

## 4.5 Anti-Bullying Policy

<b>Policy number:</b> 4.5
<b>Date last reviewed:</b> December 2024
<b>Reviewed by:</b> Child Care Team

This policy relates to	
Human Services Quality Framework	
National Quality Standards Early Childhood Education & Care	4.2.2, 5.1

### Purpose

The service is committed to best practice and to the values inherent in our Philosophy and Code of Ethics which embraces values that treat all persons involved in the service with fairness, dignity and respect at all times.

### Policy

#### Definition of bullying and harassment

Workplace harassment is where a person is subjected to behaviour other than sexual harassment that:

- Is repeated, unwelcome and unsolicited; and that
- The person considers to be offensive, intimidating, humiliating or threatening; and that
- A reasonable person would consider to be offensive, intimidating, humiliating or threatening.

Workplace Harassment does not include reasonable management action taken in a reasonable way by the person’s employer in connection with the person’s employment.

#### Procedures

The person allegedly being bullied or harassed is advised to keep a written record of the alleged incidences of bullying. They may elect to approach the person who is alleged to be bullying them and advise them of their perceptions. If this does not resolve the issue or if the person does not feel it appropriate to contact the other person, the issue should be referred to the manager without delay.

If the manager is implicated in the situation, the issue should be referred to the General Manager. If the General Manager is implicated:

- The issue should be referred to the Beaucare President; OR

- Contact the Anti-Discrimination Commission Queensland on 1300 130 670 for information and information on how to make a complaint. Complaints must be in writing. It is then assessed and if within jurisdiction is investigated and conciliation may be attempted. If unsuccessful, the matter may be referred to the Anti-Discrimination Tribunal for hearing and legally enforceable determination.

### **Investigation**

Where a complaint of bullying or harassment has been made the procedure for carrying out an investigation will be as follows:

- The General Manager will carry out the investigation, unless involved. The investigator must be seen to be impartial and be able to carry out the investigation without any hindrance. Suitably qualified personnel from outside the organisation may be requested to assist in the investigation.
- The investigation process shall commence within 24 hours of being received.
- The complaint will be investigated through various means, such as interviews with the person making the complaint, the respondent and other witnesses.
- The complainant and the respondent shall be interviewed separately.
- The complainant and the respondent will have the right to be accompanied at all interviews by a friend, advocate, union official, etc.
- The respondent should be given full details of the nature of the complaint, including details within the complainants' written document, and should be given the opportunity to respond in writing as well as verbally.
- The investigation should be thorough, impartial and objective. It should be conducted with sensitivity and with due respect for the rights of both the complainant and the respondent.
- Strict confidentiality should be maintained throughout the investigation.
- Where witnesses are required to be interviewed, the importance of confidentiality should be emphasised. Witnesses (who are employees) should be aware that any breach of confidentiality would constitute gross misconduct under the organisations disciplinary procedures and would itself be subject to disciplinary action. Witnesses who have a contract with the service would be advised that any breach in confidentiality would constitute a breach of contract. Any attempt to interfere with witnesses would also be subject to disciplinary action. Victimisation because a person has made a complaint, agreed to be a witness or has had a complaint made against them is against the law.

On resolution, a report should be prepared citing the details of the complaint, the response of the respondent, the results of the investigation and the outcome. A copy should be sent to both the complainant and the respondent. Follow up options as a result of the issue are outlined in the Beaucare Policy and Procedures Manual 14.10.

### **Associated Beaucare Policies and Documents**

#### 4.4 Anti-Discrimination

Beaucare Policy and Procedure Manual Section 14.10 – Workplace Bullying

Beaucare Code of Conduct

Beaucare Code of Ethics

#### **Relevant Legislation**

National Law

National Regulations

National Quality Standard

Australian Government: *Age Discrimination Act 2004*

<http://www.comlaw.gov.au/Details/C2011C00583>

Qld Government: *Anti-Discrimination Act 1991*

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AntiDiscrimA91.pdf>

Australian Government: *Disability Discrimination Act 1992*

<http://www.comlaw.gov.au/Details/C2011C00747>

Australian Government: *Human Rights Commission Act 1986*

<http://www.comlaw.gov.au/Details/C2011C00579>

Australian Government: *Racial Discrimination Act 1975*

<http://www.comlaw.gov.au/Details/C2011C00852>

Australian Government: *Sex Discrimination Act 1994*

<http://www.comlaw.gov.au/Details/C2011C00853>

Australian Public Service Commission: *Respect – Promoting a Culture Free from Harassment and Bullying in the APS*

<http://www.apsc.gov.au/ethics/respect.pdf>

Anti-Discrimination Commission Queensland: *Fact Sheets*

<http://www.adcq.qld.gov.au/main/information.html>