

BULLYING & SEXUAL HARASSMENT POLICY

Date	15/11/2018
Policy Number	BCOC2-08
Status	Version 3
Revised & Approved by Board on	18/10/2022
Scheduled review date	10/2024

Introduction

Berwick Church of Christ (the Church) is fully committed to its obligation to prevent and eliminate any form of bullying and sexual harassment.

The Church will not tolerate any Staff or Volunteers being subject to bullying or sexual harassment in the act of performing their role. All Staff and Volunteers have a responsibility in providing an environment that is supportive of this objective, treating one another with respect, role modelling the Church's values and behaviours.

It is the obligation and responsibility of all Staff and Volunteers to ensure that ministries, activities, events and programs are free from bullying and sexual harassment. Staff and Volunteers are responsible for the care and protection of our people and for reporting information about suspected bullying and sexual harassment.

Purpose

The purpose of this Policy is to communicate the Church's zero tolerance approach to bullying and sexual harassment in any form and to set out the process to follow should any instances be reported.

Scope

This Policy applies to Staff, Volunteers and Participants in a Church Activity.

Definitions

Please refer to the General Definitions located at www.berwickchurch.org.au/policies.

What is inappropriate behaviour?

Bullying

Bullying is repeated and unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety. The following types of behaviour when directed towards an individual or group and is repeated, or occurring as part of a pattern of behaviour, could be considered to be bullying:

- Abusive, insulting, physical or offensive language or comments.
- Threats, physical or verbal intimidation.
- Outbursts of anger or aggression.
- Unjustified criticism or complaints.
- Deliberately excluding someone from activities.
- Intentionally withholding information that is vital for effective performance.
- Setting unreasonable timelines or constantly changing deadlines.
- Denying access to information, supervision, consultation or resources to the detriment of Staff or Volunteers.
- Spreading misinformation or malicious rumours.
- Changing arrangements such as rosters and leave to deliberately inconvenience particular Staff or Volunteers.

The above list is not exhaustive. Other types of behaviour may also constitute bullying. Bullying is bullying irrespective of whether it is motivated by a protected attribute under the Fair Work Act or not.

Bullying can happen in a variety of ways including face to face, directly or indirectly through email, text or social media channels.

Bullying can occur between Staff, Volunteers and Participants in any combination.

Reasonable management action is not considered to be bullying if it is carried out lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:

- Setting reasonable performance goals, expectations, standards and deadlines.
- Informing about unsatisfactory commitment or performance in an honest, fair and constructive way.
- Take disciplinary action, including review of suitability for role, suspension or terminating employment.
- Making reasonable requests of a person to execute a task or tasks.

Bullying that directly inflicts physical pain, harm or humiliation amounts to assault and should be dealt with as a police matter.

Sexual Harassment

Sexual harassment is defined to have occurred where a person makes unwelcome sexual advances, requests for sexual favours or other unwelcome conduct in which a reasonable person, having regard to all the circumstances, would normally conclude that the action was offensive, humiliating or intimidating. Sexual harassment isn't always obvious, repeated or continuous.

Sexual harassment may include:

- Touching
- Staring or leering
- Unnecessary contact, such as deliberately brushing up against you or unwelcome touching
- Suggestive comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about your private life
- Displaying posters, magazines or screen savers of a sexual nature
- Sending sexually explicit emails, text messages or social media activity
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Requests for sex or repeated unwanted requests to go out on dates
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Sexual harassment is not consensual interaction, flirtation or friendship. Sexual harassment is not behaviour that is mutually agreed upon and is lawful.

Policy

The Church has a duty of care to provide a safe environment and ensure, so far as is reasonably practicable, that all Staff, Volunteers and Participants are not exposed to health and safety risks.

The Church has a zero tolerance for bullying and sexual harassment under any circumstances. No Staff, Volunteer or Participant should subject any other Staff, Volunteer or Participant to any form of bullying or sexual harassment.

Sexual harassment is against the law and is a breach of this policy. The relevant legislation for Victoria is the Equal Opportunity Act 2010 (VIC) and the Occupational Health and Safety Act 2004 (VIC).

A breach of this policy will result in disciplinary action.

The Church strongly encourages anyone who feels they have been bullied or sexually harassed to take immediate action. If Staff, Volunteers or Participants feel comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. They should identify the bullying or harassing behaviour, explaining the behaviour is unwelcome and offensive and ask that the behaviour stops, using the biblical model of seeking to sort out any concerns privately, or if still unresolved, with the support of another witness or the help of a Staff Member or Leader (*Matthew 18, 1 Corinthians 6*).

However, considering the seriousness of bullying or sexual harassment, or if you feel uncomfortable, we recommend that this be raised with the relevant Leader or Safety Contact Person.

Alternatively, or in addition, they may in writing report the behaviour in accordance with the relevant procedure. Once a report is made, the Safety Contact Person in conjunction with the Operations Forum will determine how the report should be dealt with in accordance with the Church's obligations and this policy.

Any reported allegations of bullying or sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential, however the person who is the subject of the complaint must be notified under the rules of natural justice. The Church, so far as is reasonably practicable, will protect all those involved in the process from victimisation.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged bully/harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No Staff, Volunteer or Participant will be treated unfairly as a result of reporting bullying or sexual harassment. Disciplinary action may be taken against anyone who victimises or retaliates against a person who reports an incident.

All Staff, Volunteers and Participants have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Leaders who fail to take appropriate corrective action when aware of bullying or sexual harassment of a person will be subject to disciplinary action.

Safety Contact Person

Name:	Karen Fletcher
Phone number:	0438 886 337
Email:	karenf@bcoc.com.au
Other contact details:	Office: 9702 1011 (Mondays to Thursdays)

Applicable Legislation, References and Other Policies

Item	Description
<i>Fair Work Amendment Act 2013 (Cth)</i>	Bullying is defined under section 789FD
<i>Sex Discrimination Act 1984</i>	Sexual harassment is defined under section 28A
<i>Racial Discrimination Act 1975</i>	Section 18C prohibits offensive behaviour based on racial hatred
<i>Disability Discrimination Act 1992</i>	Section 25 prohibits harassment in relation to an employee's disability.
<i>Equal Opportunity Act 2010 (VIC)</i>	If someone is bullied because of a personal characteristic – it is a form of discrimination.
<i>Occupational Health and Safety Act 2004 (VIC)</i>	The Occupational Health and Safety Act 2004 (OHS Act) is the main workplace health and safety law in Victoria
<i>BCOC Policies</i>	All Church policies can be obtained from the website link, www.berwickchurch.org.au/policies