



HR Harassment, Sexual Harassment, Victimisation and Bullying Procedures

1. Policy Reference

- 1.1 Human Resources Management Policy

2. Relevant Documentation

- 2.1 Staff handbook
- 2.2 Equal Opportunity policy and procedures
- 2.3 Grievance Procedures

3. Procedure

If harassment does occur, Taillem Bend Community Centre has provided the following procedure for making and dealing with complaints related to this issue. At all times the matter will be dealt with confidentially, promptly, impartially, seriously and sensitively.

The Coordinator is responsible for the implementation and ongoing review of this procedure.

3.1 Overview

Confidentiality

- Only people directly involved in a complaint, or in resolving it, can have access to information about it.
- Everyone involved in resolving a complaint will be told about the importance of confidentiality.
- Information will be kept securely and will only go on an employee's file if they are disciplined as part of the complaint resolution.

Fairness/impartiality

- Both sides will get a chance to tell their side of the story. Both sides have the right to be treated fairly, and to have the complaint decided by someone who acts fairly and in good faith.
- No one will make any assumptions or take any action until all relevant information has been collected and considered. Any person who has been complained about has a right to know details of any allegations against them.
- Both sides will have access to support or representation if they want or need it.
- Formal complaints must be substantiated before disciplinary action is taken.
- We will investigate all allegations before making a decision 'on the balance of probabilities'. This means that we will find a complaint substantiated and take action if we believe, on the basis of the available evidence, that it is more likely than not that the allegations happened.
- Right to appeal: A person who uses this procedure can appeal against a decision that they are unhappy with.

Protection against unfair repercussions or victimisation

- Management must take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with the complaint, or for helping to resolve it.
- Any victimisation will be disciplined. Anyone who uses this complaint procedure maliciously or in bad faith (e.g. to lie about someone) can be disciplined. If we decide that we need to take disciplinary action against someone for breaching any of our policies or standards, then we will do so. We will aim to do this fairly and consistently.

Management must act to protect others

- In some cases where management observes inappropriate behaviour they may need to act in order to 'nip problems in the bud'. This may require taking action before matters get worse and to avoid a formal complaint being made.

What to do if you have a complaint

You do not have to go through each step in the order shown below, although we do encourage you to consider each of these options. You can however choose to go to an external agency such as Equal Opportunity Commission at any time (Step 5).

Self Help	<p>What to do</p> <p>Step 1 If you can, try to resolve the problem yourself with the person or people involved. You may find that they didn't mean to do what they did, and once aware of it that they do not do it again..</p>
Informal	<p>Step 2 Talk to a contact person if you:</p> <ul style="list-style-type: none"> • are not sure how to handle the problem yourself, or • want to talk confidentially about the problem with someone and get some more information about what you can do.
	<p>Step 3 Talk to:</p> <ul style="list-style-type: none"> • the Coordinator <p>Remember in some cases they may need to take some action to prevent the same thing occurring to others in the workplace.</p> <p>At this stage, document what has happened and keep daily notes.</p>
Formal (within)	<p>Step 4 Make a formal written complaint. You will need to provide exact details of your allegations. This will lead to an investigation within the organisation.</p>
Formal (outside)	<p>Step 5 If you are still unhappy, you can get advice from any relevant external agency—for example:</p> <ul style="list-style-type: none"> • the Equal Opportunity Commission

	<ul style="list-style-type: none"> • the Federal Human Rights and Equal Opportunity Commission • the Australian Industrial Relations Commission. • Your union • Working Women's Centre – for women not in a union.
--	--

What will a Contact Person do?

Contact People are committee members who volunteered for the position. They have been specially chosen to provide information and support to anyone who has a problem, or thinks they may have a complaint. (Need to organise special training for the Contact Person)

A Contact Person can give you confidential information about the best way to tackle your problem and where you can go if you need more help. A Contact Person usually does not investigate or resolve your complaint. However, they can go with you to see someone who can handle it for you.

What will the manager do?

Wherever practical, the Coordinator may undertake any or all of the following:

1. Get full information from you about your complaint and how you would like to see it resolved.
2. Decide if they are the appropriate person to handle the complaint or appoint someone to investigate.
3. Explain how the complaint procedure works (including what will be done to protect you from victimisation if that is a concern). They will also refer you to people who can provide you with support or representation, if you need either of these.
4. If appropriate, decide whether you or the person/people you are complaining about should be removed from duty or given a changed roster until the complaint can be investigated and resolved and if so, which party (but only where doing so could not be seen to be prejudging the matter).
5. Put the information they have received from you to the person/people you're complaining about and get their side of the story.
6. Speak to witnesses very carefully, so as not to breach confidentiality. They will speak to only as many witnesses as necessary.
7. Determine on this basis whether they have enough information to know if the matter(s) alleged in the complaint did or did not happen.
8. Work out whether the matter(s) alleged in your complaint are serious enough to warrant disciplinary action.

9. Decide how the complaint should be resolved, and let everyone involved know. They can do this in the following way:
10. Attempt to mediate between the people in dispute. This means that they will help you and the other person or people involved come to a mutually satisfactory agreement about how the complaint should be resolved.
11. They may:
 - a. tell you and the other person/people involved about what might have happened if the complaint had been proved one way or the other
 - b. warn you and the other person/people involved about the disciplinary consequences of any victimisation
 - c. tell you and the other person/people involved about the right to appeal
 - d. consider whether there needs to be staff education or training—in particular, policies or standards
 - e. recommend disciplinary action
 - f. monitor developments.
12. Monitor the situation to make sure there are no further repercussions.

How may complaints be resolved?

Agreement

As explained above, many complaints can be settled by agreement between the people involved.

Not enough evidence to act

If there is not enough evidence to decide whether or not the matter(s) alleged happened, no disciplinary action will be taken. Instead, we may decide to:

- keep a closer watch on the people involved
- consider wider staff education or training on the particular policy or standard involved.

Documentation

No records or notes will go on anyone's file. The Contact Person will write a confidential file note summarising your discussions and the action agreed on. The person who handled the complaint will write a confidential report. This report will be filed in a confidential complaint filing system. Only the Centre Coordinator or President will have access to this, and only when necessary.

Disciplinary action

If the person handling the complaint decides that there has been a breach of one of the Centre's policies or standards we may discipline the person or people responsible for the breach. If a complaint is made mischievously (for example, it consists of lies), disciplinary action may be taken. Making untrue allegations about someone else could also lead to legal action for defamation (damage to reputation). If the person (or people) complained about is found to have committed a breach of one of our policies or standards, they can be disciplined.

Level of disciplinary action

The level of discipline will depend on:

- the seriousness of the breach
- whether it was done intentionally or maliciously
- whether there have been previous official warnings about this type of breach given to the person/people involved
- whether there are any circumstances (known as mitigating circumstances) that mean disciplinary action should not be taken or serious disciplinary action should not be taken.

Range of disciplinary action

Discipline could involve one or more of the following:

- a written apology
- counselling
- an official warning
- dismissal.

A record of the complaint and the resulting disciplinary action will be placed on the personnel file of anyone who is disciplined. The complaint handler(s) will also send all their notes and a copy of the record of the complaint to the person in charge of the confidential complaint filing system located in the main office.

How does an appeal work?

The person who handles an appeal will be higher up in the organisation than the person who first handled the complaint. They will generally rehear the complaint. This means they may go through the same steps as the person who originally handled the complaint. They may also decide to interview more witnesses if they think those extra witnesses will be able to help.

What may happen?

The person who handles the appeal may confirm the original decision or overturn it. If they believe any contact officer or the original complaint handler mishandled the complaint in a way that breaches this complaint procedure, they may recommend disciplinary action against that person.

Who else can help?

At any time anyone involved in a complaint can get legal advice from a union representative or legal representative. It is possible to bring a union or legal representative to any complaint meeting.

Confidential support and information is available from any of the contact officers at any time during the complaint handling process. This is available to the person making the complaint and the person/people the complaint is about. However, the same contact officer will not be able to assist both parties involved in the complaint.

A person making a complaint has the right to contact an external agency for advice or help at any stage of the procedure including if they are unhappy with the way the complaint has been resolved. For further information contact:

The South Australian Equal Opportunity Commission

GPO Box 464, Adelaide, SA, 5001

Level 2, 45 Pirie St

Adelaide SA 5000

Tel: 8207 1977

Freecall: 1800 188 163

TTY: 8207 1911 (speech and hearing impaired)

Fax: 8207 2090

Email: eoc@agd.sa.gov.au

Website: www.eoc.sa.gov.au

Stage 1

When an employee believes he/she is being subjected to harassment, he/she is advised, if practical, to personally approach (or write to) the person responsible, telling him/her that the behaviour is offensive and that it should cease immediately.

Stage 2

If the behaviour does not cease (or if the person being harassed feels unable to approach the harasser), it may be appropriate for him/her to ask someone to assist and intervene. This should be a Committee Member or the Coordinator. If the Member of the Committee or Coordinator is the harasser, the person being harassed should approach the President of the Board of Management. This person may intervene with the harasser on behalf of the complainant.

Stage 3 – Formal Complaint

This option should be used if Stages 1 and 2 do not achieve the desired outcome, or if the offensive behaviour warrants disciplinary action. See Grievance Policy and Procedures

The Coordinator will support the person being harassed in completing a grievance record that details the complaint, the process to date, actions to be taken and outcomes. The record must be signed by the harasser, the person being harassed and the President of the Board of Management.

If the Coordinator is the harasser, the person being harassed should approach the President of the Board of Management.

In both cases the full Board of Management will be notified of the outcomes.

No action will be taken without the knowledge or consent of the person making the complaint.

Support for the complainant

At all stages of this procedure the complainant can be supported by the person of his/her choice.

While Tailem Bend Community Centre would prefer to deal with the complaint internally in the first instance, and is committed to doing so efficiently and sensitively, employees have the right at any stage of the procedure to contact the Equal Opportunity Commission, the Federal Human Rights and Equal Opportunity Commission or the Australian Industrial Relations Commission.

Date first formulated	August 2007	
Dates approved by Board	V1 V2	24 August 2007 June 2016
Next Review Date	June 2019	
Related Documents	HR Harassment, Sexual Harassment, Victimization and Bullying Strategy	
Signed on behalf of TBCC Board of Management by:		
Name: Lorraine Cresp		
Position held: Chairperson		Signature: 