Diocesan website.

Expected workplace behaviours

Under work health and safety laws, workers and other people at our workplace must:

- take reasonable care for their own health and safety
- take reasonable care that their acts and omissions do not adversely affect the health and safety of other persons
- comply, so far as they are reasonably able, with any reasonable instruction given by the Catholic Diocese of Cairns to allow the Catholic Diocese of Cairns to comply with the *Work Health and Safety Act 2011*

The Catholic Diocese of Cairns expects people to:

- behave in a responsible and professional manner
- treat others in the workplace with courtesy and respect
- listen and respond appropriately to the views and concerns of others
- be fair and honest in their dealings with others

6. Workplace Bullying Explained

What is workplace bullying?

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

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated.

Bullying may also amount to unlawful discrimination or harassment, but it may also relate to attributes which are not protected by anti-discrimination legislation. It may be direct or indirect, verbal or physical and / or involve some form of negative interaction between one or more persons.

Bullying is not always a 'management down' issue. It can involve:

- workers being bullied by managers / supervisors
- workers being bullied by their peers
- managers / supervisors being bullied by their subordinates

What is not workplace bullying?

- A single incident of unreasonable behaviour
- Reasonable management action in connection with a worker's employment is not considered workplace bullying if it is carried out lawfully and in a reasonable manner, taking the particular circumstances into account e.g. does the worker have the right skills for a job they have been requested to do by their manager
- Workplace conflict – differences of opinion and disagreements are generally not considered to be workplace bullying

7. Roles and Responsibilities

Person Conducting a Business or Undertaking (PCBU) and Officers

The responsibility of PCBU and Officers include:

- Providing and maintaining a work environment that is without risk (so far as is reasonable and practicable) to health and safety (including psychological health)
- Taking reasonable steps to ensure that employees and other workplace participants are aware of this policy and procedure
- Using appropriate resources and processes to eliminate or minimise risks associated with workplace bullying
- Taking reasonable steps to ensure that this policy and procedure is applied and enforced in all relevant circumstances

Managers and supervisors (senior staff)

The responsibilities of managers and supervisors include:

- Complying with this policy and procedure
- Taking reasonable steps to ensure that other employees are aware of and comply with this policy and procedures
- Monitoring the workplace to ensure as far as practicable that acceptable standards of conduct are maintained and that bullying is not tolerated

- Taking appropriate steps to manage inappropriate behaviour, regardless of whether a complaint is received about that behaviour
- Encouraging all staff to behave towards others with respect and courtesy at all times
- Providing leadership and role modelling in relation to appropriate and professional behaviour in the workplace
- Responding promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred and taking appropriate steps in response to any such behaviour or allegation
- Taking appropriate steps to ensure that a person is not victimised for making, or being involved in, a complaint of bullying

Employees and other workplace participants

The responsibilities of all employees and other workplace participants include:

- Taking reasonable care for their own health and safety
- Taking reasonable care that their acts or omissions do not adversely affect the health and safety of other persons
- Complying with the contents of this policy and procedure
- Complying, so far as they are reasonably able, with any reasonable instruction given by the Catholic Diocese of Cairns to allow the Catholic Diocese of Cairns to comply with its work health and safety obligations
- Attending workplace bullying training sessions
- Behaving towards others with respect and courtesy at all times
- Reporting observations and / or experiences of bullying behaviour
- Addressing bullying behaviour through the internal and or external mechanisms referred to in this policy and procedure
- Offering to act as a witness in relation to bullying behaviour that they observe if the person being bullied decides to report the incident
- Treating information in relation to bullying allegations with appropriate confidentiality
- Ensuring that they do not victimise a person for making, or being involved in a complaint of bullying

8. What can you do if you are being bullied?

Complainants are encouraged to use the internal complaints processes to address concerns regarding bullying, but are free to refer the matter to an external body.

Internal Process:

1. Speak to the other person

If the complainant feels comfortable doing so, he or she is encouraged to raise the complaint directly with the person/people against whom the allegations are made and calmly tell them that you object to their behaviour and ask that it stop.

2. Report it

If the complainant is not comfortable dealing with the problem him/herself, or attempts to do so have not been successful, he/she should raise the matter with their manager or supervisor, agency head or the parish priest/administrator or the Diocesan Chief Executive Officer. If the matter relates to the agency head or parish priest/administrator, the Diocesan Chief Executive Officer is to be informed. If the matter relates to a priest, brother, sister or seminarian, or the Diocesan Chief Executive Officer the Bishop is to be informed. If the complainant is a member of the union he/she may also raise any issues with their delegate.

The complainant will be asked to provide an account of the allegation/s. The allegation/s will be treated seriously, following the steps listed below in 'How we will respond'.

If a person witnesses unreasonable behaviour, the matter should be brought to the attention of their manager as a matter of urgency.

External Agency Process:

For assistance in determining the most appropriate agency, call the WHS Infoline on 1300 362 128 or the Fair Work Commission on 1300 799 675. Infoline staff will help to identify which agency or agencies are appropriate to assist, and provide information about them. Depending on the nature of the complaint it is possible that more than one agency will be involved.

9. How will we respond

The Diocese will determine the most appropriate method of dealing with the complaint. The following steps may be used to resolve the matter:

1. It will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties. This may include (among other things):
 - a) Requesting further information from the complainant;
 - b) Requesting information from other co-workers or third parties;
 - c) Meeting with the complainant or others involved in the complaint;
 - d) Reviewing and responding to the complaint or arranging for an appropriate person to review and respond to the complaint;
 - e) Facilitating a meeting between the complainant and the person(s) that the complaint is about;
 - f) Referring the complaint to an external mediator.
2. If issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.

Where an investigator is appointed

The investigator will, within the bounds of this policy, determine the process to be followed but will have regard to the process set out in this policy.

To ensure the investigation process is conducted in a fair, objective and timely way it is important to inform the parties about:

- Who is conducting the investigation
- Conflicts of interest – these should be declared before the investigation proceeds
- Their obligations and the obligations of the investigator regarding confidentiality
- Their right to seek independent advice and representation
- The expected timeframes of the investigation
- How the issue will be investigated e.g. interviews with the parties and witnesses or viewing documentary evidence
- Who will receive copies of statements and records of interviews (if obtained)
- Who can be present at interviews
- What support mechanisms will be in place for each party, including any interim measures to ensure the health and safety of the parties during the investigation process

A finding will be made regarding whether this or any other Diocesan policy has been breached. Recommendations for action will then be made and implemented.

Support Person

The person making the complaint and the person whose actions are alleged to have breached the policy are at liberty to have and are encouraged to have a support person present with them when being interviewed.

The role of the support person is:

- To assist the interviewee and provide support
- Observe proceedings and make notes, if desired
- If appropriate, request a break to discuss relevant issues privately

It is not the role of the support person to advocate on the interviewee's behalf or to provide answers or opinions. The support person would be expected to observe the confidentiality of the process.

This complaint procedure has the following features:

Response	Measure?
Act promptly	Reports and complaints should be responded to quickly, reasonably and within reasonable timelines. Relevant parties should be advised of how long it will likely take to respond to the report or complaint and should be kept informed of the progress to provide reassurance the report has not been forgotten or ignored.
Treat all matters seriously	All reports and complaints should be taken seriously and assessed on their facts.
Maintain confidentiality	The confidentiality of all parties involved should be maintained. Details of the matter should only be known by those directly concerned. Procedural fairness will require that the alleged bully be told of the matter at an appropriate stage of the investigation. This will be handled sensitively. There will be exceptional circumstances when information cannot be kept completely confidential (e.g. when physical threats are involved, when the matter has been referred to an external body such as the police and / or when it is necessary to disclose information to conduct the investigation to protect the interests of other members of staff or people in the workplace). During an investigation, the complainant and the subject of the complaint are required to keep the matter confidential except for informing a support person. It will be the investigator's task to contact witnesses and any other persons pertinent to the complaint.
Ensure procedural fairness	The person who is alleged to have perpetrated the bullying behaviour should be treated as innocent unless the allegations are proven to be true. Allegations must be put to the person they are made against and they must be given a chance to explain his or her version of events. The opportunity to have decisions reviewed should be explained to all parties.
Be neutral	Impartiality towards everyone involved is critical. This includes the way people are treated throughout the process. The person responding to the report or complaint should not have been directly involved and they should also avoid personal or professional bias.
Support all parties	Once a report or complaint has been made, the parties involved should be told what support is available, including employee assistance programs, and allowed a support person to be present at interviews or meetings e.g. union representative, advocate or other chosen person.
Do not victimise	No action will be taken against anyone for reporting bullying behaviour or making or helping someone to make a genuine complaint. Steps will be taken to ensure that anyone making such a complaint is not victimised. If the complaint is vexatious, or if the complainant lies about or exaggerates a complaint, the Diocese will view this as a very serious matter and the complainant may be disciplined or dismissed.

Response	Measure?
Communicate process and outcomes	All parties should be informed of the process, how long it will take and what they can expect will happen during and at the end of the process. Should the process be delayed for any reason, all parties should be made aware of the delay and advised when the process is expected to resume. Finally, reasons for actions that have been taken and in some circumstances not taken should be explained to the parties.
Outcome	The outcome of a complaint could take a variety of forms, including: <ul style="list-style-type: none"> • no further action • an apology • alteration of behaviour • removal of offending material • conciliation • mediation • training or counselling • re-assignment of one or both parties to another position or location • termination of employment At any stage during an investigation, the investigating person may determine that the complaint warrants no further action, or refer it to the police as a criminal matter. The Diocese will take whatever action it considers appropriate if there has been bullying, including disciplining or dismissing offenders.
Keep records	The following should be recorded: <ul style="list-style-type: none"> • the person who made the report or complaint • when the report or complaint was made • to whom the report or complaint was made • the details of the issue reported • action taken to respond to the issue • any further action required – what, when and by whom Records should also be made of conversations, meetings and interviews detailing who was present and the agreed outcomes.
Follow up	Once the complaint has been determined, arrangements may be made for ongoing counselling and support for the complainant and where appropriate for the person who was found not to have engaged in the bullying behaviour.

10. Consequences of breaching this policy

Appropriate disciplinary action will be taken against a person who is found to have breached this policy. These measures will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology
- one or more parties agreeing to participate in counselling or training
- a verbal or written reprimand
- transfer, demotion or dismissal of the person engaging in the bullying behaviour

11. If bullying has not been substantiated

If the investigation finds bullying has not occurred or cannot be substantiated, the Diocese may still take appropriate action to address any workplace issues leading to the report.

12. Training

Workers, including managers and supervisors should be aware of their roles in relation to preventing and responding to workplace bullying and have the appropriate skills to take action where necessary.

Induction training will be provided to all workers. The following topics will be covered:

- The standards of behaviour expected in the workplace including the use of social media if relevant
- How workplace bullying should be reported and how such reports are managed
- Where to go for more information and assistance

The training program will cover:

- Awareness of the impact certain behaviours can have on others
- The work health and safety duties and responsibilities relating to workplace bullying
- Measures used to prevent workplace bullying from occurring
- How individuals can respond to workplace bullying
- How to report workplace bullying
- How workplace bullying reports will be responded to including timeframes

Managers and supervisors shall be trained in how to respond to workplace bullying reports and in skills that will help develop productive and respectful workplace relationships.

13. Enquiries

Diocesan Chief Executive Officer or Diocesan Human Resources Office

14. See also (Related Policies and Guidelines)

Anti-discrimination and Sexual Harassment Policy