Workplace bullying policy

**Acknowledgement**

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We acknowledge Aboriginal and Torres Strait Islander people as Australia’s first peoples and as the Traditional Owners and custodians of the lands and waters on which we rely. We pay respect to Elders past and present of the lands where we conduct our work and recognise their ongoing contributions as the first educators on the land now known as Victoria.

Authorised and published by the Victorian Curriculum and Assessment Authority  
Level 7, 200 Victoria Parade  
East Melbourne VIC 3002

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1. Overview

The workplace bullying policy has been developed to assist those within the VCAA to identify, manage and reduce bullying and other negative workplace behaviours. It provides guidance to support employees and managers on how to identify harmful behaviours at work, respond to workplace issues and promote safe, positive working environments.

This policy applies to all employees within the Victorian Curriculum and Assessment Authority (VCAA). For the purposes of this policy, the term 'employees' encompasses VCAA employees of the direct workforce, as well as any individuals or groups undertaking an activity for or on behalf of the VCAA, including:

* all employees (fixed term, casual, sessional) employed under Ministerial Order No. 1451 – Victorian Curriculum and Assessment Authority employees (Employment Conditions, Salaries, Allowances, Selection and Conduct) Order 2023 (referred to as ‘The MO’)
* Board members.

1. Objectives

* **Definition and recognition:** Define bullying and negative workplace behaviors, ensuring clarity on what constitutes unacceptable conduct within the VCAA.
* **Reporting and investigation:** Establish clear reporting mechanisms for employees to confidentially report incidents of bullying and conduct thorough and impartial investigations into reported cases.
* **Consequences and accountability:** Outline the consequences for individuals found to have engaged in bullying or condoned such behavior, including disciplinary actions that may lead to termination of employment, to ensure accountability and deterrence.
* **Support and prevention:** Provide support mechanisms for victims of bullying, including access to counseling and other resources, while also emphasising the VCAA’s commitment to prevention through awareness-raising initiatives and education on respectful workplace conduct.

1. Principles
   1. Safety and wellbeing

The primary principle of this policy is to ensure the safety and wellbeing of all VCAA employees. The policy aims to create a work environment where employees are free from the physical and psychological risks associated with bullying.

* 1. Zero tolerance

Bullying, in any form, will not be accepted within the VCAA. This principle underscores the commitment to creating a work culture that promotes respect and dignity for all employees.

* 1. Transparency and accountability

The policy emphasises the importance of clear communication, reporting mechanisms, and investigations. The organisation, executives, managers, and employees are expected to be accountable for their actions, ensuring that bullying is addressed promptly and fairly.

* 1. Prevention and education

Underscores the VCAA's commitment to not only responding to bullying incidents but also actively working to prevent them through ongoing education and awareness programs.

1. Roles and responsibilities
   1. The employer

The responsibilities of the employer (VCAA) are to:

* provide a safe work environment free from hazards, including conducting risk assessments, implementing safety protocols, and providing necessary safety training
* ensure non-discrimination against employees based on factors such as race, gender, age, religion, disability, or sexual orientation; refer to the equal opportunity and anti-discrimination policy for further details
* ensure the prevention of, and addressing harassment and bullying, and bullying while ensuring the VCAA policies and practices foster a respectful work environment
* identify potential risk factors and taking prompt, reasonable action to minimise those risks.
* provide training to employees on recognising, preventing, and addressing workplace bullying, and ensure that all employees are aware of the anti-bullying policies
* foster a workplace culture that values respect, inclusivity, and open communication, including setting a positive example through leadership
* maintain open lines of communication with employees to encourage them to report bullying without fear of victimisation
* promptly and thoroughly investigate all reports of bullying, ensuring confidentiality as much as possible.
  1. Employees

Employees should:

* promptly speak up about any issues or concerns they have with the understanding that early reporting can help prevent the escalation of problems
* provide clear, specific and detailed information about the matter when making a complaint, understanding this information helps those responsible for addressing the issue to understand it completely and take any necessary steps to respond
* understand that maintaining confidentiality is crucial to protect both the complainant and the respondent
* ensure honest allegations when making a complaint, understanding complaints should be made for a proper purpose
* be cooperative with the complaint procedures, understanding it is important for both the complainant and the respondent to cooperate with any established complaint procedures in a timely and professional manner so that the issue can be addressed promptly and effectively.

1. Expectations
   1. What is bullying?

WorkSafe Victoria defines workplace bullying as repeated, unreasonable behaviour directed at an employee or group of employees that creates a risk to health and safety. These repeated behaviours may be overt or subtle. These include:

* repeated behaviour refers to the persistent or ongoing nature of the behaviour and can involve a range of behaviours over time
* unreasonable behaviour refers to behaviour that a reasonable person, having regard to all the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening
* risk to health and safety refers to the possibility that harm may come as a result of a potential hazard.

Behaviours which are repeated or part of a pattern of behaviour in circumstances where the employee knows or should know that such behaviour is likely to cause physical or mental harm (including self-harm) to the other employee or arouse fear of such harm, may constitute bullying and include:

* making threats towards or directing abusive or offensive acts towards another employee
* using abusive or offensive words or performing abusive or offensive acts in the presence of another employee
* acting in any other way that could reasonably be expected to cause physical or mental harm to another employee (including self-harm), or arouse fear of such harm
* physical or verbal intimidation
* demeaning language or verbal abuse
* outbursts of anger or aggression
* excluding or isolating employees
* psychological harassment or intimidation
* assigning meaningless tasks unrelated to the job
* giving employees impossible assignments
* changing work rosters to deliberately inconvenience particular employees, and
* deliberately withholding information that is vital for effective work performance.

These behaviours may be direct or indirect, and can occur face-to-face, or via email, text messages or social networking sites. This list of behaviours is not exhaustive.

Bullying may also give rise to criminal conduct. Matters involving potential employee criminal conduct must be promptly reported to external agencies/authorities and dealt with in accordance with the VCAA's obligations under relevant laws.

While a single incident of bullying-type behaviour will not meet the WorkSafe Victoria definition of workplace bullying, it remains unacceptable and may still constitute misconduct if this behaviour is a breach of the VCAA values.

Bullying is contrary to VCAA values (our values) and may lead to action under the VCAA’s policy for managing grievances, misconduct and unsatisfactory performance.

* 1. What isn’t bullying?

Not every negative or conflict qualifies as bullying.

Reasonable management action carried out in a reasonable manner does not constitute bullying or any other negative workplace behaviour. Managers have a legitimate authority to direct and control how work is performed.

Generally, the following behaviours are examples of what may constitute reasonable management action and will not constitute bullying when carried out in a respectful and reasonable manner:

* legitimate, constructive and fair management feedback on an employee’s performance or behaviour from managers, including raising concerns in relation to unsatisfactory performancel
* legitimate and courteous comment and feedback on working arrangements, whether originating from managers to employees or from employees to managers
* managers allocating work and setting reasonable expectations in relation to delivery of work, including in relation to quality and timeframes
* discussion with management in relation to career development and planning during performance feedback, whether formal or informal
* isolated incidents of behaviour such as abruptness, sharpness or rudeness.
  1. Guidance on reporting bullying

The following steps provide a guide for employees on reporting bullying:

1. In the first instance, employees are encouraged to report bullying to their immediate manager. If the employee feels that it is not appropriate in the circumstances or they do not feel comfortable or safe reporting matters to their immediate manager, or if the behaviour relates to their manager or management representative, the employee can raise the matter with their authorised delegate or a representative from VCAA Human Resources.
2. With the manager or authorised delegate’s support, the employee may wish to use informal avenues to discuss and resolve the issues. For instance, they may wish to speak about the behaviour with the person directly, with the support of their workplace manager or management representative.
3. The employee may also wish to lodge a formal written complaint of bullying. Lodging a complaint will mean that their allegations are properly considered, and an outcome will be provided to the employee. Based on the allegations, the manager or a Human Resources representative will run a process to examine the allegations and allow the person to respond to the allegations. The employee’s complaint should contain specific allegations of behaviour that the employee believes is bullying.
4. Employees who report bullying, or who have witnessed bullying may request to remain anonymous. However, it may not be possible in all circumstances to keep the identity of a person, or people providing information, confidential. In some situations, it may be the case that a respondent may need to be provided with the full details of allegations when consideration of procedural fairness and natural justice are taken into account. Disclosure may also be required for safety or legal reasons, and employees will be notified if this happens.
   1. Responding to reports of bullying

A complaint of bullying is to be managed in accordance with the VCAA’s grievance management policy.

This policy sets out the VCAA’s complaints resolution process and processes for managing misconduct including in relation to bullying. Substantiated allegations of bullying will generally warrant the commencement of disciplinary proceedings.

A manager or authorised delegate who receives a complaint of bullying can seek advice from the VCAA Human Resources area for appropriate management procedures.

* 1. Support and assistance

Support is available to all employees, managers and authorised delegates involved in reporting and managing a bullying complaint, including after the matter has been resolved.

Further information, advice or assistance on any matters related to workplace bullying is available through the VCAA Human Resources area as well as the Employee Assistance Program (EAP).

1. Managing this policy
   1. Authorisation

This policy is issued under the authority of the Chief Executive Officer.

* 1. Accountability for the policy

The owner for this policy is VCAA Human Resources. The owner reports to the Chief Executive Officer on the management of this policy.

The owner is responsible for:

* development and regular review of this policy
* development of protocols, processes and guidelines to support implementation
* monitoring compliance of applicable employees, organisational units, and/or locations.
  1. Important dates

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| Date of adoption: | July 2024 |
| Date of last amendment: | July 2024 |
| Date of next review: | July 2026 |

1. Related documents

* Charter of Human Rights and Responsibilities Act 2006 (Vic)
* Equal Opportunity Act 2010 (Vic)
* Fair Work Act 2009 (Cth)
* Occupational Health and Safety Act 2004 (Vic)