

BULLYING & SEXUAL HARASSMENT PROCEDURES

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Responsibilities

It is the obligation and responsibility of every person to ensure that the Berwick Church of Christ is free from bullying and sexual harassment. The responsibility lies with every Staff Member, Leader and Volunteer to ensure that bullying and sexual harassment does not occur.

All Staff Members, Leaders and Volunteers have:

- An entitlement to work in a safe and healthy environment and to be treated with dignity and respect
- An entitlement to make a complaint in respect of any inappropriate behaviour
- A responsibility to take reasonable care for their own health and safety
- A responsibility to ensure they do not promote or engage in bullying or sexual harassment and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people.
- A responsibility to cooperate and comply with the Bullying & Sexual Harassment Policy and Procedures and all other Church policies.

It is the responsibility of all Staff Members and Leaders to ensure that:

- They understand, and are committed to, the rights and entitlements of all Staff Members, Leaders and Volunteers to perform their duties without fear of being bullied or sexually harassed in any form
- They understand what constitutes the act of bullying and sexual harassment
- All reasonable steps to eliminate bullying and sexual harassment are made so far as is reasonably practicable.
- All Staff Members, Leaders and Volunteers are aware of their obligations in relation to providing an environment free from bullying and sexual harassment.
- They provide an environment which discourages bullying, harassment and victimisation and set an example by their own behaviour
- All complaints are treated seriously and confidentially
- They take immediate and appropriate corrective action if they become aware of any bullying, offensive action or illegal behaviour
- Any reported allegations of bullying or sexual harassment are promptly, thoroughly and fairly investigated

It is the responsibility of the Board to ensure that:

- Policies and procedures are reviewed and amended when necessary
- Policies and procedures are complied with
- There is a process for informing Staff Members, Leaders and Volunteers regarding bullying and sexual harassment and inappropriate behaviour, including their obligations and rights

Procedures

Complaint Process

Bullying and sexual harassment can occur at any level, can be experienced by both men and women and may involve a Staff Member, Leader, Volunteer, Partner or any other person. Lack of intent is no defence in sexual harassment cases.

Staff Members, Leaders or Volunteers who believe they are the subject of bullying or sexual harassment should take firm, positive and prompt action.

If a Staff Member, Leader or Volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. They should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable and that it needs to stop immediately, 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*).

If the behaviour continues, or if the Staff Member, Leader or Volunteer feels unable to speak to the person(s) directly, they should contact a Staff Member, Leader or the Safety Contact Person with whom they feel comfortable. The Staff Member, Leader or Safety Contact Person will provide support and ascertain the nature of the complaint and follow the Informal Intervention process below.

Informal Intervention

The Staff Member, Leader or Safety Contact Person will explain the rights and responsibilities under the Church's policies, procedures and legislation.

Information intervention may be done through a process of either mediation or conciliation. During informal intervention the alleged bully or harasser will be made aware of the allegations against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

The procedure will be complete when the alleged bully/harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant and alleged bully/harasser come to an agreement on the procedure to be followed.

If neither of these outcomes occurs, the Formal Complaints Procedure is to be followed.

Formal Complaints Procedure

The Berwick Church of Christ may be obliged to carry out a formal investigation in relation to a complaint of bullying or sexual harassment.

The formal investigations will either be conducted internally by a Senior Staff Member or by an external organisation.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about dismissing or resolving the complaint or implementing disciplinary action (including and up to termination of employment).

The investigator may need to interview the parties involved (which may include the complainant, the respondent and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location and nature of conduct the complaint was made about.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, participants may be stood down from their role or provided with alternative duties during the investigation in which case they will be paid their normal pay during any such period.

The findings as to whether bullying or sexual harassment occurred will be determined on the basis of the evidence, and on the balance of probabilities. In the event of insufficient evidence (1 Timothy 5:19) a decision will need to be made considering the concerns that have been raised but without any disciplinary action to the one accused.

On the basis of the findings, possible outcomes of the investigation may include, but are not limited to, any combination of the following:

- Counselling
- Disciplinary action against the bully/harasser (e.g. demotion, transfer, suspension, probation or dismissal)
- Official warnings that are noted in the respondent's personnel file
- Disciplinary action against the person who complained, if there is strong evidence that the complaint was vexatious or malicious
- Formal apologies and an undertaking that the behaviour will cease
- Conciliation/Mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution.
- Reimbursing any costs associated with the bullying or harassment
- Re-crediting any leave taken as a result of the harassment.

On completion of the investigation, all parties will be informed about the investigations findings and the outcome of the investigation – as appropriate and in line with confidentiality obligations.

Records are to be kept and will be given to the Safety Contact Person to be filed in a confidential and secure manner.

Following an investigation concerning a bullying or sexual harassment complaint (irrespective of findings), the Leader will

- Consult with the parties involved to monitor the situation and their wellbeing; and
- Will continue to promote a safe and healthy work environment.

Procedures for Dealing with Criminal Conduct

Some forms of severe bullying (e.g. physical attack or obscene phone calls) or sexual harassment (e.g. sexual assault, stalking, indecent exposure or physical molestation) may constitute criminal conduct.

Whilst the Berwick Church of Christ is committed to treat most complaints about bullying or sexual harassment at the Church as far as possible, severe bullying or sexual harassment is not suited to internal resolution. The criminal justice system will handle such complaints. All Staff Members, Leaders and Volunteers have the option of police support or intervention. It is not the obligation or duty of the Berwick Church of Christ to report such matters to the police on behalf of the complainant unless the criminal conduct relates to a child or person under the age of 18.

Safety Contact Person

Name:	Karen Fletcher
Phone number:	0438 886 337
Email:	karenf@bcoc.com.au
Other contact details:	Church 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</i>	If someone is bullied because of a personal characteristic – it is a form of discrimination.
BCOC Policies	All Church policies can be obtained from the website link, www.berwickchurch.org.au/policies

Revision History Table:

Revised On	Revision Made	Approved
Revised on 8 August 2020	<p>EDITED Responsibilities In the fourth dot point of the third paragraph, REMOVED the words “to be made”.</p> <p>EDITED Informal Intervention In the second line of the second paragraph REMOVED the words “being made” after the word “allegations”.</p> <p>EDITED Formal Complaints Procedure In the second paragraph ADDED the word “Senior” BEFORE the word “Staff” and REMOVED the comma AFTER the word “Member” and REMOVED the word “Leader”. In the fourth paragraph and in the last line, REMOVED the words “complained again” and ADDED the words “the complaint was made about”. In the seventh paragraph REPLACED the words “will not be” WITH the words “are not”. On the third page and in the first paragraph ADDED an “s” AT THE END of the word “investigation”. On the third page and in the second paragraph REPLACED the word “place” WITH the word “manner”.</p> <p>EDITED Procedures for Dealing with Criminal Conduct In the last paragraph and in the last sentence, REMOVED the word “young” BEFORE the word “person”.</p>	