

## BULLYING & SEXUAL HARASSMENT POLICY

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### Introduction

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

Berwick Church of Christ will defend the right of all Staff Members, Leaders and Volunteers to perform their role without being subjected to bullying and sexual harassment. All Staff Members, Leaders and Volunteers are responsible for providing an environment that is supportive of this aim. Everyone must be treated with respect and role model the Berwick Church of Christ's values and behaviours.

It is the obligation and responsibility of all Staff Members, Leaders and Volunteers to ensure that all ministries, activities, events and programs are free from bullying and sexual harassment. All Staff Members, Leaders and Volunteers at Berwick Church of Christ 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 that Berwick Church of Christ has a zero tolerance for any form of bullying and sexual harassment and to set out the process to follow should any instances be reported.

### Scope

This Policy applies to everyone involved in ministry, in any role at Berwick Church of Christ, whether the role is paid or voluntary, and includes those under the age of 18 years.

### Definitions

**“Board”** means the governing body of Berwick Church of Christ comprised of the Elders.

**“Elder”** means a member of the governing body of the Berwick Church of Christ, as appointed under rule 11.3 of the Constitution.

**“Leader”** means all those who are involved in serving in some level of leadership. This includes not only the Ministers, Pastors, Elders and Ministry Leaders but also those appointed to some level of leadership role, and includes those under the age of 18.

**“Social Media”** is the collective of online communications channels dedicated to community-based input, interaction, content-sharing and collaboration. This includes but is not limited to websites and applications such as Facebook, Instagram, Twitter, Pinterest, YouTube, Google+, etc.

**“Staff Member”** means all those who are employed by the Berwick Church of Christ.

**“Volunteer”** means all those who are involved in serving in any role other than in a leadership role, and includes those under the age of 18.

### Bullying Definitions

**“Bullying”** is repeated and unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, degrade, humiliate, undermine or threaten.

**“Repeated behaviour”** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

**“Unreasonable behaviour”** is behaviour that a reasonable person, having considered the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating and threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- Abusive, insulting, physical or offensive language or comments.
- 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 a Staff Member, a Leader and/or a Volunteer.
- Spreading misinformation or malicious rumours.
- Changing arrangements such as rosters and leave to deliberately inconvenience a particular Staff Member, a Leader and/or a Volunteer.

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 Volunteers (sideways); from Staff Members to Leaders or Leaders to Volunteers (downwards); or Volunteers to Leaders or Leaders to Staff Members (upwards).

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

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

Differences of opinion and disagreements are generally not considered to be bullying.

## Sexual Harassment Definitions

Sexual harassment means any direct or indirect unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which humiliates or intimidates, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to:

- Staring or leering
- Unnecessary familiarity, 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 or text messages
- Inappropriate advances on social media 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

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

## Policy

Berwick Church of Christ has a duty of care to provide a safe environment and ensure, so far as is reasonably practicable, that all Staff Members, Leaders and Volunteers and other people are not exposed to health and safety risks.

Berwick Church of Christ has a zero tolerance for bullying and sexual harassment under any circumstances. No Staff Member, Leader or Volunteer at any level should subject any other Staff Member, Leader, Volunteer, partner or visitor to any form of bullying or sexual harassment.

Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establishes minimum standards of behaviour.

A breach of this policy will result in disciplinary action.

Berwick Church of Christ strongly encourages anyone who feels they have been bullied or sexually harassed to take immediate action. If a Staff Member, Leader or Volunteer feels 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 the sexual harassment or if you feel uncomfortable, we recommend that this be raised with the relevant Staff Member, 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 Executive Leadership Team will determine how the report should be dealt with in accordance with the Berwick Church of Christ'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 Berwick Church of Christ, 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 Member, Leader or Volunteer 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 Members, Leaders and Volunteers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Staff Members or 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:	<b>Karen Fletcher</b>
Phone number:	<b>03 9702 1011</b>
Email:	<b>karenf@bcoc.com.au</b>
Other contact details:	<b>Office: 03 9702 1011 (Mondays to Thursdays)</b>

## 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, <a href="http://www.berwickchurch.org.au/policies">www.berwickchurch.org.au/policies</a>