

AmeCare

Working with you on the canvas of your life




Anti-Bullying

Policy and Procedure

Version 2.4

Document Control

2.4	Added responsibilities, review, related legislation	12.03.2018	20.09.24	20.09.25
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Issue	Description of changes	Created	Updated	Review

ROLE	NAME AND POSITION	SIGNATURE	DATE
Document Author:	Yanie Drysdale - General Manager		12.03.2018
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Document Approval:	Yanie Drysdale - General Manager		12.03.2022

Anti-bullying

Policy

AmeCare strives to provide an environment where our staff and participants are surrounded by a safe and friendly space free from abuse, harassment and bullying. AmeCare has a **zero-tolerance** approach to bullying, abuse, neglect, harassment and exploitation.

Purpose

This Policy aims to provide:

- *a clear understanding of what constitutes bullying*
- *an overview of the relevant legal framework and potential implications of legal action for support services*
- *advice on preventing bullying in support services, including implementation of the necessary policies and training*
- *advice on what to do if a complaint of bullying is received, or an employer otherwise becomes aware of a bullying situation amongst staff and participants*
- *a list of resources relating to bullying*

Scope

This policy applies to:

- all AmeCare participants
- how AmeCare provides services to participants and how it interacts with other members of the public
- all aspects of how recruitment and selection; training and promotion; shifts; and onboarding
- staff treatment of participants, and of other members of the public encountered in the course of their AmeCare duties as well as participant NOK and families

This policy is written in line with the NDIS Code of conduct 2019 and aims to promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability.

Expectations

Staff

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect.
- take responsibility for themselves and results of any choices they make.
- respect the rights, privacy and dignity of AmeCare participants

Participants

- must be treated with dignity and respect
- should be consulted about needs and preferences and be able to refuse and accept without judgement
- have the right to involve an advocate or interpreter at any time.
- Should feel free to complain or express grievances about any aspect of AmeCare's services or operation, and to appeal decisions about service provision and expect to be treated fairly, promptly and without retribution.
- Should take responsibility for any bullying behaviour and decisions they make
- respect the rights, privacy and dignity of other AmeCare participants.

Procedure

Responsibilities of managers and supervisors

Managers and supervisors must:

- model appropriate standards of anti-bullying behaviour
- take steps to educate and make staff aware of their obligations under this policy and the law
- intervene quickly and appropriately when they become aware of bullying
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are acknowledged and heard
- help participants resolve complaints
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure participants who raise an issue or make a complaint are not victimised
- seriously consider requests for flexible service delivery

Unacceptable workplace conduct

Discrimination, bullying and sexual harassment are unacceptable at AmeCare and are unlawful under the following legislations:

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- National Disability Insurance Scheme Act 2013 (NDIS Act)
- NDIS Code of Conduct 2019

Staff (including managers) found to have engaged in such conduct reported to the NQSC and will be subject to disciplinary action including termination.

Participants found to be engaging in bullying towards other participants, will have a formal meeting with their support team to determine what education services they can be linked to understand the effects of bullying.

Discrimination

Discrimination is treating, or proposing to treat, someone unfavorably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

- **Directly** - when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).
 - *For example, a participant is harassed and humiliated because of their race; or; a worker is refused promotion because they are 'too old'*
- **Indirectly** - when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).
 - *For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.*

Protected personal characteristics under Federal and State discrimination law include:

- a disability, disease or injury, including work-related injury
- mental health condition
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex

- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Federal law and Victorian State Law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look

- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- 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.

Just because someone does not object to inappropriate behaviour at the time, it does not mean that they are consenting to the behaviour.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Resolving issues at AmeCare

AmeCare strongly encourages any participant who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by:

- reporting it to a safe person immediately
- completing a complaint form (best done through the website as it is accessible)
- this complaint form should contain as much detail as possible
- a complaint can be made directly to the complaints officer or manager
- telling a staff member;
- Email, mail or phone;

If any staff at AmeCare feels they have witnessed bullying at work, towards a participant, they are to complete an incident report form and the relevant measures will be followed to ensure safeguarding and protection from the bullying that is occurring.

AmeCare will ensure the upmost privacy and respect when dealing with such issues and incidents.

Responsibilities

The CEO is responsible for maintaining this policy, its related procedures and associated documents.

The AmeCare Manager is responsible, and will be held accountable for the following:

- Ensuring the policy is effectively implemented across the service;
- Monitor staff compliance with the requirements of the policy
- Ensure training and information is provided to staff to carry out this policy

Team Leaders and Site Managers are responsible and will be held accountable for the following:

- Ensuring staff are familiar with the requirements of the policy, and have sufficient skills, knowledge and ability to meet the requirements.

All Staff will be held accountable for the following:

- Complying with the requirements of this policy.

Review

This policy will be reviewed yearly with participants, their families, stakeholders and staff of AmeCare.

This policy is not intended to be a static document and AmeCare will make a commitment to its ongoing development and implementation in order to provide evidence as to the planning and review principles, guidelines and procedural direction as per the nationally recognised Standards Framework of the National Disability Agreement (NDA) and National Disability Insurance Scheme.

Related AmeCare policies and documents

- Website
- Human Resources Policy
- Zero tolerance of abuse and neglect
- Discipline procedure
- Incident Reporting Policy
- Complaints Policy
- Privacy & Confidentiality
- Choice and Control
- Individual service delivery and expectations
- Feedback and Complaints
- Zero Tolerance Policy

Related Legislation

- National Disability Insurance Scheme (2013)
- National Disability Service Standards
- Disability Services and Inclusion Act 2023
- Disability Act 2006
- Disability Discrimination Act 1992
- Equal Opportunity Act 2010
- United Nations' Convention on the Rights of persons with Disabilities 2006
- Occupational Health and Safety Act 2004