



Trustees of the Christian Brothers
(Queensland)

St Francis Xavier Province

Province Policy No 5:

Anti Discrimination, Sexual Harassment and Bullying Policy (staff)

MARCH 2004

POLICY STATEMENT

The Trustees of the Christian Brothers (Queensland) in governing St. Francis Xavier Province are committed to provide for each person working within the Province an atmosphere of safety, based on mutual respect and dignity

Any complaint of harassment (including unlawful discrimination, bullying and sexual harassment) will be handled by procedures that provide a prompt response, in an effective manner, ensuring confidentiality and non-victimisation of all involved parties.

INTRODUCTION

This Province Policy is mandatory for those persons working within St Francis Xavier Province. It provides mechanisms to handle all anti-discrimination, sexual harassment and bullying complaints, and clearly states that it is totally unacceptable for any person working in the St Francis Xavier Province to experience any form of harassment.

The document provides information about behaviours that can be considered harassment, the options that a person who is experiencing harassment can choose, and the procedural steps to be taken when responding to a person who makes a harassment complaint. It also details the responsibilities of different parties, including those of the Harassment Referral Officer. Annexures are included to assist in the implementation, and monitoring the implementation for compliance of this policy. An annexure is mandatory, and this is clearly indicated in the procedural section.

This Province Policy does not apply to students nor clients of any Ministry. A separate harassment policy has been developed for students and clients of any Ministry.

1. RATIONALE/PURPOSE

This policy exists to provide an effective proactive mechanism in facilitating the fair resolution of complaints regarding anti-discrimination, sexual harassment and bullying in relation to the actions of any person working within St Francis Xavier Province.

2. GUIDING PRINCIPLES

a) It is expected that each person working within St Francis Xavier Province will uphold *gospel values and comply with the law*, to:

- uphold the dignity and respect of the individual;
- promote the principle of equal opportunity;
- refrain from any behaviours that impinge negatively upon a person's dignity and rights, morale and work effectiveness;
- contribute to quality of life through respect and tolerance;
- protect cultural and social diversity; and
- engender fairness and respect in relationships.

b) *Natural Justice*

The principles of natural justice will apply to decisions made under this Policy. The two fundamental principles of natural justice are:

- those making a decision are not biased; and
- each person who has a complaint against them will be given a fair opportunity to be heard in response to the specifics of the complaint.

c) *Privacy*

Privacy legislation applies to all records generated under this Policy.

d) *Confidentiality*

A complaint **must** be treated with the utmost confidentiality. This does not affect the complainant's right to seek external assistance.

It is important when handling a complaint's information that confidentiality of all parties concerned is respected. Information will be shared only on a 'need to know basis' and as necessary to comply with the requirements of this policy or as required by law.

Information will be regarded as confidential if:

- information has the 'necessary quality of confidence' in that any unauthorised use would be detrimental to a party; and
- it was shared or confided under circumstances where there was a special need for trust e.g. between the Harassment Referral Officer and the complainant, between the Principal and the alleged offender.

e) *Non-Victimisation*

It is against the law for a person to be victimised. Victimisation occurs if a person is treated detrimentally because they made or were involved in a complaint of discrimination, bullying or sexual harassment.

Victimisation under this policy extends to the person who made the complaint, the person against whom the complaint is made, and any other party involved in the handling of the complaint. Victimisation under this policy and the law, can be the basis of another complaint.

3. OBLIGATIONS

Harassment may breach a number of laws, including:

- Contract;
- negligence (duty of care);
- criminal law; and
- statutory laws of our State and Commonwealth, i.e. Anti-Discrimination Act 1991 (Qld), Discrimination Law Amendment Act 2002, Workplace Health and Safety Act 1995 (Qld), Sex Discrimination Act 1984 (C'wlth), Racial Discrimination Act 1975 (C'wlth), Disability Discrimination Act 1992 (C'wlth), Anti-Discrimination Act 1992 (NT), Privacy Amendment (Private Sector) Act 2000 (C'wlth).

and

- relevant professional standards and codes of ethics;
- relevant Catholic Church documents eg Towards Healing – Principles and procedures in responding to complaints of clergy against personnel of the Catholic Church of Australia 2002 and amendments May/June 2003,
- Edmund Rice ethos; and
- Province policies, particularly those relating to privacy and employment.

4. POLICY STATEMENT

The Trustees of the Christian Brothers (Queensland) in governing St. Francis Xavier Province are committed to provide for each person working within the Province an atmosphere of safety, based on mutual respect and dignity.

Any complaint of harassment (including unlawful discrimination, bullying and sexual harassment) will be handled by procedures that provide a prompt response, in an effective manner, ensuring confidentiality and non-victimisation of all involved parties.

5. DEFINITIONS

a) *Each person working within St Francis Xavier Province.*

This refers to all staff, religious, ministry workers and volunteers (both paid and unpaid) involved in schools, non-school ministries, associated corporations and other initiatives of St Francis Xavier Province and includes visitors, contractors, and tradespersons.

b) *Associated Corporations*

This refers to a corporation where the Trustees appoint the Board of management, or have the power to appoint the Board of management. It also refers to any subsidiary corporation of such a corporation.

c) *Unlawful Discrimination*

Under the Anti Discrimination Act (1991) Queensland and other legislation, it is unlawful to treat someone unfavourably (in connection with work, in deciding who should be offered work or education) including such attributes as:

- family relationships;
- parental status;
- breastfeeding;
- religious belief or religious activity;
- political belief or activity;
- trade union activity;
- lawful sexual activity;
- relationship status;
- sexuality;
- sex;
- gender identity;
- race;
- impairment;
- pregnancy; or
- age.

d) *Vilification*

The 2003 Amendment to the Anti Discrimination Act 1991 (Qld) (S124A) now makes it illegal to publicly vilify a person because of their race, religion, sexuality or gender.

Vilification is a public act or speech which encourages others to hate, threaten or strongly react against a person or a group of people because of their race, religion, sexuality or gender identity.

e) *Sexual Harassment*

Sexual harassment consists of unwelcome conduct of a sexual nature, which offends, intimidates or humiliates another. It is a form of sex discrimination. It promotes a work environment which is unpleasant, humiliating or intimidating for those threatened by this behaviour.

Sexual harassment can be a single incident—it depends on the circumstances. Obviously some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation out, may not constitute harassment if they are not repeated.

This policy accepts that sexual harassment sometimes occurs outside of working hours and not within the workplace. Sexual harassment is illegal in any work related context, including conferences, work functions, office Christmas parties and business or field trips.

Under the Anti-Discrimination Act 1991 (Qld) and other legislation, it is unlawful to sexually harass another person. Section 119 of the Anti Discrimination Act Queensland 1991, states that sexual harassment happens if a person:

- a) subjects another person to an unsolicited act of physical intimacy. Examples are:
 - physical contact such as patting, pinching or touching in a sexual way;
 - unnecessary familiarity such as deliberately brushing against a person.
- b) makes an unsolicited demand or request (directly or by implication) for sexual behaviours from the other person. An example is:
 - sexual propositions.
- c) makes a remark with sexual connotations relating to the other person. Examples are:
 - unwelcome or uncalled for remarks or insinuations about a person's sex or private life;
 - suggestive comments about a person's appearance or body.
- d) engages in any other unwelcome conduct of a sexual nature in relation to the other person. Examples are:
 - offensive telephone calls/electronic messages;
 - indecent exposure.

and the person engaging in the conduct described in paragraphs (a), (b), (c) or (d) does so:

- e) with the intention of offending, humiliating or intimidating the other person; or
- f) in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

f) *Bullying*

Bullying is any behaviour which intimidates, offends, degrades or humiliates a person. It is usually repeated and there often is, or is seen to be, an imbalance of power (i.e. authority, physical size) between the person bullying and the person being bullied. Bullying in any form is not acceptable within the St Francis Xavier Province.

Bullying can be:

- face to face;
- over the telephone;
- through electronic messages;
- the exclusion of others;
- physical/verbal;
- non-verbal/gesture;
- extortion; and
- gossip.

Examples of bullying are:

Physical Behaviours

- assault, threats of assault, pushing, shoving or jostling;
- offensive hand or body gestures;
- pinching, patting, brushing up against a person, touching, hugging; and
- damaging or tampering with a person's property or work equipment.

Verbal Behaviours

- yelling, shouting, swearing and offensive language;
- personal insults and name-calling;
- spreading malicious rumours, slandering a person or their family;
- wolf whistling, offensive jokes;
- imitating a person's accent, ridiculing a person in front of others;
- inappropriate comments about personal appearances or lifestyle;
- repeated questions about personal life;
- public reprimands;
- constant criticism and trivial fault finding; and

- constantly putting a person down.

Non-Verbal Behaviours

- ostracising and isolating a person in the workplace;
- unexplained job changes, meaningless tasks;
- tasks beyond a person's skill level;
- overwork, unnecessary pressure, impossible deadlines;
- underwork, creating a feeling of uselessness and boredom;
- deliberately withholding or supplying incorrect information;
- displaying offensive and/or insulting material in the workplace;
- suggestive looks or leers;
- unwelcome practical jokes;
- mimicking a person with a disability;
- excessive supervision and monitoring without due notice;
- taking credit for other people's work, but never the blame;
- constantly overruling a person's authority;
- denying reasonable requests for leave, training or promotion;
- singling out and treating differently from others, without good reason;
- increasing responsibility but removing authority; and
- unclear, vague or exceedingly long job descriptions.

6. PROCEDURES

6.1 RESPONSIBILITIES

6.1.1 Each person working within St Francis Xavier Province has responsibility for:

- a) becoming conversant with this policy, the reporting procedure and the identity and the role of the Harassment Referral Officer (HRO) in their workplace;
- b) promoting equality and a working environment free from any form of harassment e.g. monitoring their own behaviour to ensure that it is acceptable, and taking appropriate action if it becomes apparent that harassment is occurring in the working environment, even if a complaint has not been made; and
- c) encouraging a person who is subjected to harassment to approach the HRO in their workplace.

6.1.2 The Provincial Leadership Team acting as the Trustees of the Christian Brothers (Queensland) has responsibility for:

- a) approving the Province policy initially and any subsequent amendments to it; and

- b) ensuring that resources are available for the development, implementation, monitoring and review of this Province policy.

6.1.3 An associated corporation:

- a) has a contractual obligation to ensure that this policy is complied with by the Associated Corporation;
- b) has a responsibility to ensure compliance by the Associated Corporation with this policy.

6.1.4 The Province Leader or his delegate has responsibility for:

- a) receiving reports, through existing accountability channels, from Principals/Ministry Leaders about:
 - notification of the need to further investigate a complaint;
 - findings and action of an investigation; and
 - review of the process, following the lodging of an appeal.
- b) discretionary intervention at any stage, in accordance with the Guiding Principles of this Policy

6.1.5 Executive Director, Edmund Rice Education/Contact PLT Person (responsible for each non-school ministry)/Board of Associated Corporation has delegated responsibility for:

- a) providing copies of the Anti-Discrimination, Sexual Harassment and Bullying Policy to all Edmund Rice Schools, associated corporation and other non-school ministries of St Francis Xavier Province;
- b) ensuring training courses and other opportunities are available for all persons working in St Francis Xavier province, including the Harassment Referral Officers so that skills are developed, and this policy and its procedures are understood;
- c) utilising a range of consequences/disciplinary measures in relation to handling breaches in a suggested uniform manner;
- d) ensuring external audits of this Province policy are carried out in all schools at least every 3 years or as required;
- e) reporting to PLT regarding issues of compliance and non-compliance identified by the external audits referred to in d) above, and by each School Board and Board;

In addition, the Executive Director, Edmund Rice Education is required to perform the responsibilities as outlined under Principal/Ministry Leader, when the complainant is a member of the ERED team.

6.1.6 Principal/Ministry Leader/CEO has delegated responsibility for:

- a) promoting an atmosphere of safety, based on mutual respect and dignity;
- b) appointing the Harassment Referral Officers (HROs) for their workplace (See Additional Resources A for selection criteria);
- c) ensuring that HROs participate in training in order to understand relevant issues and develop the required skills;
- d) ensuring all persons working in this workplace are trained to be conversant with the Anti-Discrimination, Sexual Harassment and Bullying Province Policy, and particularly, the role of the HRO;
- e) receiving all internal formal complaints and performing the relevant tasks in accordance with Sections 6.3 Complaint Options, 6.4 Internal Formal Option – Complaints Procedure and 6.5 Review of Process of this document;

- f) receiving and monitoring quarterly non-identifiable statistical information regarding complaints from the HRO, and taking appropriate action when required;
- g) ensuring the annual internal audit of this Province Policy is carried out and that its evidence is available for the person undertaking the external audit every three years or as determined; and
- h) ensuring that an Annual Compliance Report is prepared and presented to their School Board/Board/Contact PLT Person.

6.1.7 Designated Senior Colleague:

The Principal/Director/Ministry Leader/CEO, who has received a complaint, selects a designated senior colleague e.g. a peer within St Francis Xavier Province, to support them in performing their responsibilities in the complaint procedure.

The designated senior colleague is responsible for:

- a) providing appropriate support to the Principal/Director/Ministry Leader/CEO from the time the complaint is received until the conclusion of the investigation.

6.1.8 Harassment Referral Officers (HRO's)

HROs will be appointed in EVERY workplace to handle complaints made by any person working within St Francis Xavier Province. These officers will be selected by calling for expressions of interest from existing staff. Where possible, one male and one female HRO will be appointed for every workplace. A HRO is responsible for:

- a) being identifiable, visible and accessible as the HRO, to all persons working in their workplace;
- b) providing information to all persons working in their workplace about the policy, their role and their responsibilities, eg, through the display and distribution of brochures and information;
- c) being the first point of contact for any person working in their workplace, who has a complaint or enquiry;
- d) providing information on options/remedies available to resolve the complaint;
- e) identifying the outcome the complainant seeks;
- f) providing ongoing support and policy and procedural advice to the complainant as appropriate;
- g) maintaining a confidential Workplace Harassment Register of Complaints; and
- h) providing non-identifiable statistical information regarding complaints (number of complaints reported, state of resolution, path taken to resolution) at quarterly intervals to the Principal/Ministry Leader/CEO.

The Harassment Referral Officer does not have an active role to play in any investigative process. The Officer may accompany complainants to interviews as required, but only in an observer/support role.

6.1.9 Support Persons:

Any person (e.g. complainant, person whom the complaint is made against, or witnesses) can select a Support Person for the duration of the process. The Support Person can be selected from within the workplace or outside the workplace.

A Support Person is responsible for providing ongoing support to the person. This may include being present at interviews in an observer/support role, or other forms of support that the person requests.

6.1.10 The Investigating Officer

The Investigating Officer is appointed by the Principal/Director/Ministry Leader/CEO. The Investigating Officer is responsible for:

- a) becoming familiar with and understanding this Policy, its procedures and its interview and record keeping protocols; and
- b) conducting an investigation of a complaint in accordance with the procedure outlined in Section 6.4.3 of this document.

6.1.11 The Review Officer

The Review Officer is appointed by the Principal/Director/Ministry Leader/CEO. The Review Officer is responsible for:

- a) becoming familiar with and understanding this Policy, its procedures and its documentation; and
- b) conducting an review of the procedure that was used to investigate a complaint in accordance with the procedure outlined in Section 6.5 of this document.

6.2 INITIATING A COMPLAINT

Any person working within St Francis Xavier Province (i.e. the complainant) who believes he/she has a bonafide complaint is encouraged to immediately, or at the earliest convenient time consult with the Harassment Referral Officer. The HRO will be able to provide information about the series of OPTIONS available to handle the complaint.

6.3 COMPLAINT OPTIONS

There are four options available to handle a complaint. Options (b), (c) and (d) all can be utilised for the same complaint, though only one option can be explored at any point in time.

a) *The complainant may decide to take no action.*

b) *Internal Informal Option*

The complainant may choose an internal informal option, e.g. speaking to the person against whom the complaint has been made. The HRO will be able to explain the possible internal informal options.

At the end of this meeting, a Statistical Complaints Form (Annexure B) will be completed for placement in the Harassment Register.

Complainants should note however that, wherever the Province sees fit, e.g. in the event that serious allegations are raised which may call into question the safety or well being of other persons working within St Francis Xavier Province, the matter may be investigated notwithstanding a complainant's request not to do so.

c) *Internal Formal Option*

The complainant may choose to make an internal formal complaint using the complaints procedure outlined in 6.5 Internal Formal Option – Complaints Procedure. The HRO can assist the complainant in making this internal formal complaint.

The HRO will complete the Anti Discrimination, Bullying and Harassment Statistical Complaint Form (Annexure B) and place in the Harassment Register.

d) *External Formal Option*

Whilst it is preferable to resolve complaints internally, the complainant may decide to pursue external legal remedies. The complainant may wish to seek the advice and/or assistance of such bodies as the Anti-Discrimination Commission, Queensland. The complainant has the right to do this at any stage of the process.

6.4 INTERNAL FORMAL OPTION - COMPLAINTS PROCEDURE

6.4.1 Lodging a formal complaint

The complainant will lodge their complaint with their relevant Principal/Director/Ministry Leader/CEO. The Anti Discrimination, Bullying and Harassment Complaint Form (Annexure C) must be completed.

The complainant may consult the HRO or other support person/s concerning the complaint.

Please note: In the following circumstances:

Should the complaint be against the Principal of an Edmund Rice School, the complaint will be referred to the Director, Edmund Rice Schools, who shall deal with the complaint in accordance with this policy.

Should the complaint be against a ministry leader, the complaint will be referred to the Contact PLT Person responsible for the ministry, who shall deal with the complaint in accordance with this policy.

Should the complaint be against the CEO of an associated corporation, the complaint will be referred to the Board of the Associated Corporation, who shall deal with the complaint in accordance with this policy.

6.4.2 Implementing the Guiding Principles

Section Two of this document highlights the Guiding Principles that underpin this policy and procedure.

In practice, this means that all stages of this complaint process shall be handled promptly and with confidentiality, in order to respect the principles of natural justice for all parties.

To uphold confidentiality, details about the complaint will be shared only 'on a need to know basis' and as necessary to comply with the requirements of this process or as required by law. Only the person against whom the complaint has been made and those persons specifically with delegated responsibility, as outlined in this document, will have access to the details of the complaint. Where forms have to be completed during this process, details have been provided about who will have access to what specific information.

6.4.3 Investigation

- a) When receiving a formal complaint, the Principal/Ministry Leader/CEO may interview the person making the complaint. On receipt of the complaint, the Principal/Ministry Leader/CEO shall commence the process of investigation.
- b) The Principal/Ministry Leader/CEO shall select and involve a designated senior colleague in his/her decisions in conducting this investigation. The Principal/Ministry Leader/CEO may at his/her own discretion, confidentially inform relevant management staff of the existence of a formal complaint so that the workplace atmosphere of safety and mutual respect can be provided to all involved.
- c) The Principal/Ministry Leader/CEO and the designated senior colleague will consider the complaint and the further steps to be taken in the internal investigation.
- d) The Principal/Ministry Leader/CEO shall inform the person against whom the complaint is made, of the existence and particulars of the complaint and shall obtain their response.
- e) The Principal/Ministry Leader/CEO may consult other person/s who may have information relevant to the complaint. Such persons shall be required to complete Witness Statement (Annexure D).
- f) The complainant and the person against whom the complaint has been made, has the right to provide further information to the Principal/Ministry Leader/CEO at any stage.
- g) Should the Principal/Ministry Leader/CEO decide that no further investigating steps need occur for the complaint to be satisfactorily dealt with, he/she shall proceed to step l) of this process.

- h) The Principal/Ministry Leader/CEO, with the assistance of the designated senior colleague, may decide to proceed to further the investigation by appointing an Investigating Officer.
- i) On deciding that the complaint should be further investigated, the Principal/Ministry Leader/CEO shall:
- i. notify the Province Leader or Board of the associate corporation, of the decision, through existing accountability channels;
 - ii. engage a person suitably qualified (not necessarily a person working within St Francis Xavier Province) to be the Investigating Officer who will conduct the investigation;
 - iii. provide a letter of delegation to the Investigating Officer setting out the requirements of the investigation. This letter will outline the timeline, the support people available, interview and record keeping protocols, and the format of the report;
 - iv. inform the complainant, and person against whom the complaint is made that a further investigation will be undertaken and name the person who will undertake the investigation; and
 - v. provide a copy of the formal complaint to the person against whom the complaint is made.
- j) The Investigating Officer must undertake the following sequential steps.
- i. Draw up a timetable for the further investigation and discuss, with the Principal/Ministry Leader/CEO concerned, the general arrangements for the formal investigation.
 - ii. Commence interviews as soon as reasonable after the announcement of the further investigation.
 - iii. Interview all relevant persons. The complainant must be the first person interviewed. Those persons working immediately with the persons subject to the review must be interviewed. Persons interviewed must be advised that they may have an observer/support person with them at the interview.
 - iv. Conduct each interview using Annexure D, the Witness Statement. The Witness Statement provides a format for documentation, a structure for the interview, as well as outlining the behaviour protocols required of any person involved in a complaints process. The witness is required to sign the Witness Statement at the end of the interview and will be given a copy of this signed statement.
 - v. Accept signed written statements from other persons not interviewed. These statements will be accepted, retained and used if relevant.
 - vi. Report to the Principal/Ministry Leader/CEO who requested the further investigation. This report must detail the findings, supporting evidence and recommendations, and include copies of all Witness Statements. Other data shall be provided at the discretion of the Investigating Officer and/or at the request of the Principal/Ministry Leader/CEO.
- k) The Principal/Ministry Leader/CEO, with the assistance of the designated senior colleague, shall consider the Investigating Officer's report and decide whether the report finding, in whole or in part, upholds the complaint. The Report may be noted only, accepted in whole or in part, rejected in whole or in part, and filed for action / no action.

They will also determine the disciplinary action to be taken (if any) in the terms of Policy 12 Disciplinary Policy and Procedure for Staff. Such disciplinary action will reflect the circumstances of the harassment, and may include, but not be limited to:

- a requirement of counselling and/or training;
- a written warning;
- a removal from position of responsibility; or

- a termination of employment.
- l) The Principal/Ministry Leader /CEO will finalise the process by:
- i. informing the complainant in writing and the person/s against whom the complaint has been made of the decision;
 - ii. completing the Complaint Report Form (Annexure E) and forward a copy to the Province Leader or Board of the associated corporation through existing accountability channels; and
 - iii. putting in place a monitoring strategy if decided.

6.5 REVIEW OF PROCESS

A review of process is not a review of outcomes. A review of process is an independent evaluation of whether the procedures set out in this Policy have been properly observed, and the Guiding Principles have been adhered to. These are the steps of the process.

- a) A complainant or the person whom the complaint is against, is entitled to request a review of the process. This request is to be written and is to be addressed to the Principal/Ministry Leader/CEO within one calendar month of the completion of the investigation procedure.
- b) The Principal/Ministry Leader/CEO, in consultation with the designated senior colleague, shall appoint a suitably qualified person, the Reviewer, (not necessarily a person working within St Francis Xavier Province) who shall conduct the review.
- c) The Principal/Ministry Leader/CEO shall inform the complainant and the person whom the complaint is against that a review has been requested and approved.
- d) The Reviewer shall determine the procedures for the conduct of the review, and
 - determine a time line for the review in consultation with the Principal/Ministry Leader/CEO;
 - have access to all relevant documentation;
 - have authority to interview any of the involved persons; and
 - provide a written report with recommendations to the Principal/Ministry Leader/CEO at the end of the review.
- e) The Principal/Ministry Leader/CEO shall provide, a copy of the report and what actions may be undertaken, to the Province Leader or Board of the associated corporation and any other party that they determine, using existing accountability channels.
- f) The Principal/Ministry Leader/CEO shall, in writing, inform the person requesting the review that the matter has been concluded and what, if any, actions will be undertaken.

6.6 TRAINING

Two levels of training must be undertaken within each school, ministry and associated corporation.

- a) Annual training will be provided to every Harassment Referral Officer.
- b) Principals/Ministry Leaders/CEO will annually make any person working in their workplace aware of this policy and its procedures.

This training will be complimented by each HRO who will provide information to staff about the HRO role and responsibilities within that workplace.

6.7 COMPLIANCE

A quarterly non-identifying statistical report will be collated by the HRO and submitted to the Principal/Ministry Leader/CEO.

An internal audit schedule must be completed annually for each school, ministry and associated corporation.

Every variation made in implementing the Policy must be recorded on the Record of Variation Forms, and these records need to be made available for the internal and external audit.

An external audit is carried out at least every 3 years, or as required.

6.8 REVIEW

This Policy will be reviewed at least every three years.

6.9 POLICY BREACH

Any deliberate breach of this Policy may lead to disciplinary action as defined by Policy 12 Disciplinary Policy and Procedures for Staff.

ADDITIONAL RESOURCES A

Selection Criteria for Harassment Referral Officers

Appointees will be required to demonstrate that they meet the following criteria:

- willingness to learn and understand the nature of harassment in its various forms both legally and morally and its negative effects on people in the working and learning environment;
- knowledge of the St Francis Xavier Province Anti-Discrimination, Sexual Harassment and Bullying Policy and Procedure and Complaints Procedure for Employees and capacity to provide information about these as required;
- ability to be persons in whom any person working in their workplace demonstrate confidence and trust;
- ability to maintain confidentiality;
- ability to be non-judgmental; and
- a proven record in, and willingness to model, appropriate behaviour.

ANNEXURE B ANTI DISCRIMINATION, BULLYING AND SEXUAL HARASSMENT STATISTICAL COMPLAINTS FORM

The purpose of this form is to collect statistical information about anti-discrimination, bullying and sexual harassment complaints so that this information can be transferred to the Harassment Register. **No identifying information is to be recorded on this form.** A quarterly report is generated from the Harassment Register and forwarded to the responsible Principal/Director/Ministry Leader/CEO. Statistical information includes number of type, gender, and employment status of person making complaint and person who is being complained about, and options chosen for resolution.

DETAILS ABOUT RECEIVING A COMPLAINT

Date of receipt of complaint: _____

Name of person who received the complaint at the first instance: _____

Position of person receiving the complaint: Principal
 Ministry Leader
 CEO
 Harassment Referral Officer

Work location: _____

INCIDENT DETAILS

Type of complaint: <input type="checkbox"/> Physical <input type="checkbox"/> Verbal <input type="checkbox"/> Non verbal <input type="checkbox"/> Other	Gender: <input type="checkbox"/> Male to female <input type="checkbox"/> Male to male <input type="checkbox"/> Female to male <input type="checkbox"/> Female to female
Person making complaint: <input type="checkbox"/> Permanent F/T worker <input type="checkbox"/> Permanent P/T worker <input type="checkbox"/> Contract worker <input type="checkbox"/> Casual worker <input type="checkbox"/> Supervisor/Manager <input type="checkbox"/> Volunteer <input type="checkbox"/> Principal/Ministry Leader	Person who is being complained about: <input type="checkbox"/> Permanent F/T worker <input type="checkbox"/> Permanent P/T worker <input type="checkbox"/> Contract worker <input type="checkbox"/> Casual worker <input type="checkbox"/> Supervisor/Manager <input type="checkbox"/> Volunteer <input type="checkbox"/> Principal/Ministry Leader <input type="checkbox"/> Parent/student

OPTION CHOSEN BY PERSON MAKING COMPLAINT (more than one option can be ticked)

<input type="checkbox"/> Take no action <input type="checkbox"/> Internal informal option <input type="checkbox"/> Internal formal option <input type="checkbox"/> External formal option	Comment: _____ _____
--	-----------------------------------

Signature: _____ Date: _____
 (Upon completion, this form is to be forwarded to the Harassment Referral Officer)

**ANNEXURE C: ANTI DISCRIMINATION, BULLYING AND
SEXUAL HARASSMENT COMPLAINT FORM**

THIS FORM IS TO BE COMPLETED BY THE PERSON MAKING THE INTERNAL FORMAL COMPLAINT.

PRIVACY DECLARATION:

The information is collected by the Trustees of the Christian Brothers (Queensland), 70 Kate Street, PO Box 923, Indooroopilly Qld 4068 Telephone (07) 33272200 for the purpose of responding to complaints. The information will be kept confidential to the organisation and will be securely stored. Only people required to know, such as the Harassment Referral Officer, Principal/Director/Ministry Leader/CEO, the person whom the complaint has been made against will be provided with details of this complaint in the investigation (as outlined in the Province Policy No 5 Anti-Discrimination, Sexual Harassment and Bullying Policy). It also may be used, as a reference when reviewing other similar complaints lodged after this complaint has been resolved.

PERSONAL DETAILS:

Date: Work location:

Name of person reporting incident: Position:

Contact Phone No:

PROTOCOLS IN RELATION TO ANY PARTY INVOLVED WITH A COMPLAINT PROCESS

- 1) True and accurate disclosure and co-operation is essential in establishing the facts.
- 2) Confidentiality is to be maintained at all times to avoid defamation. No discussion about the fact that there has been an interview or what has been said in the interview should occur.
- 3) The Trustees of the Christian Brothers (Queensland) will regard breach of confidentiality as serious misconduct and may take disciplinary action against this person.
- 4) You will conduct yourself in a professional manner and observe appropriate workplace behaviours. You must not victimise anyone during or after this investigation.
- 5) You can complete this form yourself or with the assistance of the HRO or Line Manager or Principal/Ministry Leader/Director/CEO. You will need to sign this document, stating that the record is true and correct.
- 6) Any allegations raised in this interview about another employee will be put to that employee, so that person will have the opportunity to respond to the allegation and ensure procedural fairness.
- 7) You can contact your support person/union at any stage concerning this process. You have been advised of your right to have a support person/union representative present at this interview and at any further interviews.

I have read and understood this protocol. I understand my responsibilities and options and of their consequences. I agree to observe the above conditions.

SIGNATURE: **DATE:**

(Please complete next page)

HAVE YOU EXPERIENCED THESE BEHAVIOURS IN RELATION TO THE COMPLAINT? (TICK WHERE APPROPRIATE)

Yes **Physical behaviours**

- 1. assault, threats of assault, pushing, shoving or jostling.
- 2. offensive hand or body gestures.
- 3. pinching, patting, brushing up against a person, touching, hugging.
- 4. damaging or tampering with a person's property or work equipment.
- 5. other physical behaviours. Please provide details below:

Yes **Verbal behaviours**

- 6. yelling, shouting, swearing and offensive language.
- 7. personal insults and name-calling.
- 8. spreading malicious rumours, slandering a person or their family.
- 9. wolf whistling, offensive jokes.
- 10. imitating a person's accent, ridiculing a person in front of others.
- 11. inappropriate comments about personal appearances or lifestyle.
- 12. repeated questions about personal life.
- 13. public reprimands.
- 14. constant criticism and trivial fault finding.
- 15. constantly putting a person down.
- 16. other verbal behaviours. Please provide details below:

Yes **Non-verbal behaviours**

- 17. tasks beyond a person's skill level.
- 18. unexplained job changes, meaningless tasks.
- 19. underwork, creating a feeling of uselessness and boredom.
- 20. overwork, unnecessary pressure, impossible deadlines, oversupervised
- 21. ostracising and isolating a person in the workplace.
- 22. deliberately withholding or supplying incorrect information
- 23. displaying offensive and/or insulting material in the workplace.
- 24. suggestive looks or leers.
- 25. singling out and treating differently from others, without good reason.
- 26. mimicking a person with a disability.
- 27. excessive supervision and monitoring without due notice.
- 28. denying reasonable requests for leave, training or promotion.
- 29. constantly overruling a person's authority.
- 30. taking credit for other people's work, but never the blame
- 31. unwelcome practical jokes.
- 32. increasing responsibility but removing authority.
- 33. unclear, vague or exceedingly long job descriptions.
- 34. favouritism
- 35. other non-verbal behaviours. Please provide details below:

INCIDENT DETAILS:

Name of person(s) against whom the complaint is lodged: _____

Contact Phone No: _____

Position: _____

Provide specific details about the behaviour/issues in the complaint	Date/time	Location	Witnesses
(Please attached more pages if required)			

Was the complaint reported at the time? Yes No

If so, to whom:

What action was taken?

INTERVIEW DETAILS

The details are a true and accurate record of events. I understand the need to maintain confidentiality concerning the complaint.

Signature of person
making complaint:

Time and
date:

Director/Principal/Ministry
Leader /CEO receiving
this Internal Formal
Complaint

Signature:

Position:

Contact Phone No:

ANNEXURE D
WITNESS STATEMENT

MANDATORY FORM

This form is to be completed during the interview. The interviewer may make additional notes not in this format, but they must be sighted and signed at the end by the person interviewed.

PRIVACY DECLARATION:

The information is collected by the Trustees of the Christian Brothers (Queensland), 70 Kate Street, PO Box 923, Indooroopilly Qld 4068 Telephone (07) 33272200 for the purpose of responding to complaints. Only people required to know, such as the Principal/Director/Ministry Leader/CEO and the Reviewer will be provided with copies of this witness statement (as outlined in the Province Policy No 5 Anti-Discrimination, Sexual Harassment and Bullying Policy). It also may be used as a reference when reviewing other similar complaints lodged after this complaint has been resolved.

PERSONAL AND INTERVIEW DETAILS:

Name of person reporting incident::		Position:	
Contact Phone No:			
Work location:			
Location, date and time of interview:			
Witnesses to interview:			

BEHAVIOUR PROTOCOLS IN RELATION TO ANY PARTY INVOLVED WITH A COMPLAINT PROCESS

- 1) True and accurate disclosure and co-operation is essential in establishing the facts.
- 2) Confidentiality is to be maintained at all times to avoid defamation. No discussion about the fact that there has been an interview or what has been said in the interview should occur.
- 3) The Trustees of the Christian Brothers (Queensland) will regard breach of confidentiality as serious misconduct and may take disciplinary action against you.
- 4) You will conduct yourself in a professional manner and observe appropriate workplace behaviours. You must not victimise anyone during or after this investigation.
- 5) You can complete this form yourself or with the assistance of the HRO or Line Manager or Principal/Ministry Leader/Director/CEO. You will need to sign this document, stating that the record is true and correct.
- 6) Any allegations raised in this interview about another employee will be put to that employee, so that person will have the opportunity to respond to the allegation and ensure procedural fairness.
- 7) You can contact your support person/union at any stage concerning this process. You have been advised of your right to have a support person/union representative present at this interview and at any further interviews.

I have read and understood this protocol. I understand my responsibilities and options and of their consequences. I agree to observe the above conditions.

SIGNATURE: **DATE:**

(Please complete next page)

INSTRUCTIONS FOR COMPLETING THE REMAINDER OF THIS FORM

The Interviewer will only provide the name of the person who has made the complaint, the name of the person whom the complaint has been made against, a broad indication of the type of complaint, and the timeframe of the complaint. The Interviewee will then be asked if they have witnessed any of the behaviours in relation to the complaint (see below). They will then have to provide details (over page).

HAVE YOU WITNESSED ANY OF THE FOLLOWING BEHAVIOURS IN RELATION TO THE COMPLAINT? (TICK WHERE APPROPRIATE)

Yes	Physical behaviours
<input type="radio"/>	1. assault, threats of assault, pushing, shoving or jostling.
<input type="radio"/>	2. offensive hand or body gestures.
<input type="radio"/>	3. pinching, patting, brushing up against a person, touching, hugging.
<input type="radio"/>	4. damaging or tampering with a person's property or work equipment.
<input type="radio"/>	5. other physical behaviours. Please provide details below:

Yes	Verbal behaviours
<input type="radio"/>	6. yelling, shouting, swearing and offensive language.
<input type="radio"/>	7. personal insults and name-calling.
<input type="radio"/>	8. spreading malicious rumours, slandering a person or their family.
<input type="radio"/>	9. wolf whistling, offensive jokes.
<input type="radio"/>	10. imitating a person's accent, ridiculing a person in front of others.
<input type="radio"/>	11. inappropriate comments about personal appearances or lifestyle.
<input type="radio"/>	12. repeated questions about personal life.
<input type="radio"/>	13. public reprimands.
<input type="radio"/>	14. constant criticism and trivial fault finding.
<input type="radio"/>	15. constantly putting a person down.
<input type="radio"/>	17. other verbal behaviours. Please provide details below:

Yes	Non-verbal behaviours
<input type="radio"/>	18. tasks beyond a person's skill level.
<input type="radio"/>	19. unexplained job changes, meaningless tasks.
<input type="radio"/>	20. underwork, creating a feeling of uselessness and boredom.
<input type="radio"/>	21. overwork, unnecessary pressure, impossible deadlines, oversupervised
<input type="radio"/>	22. ostracising and isolating a person in the workplace.
<input type="radio"/>	23. deliberately withholding or supplying incorrect information
<input type="radio"/>	24. displaying offensive and/or insulting material in the workplace.
<input type="radio"/>	25. suggestive looks or leers.
<input type="radio"/>	26. singling out and treating differently from others, without good reason.
<input type="radio"/>	27. mimicking a person with a disability.
<input type="radio"/>	28. excessive supervision and monitoring without due notice.
<input type="radio"/>	29. denying reasonable requests for leave, training or promotion.
<input type="radio"/>	30. constantly overruling a person's authority.
<input type="radio"/>	31. taking credit for other people's work, but never the blame
<input type="radio"/>	32. unwelcome practical jokes.
<input type="radio"/>	33. increasing responsibility but removing authority.
<input type="radio"/>	34. unclear, vague or exceedingly long job descriptions.
<input type="radio"/>	35. favouritism
<input type="radio"/>	36. other non-verbal behaviours. Please provide details below:

PROVIDE DETAILS OF WHEN YOU HAVE WITNESSED THIS BEHAVIOUR

Provide specific details about when you witnessed this behaviour	Date/time	Location	Other Witnesses

Any additional background information to the incident:

Was there any disciplinary action taken after the incident?

What effect has the incident had on the interviewee?

Has the type of incident occurred before or since?

I have read and agree with this summary of my interview as being a true and accurate record.

Signature:

Date:

(Once this form is completed and signed by both parties, a copy will be given to the person interviewed)

Annexure E Complaint Report

MANDATORY FORM

This form is to be completed by the Principal/Director/Ministry Leader/CEO when they determine that the complaint has been satisfactorily dealt with. The Designated Senior Colleague is also required to sign this form.

DETAILS OF THE PERSON MAKING A COMPLAINT:

Name of person ::	<input type="text"/>	Position:	<input type="text"/>
Contact Phone No:	<input type="text"/>		
Work location:	<input type="text"/>		

SUMMARY OF THE COMPLAINT:

DETAILS OF THE PERSON WHOM THE COMPLAINT IS MADE AGAINST:

Name of person ::	<input type="text"/>	Position:	<input type="text"/>
Contact Phone No:	<input type="text"/>		
Work location:	<input type="text"/>		

PROCESS OF INVESTIGATION:

FINDINGS

RECOMMENDATIONS

REPORT BY:

Name of Principal/Director/ Ministry Leader/CEO:		Signature:	
		Contact Phone No:	
Name of Designated Senior Colleague		Signature:	

(Please attach Complaint Form and any Witness Statements collected)