

Our Centre is committed to creating a workplace with vision and meaningful direction, adhering to code of conduct and ethical behaviour to ensure a productive work environment free from bullying, discrimination and harassment.

We are committed to providing a safe and equitable workplace for all staff and educators. Bullying, discrimination and harassment will not be tolerated under any circumstances. As part of this commitment, we aim to prevent workplace bullying by adhering to the Early Childhood Code of Ethics, Fair Work Requirements and centre philosophy, ensuring a safe workplace for all staff and Educators employed at the Centre.

Everyone has a right not to be bullied or harassed at work. Workplace bullying occurs when a person or group of people repeatedly behave unreasonably towards a worker or a group of workers, creating a risk to health and safety. Bullying may involve any of the following types of behaviour:

- Aggressive or intimidating conduct
- Belittling or humiliating comments
- Spreading malicious rumours
- Teasing, practical jokes or 'initiation ceremonies'
- Exclusion from work-related events
- Unreasonable work expectations
- Displaying offensive material
- Pressure to behave in an inappropriate manner

Bullying does not include reasonable management action carried out in a reasonable manner.

- Discrimination occurs when someone is treated less favourably than others because they have a particular characteristics or belong to a group within the population, such as age, race or gender.
- Harassment involves unwelcome behaviour that intimidates, offends or humiliates a person because of a particular characteristic as listed above and including; disability, religion, or sexuality.
- There are a number of anti-discrimination, equal employment opportunities, workplace relations, and human rights laws which make it illegal to discriminate or harass a person in the workplace.
- Our Centre philosophy, code of conduct and early childhood code of ethics will guide educator interactions and best practice by providing a vision, a purpose and meaningful direction to ensure a safe working environment for all staff.

*Management and Nominated Supervisor will ensure:*

- A thorough induction process for new employees is conducted at the commencement of employment
- Compliance with discrimination law
- They have a comprehensive understanding of the Centre's code of conduct, complaint and grievance policy and the Early Childhood Code of Ethics which will be reviewed annually
- Educators are informed that inappropriate behaviour, including bullying and harassment will not be tolerated
- Educators are aware of the bullying and harassment procedure
- Inappropriate behaviour is addressed
- Educators are aware of appropriate interactions through professional development and training
- Staff and Educators are aware of their job roles and responsibilities which will be clarified through job descriptions, team meetings, performance appraisals and expectations
- Constructive feedback is provided to staff and Educators
- Communication practices are reviewed frequently to ensure best practice
- All staff and educators are treated equally
- Meetings are documented accurately and appropriately
- An understanding and compliance with discrimination law



*Educators will:*

- Be involved in decision making with a clear understanding of their roles and responsibilities, outlined in each individual job description
- Be encouraged to embrace the uniqueness and diversity of their colleagues
- Respect the skills, strengths and opinions of all educators in order to create team cohesion based on professionalism
- Comply with discrimination law
- Be responsible for their own actions in the workplace
- Raise matters of concern at an early stage to management
- Provide management with specific information regarding the perceived bullying and being prepared to have the complaint made known to the person, to allow for fair management and rectification
- Maintain confidentiality and not discuss or release information relating to a bullying allegations.

### **Bullying, Discrimination and Harassment**

- **Discrimination** occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people, such as age, race or gender.
- **Harassment** involves unwelcome behaviour that intimidates, offends or humiliates a person because of a particular personal characteristic such as race, age, gender, disability, religion or sexuality. It is possible for a person to be bullied, harassed and discriminated against at the same time.

Various anti-discrimination, equal employment opportunity, workplace relations, and human rights laws make it illegal to discriminate or harass a person in the workplace. Work Health and Safety laws include protections against discriminatory conduct for workers raising health and safety concerns.

- **Bullying** is repeated and unreasonable behaviour towards a worker or a group of workers. Our Centre will not tolerate bullying in any form because it may have a detrimental effect on the psychological, emotional and/or physical wellbeing, health and safety of our educators and staff. Amendments to the Fair Work Act 2009 make it illegal to bully a person in the workplace from 1 January 2014.

Unreasonable behaviour includes actions that victimise, humiliate, intimidate or threaten and may be intentional or unintentional. It can occur directly and by using information technology such as email, texting and social media. While one incident of unreasonable behaviour is not considered to be workplace bullying, it may escalate and it will not be ignored. Examples include:

- Abusive, insulting or offensive language or comments.
- Unjustified criticism or complaints.
- Continuously and deliberately excluding someone from workplace activities.
- Withholding information that is vital for effective work performance.
- Setting unreasonable timelines or constantly changing deadlines.
- Setting tasks that are unreasonably below or beyond a person's skill level.
- Denying access to information, supervision, consultation or resources that adversely affects a worker.
- Spreading misinformation or malicious rumors.
- Changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers.
- Excessive scrutiny at work.
- Reasonable actions taken by the Approved Provider or Nominated Supervisor to direct or control the way work is carried out is not bullying behaviour. Examples of reasonable behaviour include:
  - Setting reasonable performance goals, standards and deadlines.
  - Rostering and allocating working hours where the requirements are reasonable.
  - Transferring a worker for operational reasons.
  - Informing a worker about unsatisfactory work performance when undertaken in accordance with any workplace policies or agreements such as performance management guidelines.



- Informing a worker about inappropriate behaviour in an objective and confidential way.
- Implementing organisational changes or restructuring.
- Termination of employment.

*The Nominated Supervisor will:*

- Ensure all educators, staff, visitors and volunteers are aware of and comply with our Code of Conduct.
- Investigate and manage incidents of workplace bullying, harassment and discrimination in accordance with our Grievance Guidelines located in this Policy.
- Consult with educators, staff and volunteers during staff meetings when:
  - Identifying the risk of workplace bullying, harassment and discrimination.
  - Making decisions about procedures to monitor and address workplace bullying, harassment and discrimination.
  - Making decisions about information and training on workplace bullying, harassment and discrimination.
  - Proposing changes to the way work is performed or rosters managed as this may give rise to the risk of workplace bullying, harassment and discrimination.
- Provide appropriate information, instruction, training or supervision to educators, staff, visitors and volunteers to minimise the risks to their health and safety from workplace bullying, harassment and discrimination.
- Contact the Police if there are incidents of workplace bullying, harassment and discrimination that involve physical assault or the threat of physical assault, or a visitor engages in bullying behaviour, harassment and discrimination and refuses to leave the Centre.
- Educators, staff, visitors and volunteers will:
  - Consider whether something they do or don't do will adversely affect the health and safety of others
  - Comply with any reasonable instruction, policy and procedure given by the Approved Provider or Nominated Supervisor in relation to workplace bullying, harassment and discrimination.
  - Report all incidents of workplace bullying, harassment and discrimination using our Grievance Guidelines.
  - Talk to the Approved Provider or Nominated Supervisor if they have any questions about workplace bullying, harassment and discrimination.

### **Identifying Workplace Bullying, Harassment and Discrimination**

The Nominated Supervisor will minimise the risk of workplace bullying, harassment and discrimination occurring by:

#### **Identifying the risk of workplace bullying, harassment and discrimination**

Talking to educators, staff and volunteers (or conduct an anonymous survey) to find out if bullying is occurring or if there are unreasonable behaviours or situations likely to increase the risk of bullying, harassment and discrimination.

- Monitoring patterns of absenteeism, sick leave, staff turnover, grievances, injury reports, workers compensation claims and other such records to establish any regular patterns or sudden unexplained changes.
- Watching for any changes in workplace relationships between educators, staff, volunteers, visitors and/or managers
- Seeking feedback on the professionalism of workplace behaviours in exit interviews and from supervisors and where relevant families.

#### **Implementing measures to prevent and respond to workplace bullying, harassment and discrimination**

- Implementing a Code of Conduct.
- Providing educators, staff, volunteers and visitors with information about our bullying, harassment and discrimination policy and relevant procedures at staff meetings
- Implementing grievance procedures which deal with bullying complaints in a confidential, reliable and timely way (see Grievance Guidelines).
- Implementing effective performance management processes.
- Clearly defining jobs and seeking regular feedback from educators and staff about their role and responsibilities.
- Reviewing and monitoring workloads and staffing levels.



- Including educators and staff in decision making which affects their roles and responsibilities.
- Consulting with educators and staff as early as possible about any changes that affect their roles and responsibilities.
- Promoting and modelling positive leadership styles eg communicating effectively and providing constructive feedback both formally and informally.
- Organizing relevant leadership training for managers and supervisors eg on performance management.
- Mentoring and supporting new and poor performing leaders, educators or staff.
- Facilitating teamwork and cooperation.
- Ensuring supervisors act in a timely manner on any unreasonable behaviour.

### **Reviewing measures to prevent and respond to workplace bullying, harassment and discrimination**

The Approved Provider or Nominated Supervisor will implement a review of the bullying, harassment and discrimination policy and procedures if there is an incident of workplace bullying, when new or additional information about bullying becomes available or at the scheduled review date.

### **Training about Workplace Bullying, Harassment and Discrimination**

The Nominated Supervisor will organise face-to-face training, to ensure all educators, staff and volunteers can recognise workplace bullying, harassment and discrimination.

Training will cover:

- Our bullying, harassment and discrimination policy and procedures
- Measures used to prevent bullying, harassment and discrimination from occurring
- How to report workplace bullying, harassment and discrimination
- How bullying, harassment and discrimination reports will be responded to
- Where to go for more information and assistance.
- The Nominated Supervisor, and other educators and staff who may be involved in resolving workplace bullying, harassment and discrimination will be familiar with conflict resolution skills and undertake training in that area if required.

### **Managing Breaches and Complaints/Grievances**

All breaches of our Code of Conduct (including corruption, maladministration and waste of resources) and complaints or grievances from educators, staff members, families, visitors and volunteers associated with the workplace will be managed in line with our Grievance Guidelines.

This includes incidents of bullying, discrimination and harassment at the centre. Our centre takes any incident of (alleged) bullying, discrimination or harassment very seriously because it can cause significant health and wellbeing issues for employees.

Grievances can occur in all workplaces and handling them properly is important for maintaining a safe, healthy, harmonious and productive work environment. Documented grievance procedures are important because:

- Staff and visitors need to know a process exists for receiving and managing grievances and complaints fairly, impartially, promptly and thoroughly.
- They help to ensure small issues or problems do not escalate.
- Supervisors and managers need to be aware of issues causing conflict.
- Documentation provides evidence and a record of the grievance and the outcome.
- Complaints facilitate continuous improvement of Centre operations.

### **Management Responsibilities**

In our centre Nominated Supervisor is responsible for:

- Supporting the Certified Supervisor, Educational Leader, educators in their role.
- Keeping all Centre families up to date with relevant issues.
- Recruiting and selecting educators and other staff members.
- Ensuring educators and staff members have the correct qualifications.



- Ensuring educator ratio and qualification requirements are met.
- Ensuring all educators and staff understand their responsibilities under the education and care law and regulations, the National Quality Standard, the Early Years Learning Framework.
- Developing the centre’s policies and ensuring all educators follow our policies and procedures.
- Ensuring all educators, staff, visitors and volunteers are aware of and comply with our Code of Conduct
- Investigating and managing grievances from educators, staff members, families or volunteers (including incidents of workplace bullying) in accordance with our Grievance Guidelines.
- Implementing effective communication and consultation procedures with educators and staff members about workplace issues.
- Promoting the diverse skills and achievements of educators and staff (e.g. at educator meetings, through regular feedback, by sharing information with families and the community through notices and newsletters.)
- Providing or organising appropriate information, instruction, training or supervision to educators and staff
- Maintaining the financial viability of the Centre.

**Source:** Committee of Management, Australian Children’s Education & Care Quality Authority (2014). Guide to the Education and Care Services National Law, Education and Care Services National Regulations (2015), ECA Code of Ethics, Guide to the National Quality Standard, Fair Work, Early Childhood Australia [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au), Australasian Legal information institute [www.austlii.edu.au](http://www.austlii.edu.au), Human Rights and Equal Opportunities Commission, Fair Work Act, Preventing and Responding to Workplace Bullying: Safe Work Australia Draft Code of Practice, Anti-bullying Jurisdiction: Fair Work Commission

**Date Implemented:** 30/10/2017

**Review Completed:** 26/04/2019

**Schedule for Review:** 26/04/2020

National Quality Standard – NQS		
Quality Area 4: Staffing Arrangements		
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other’s strengths and skills
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.
Education and Care Service National Regulations		
168	Education and care service must have policies and procedure	
173	Prescribed information to be displayed	
176	Time to notify certain information to Regulatory Authority	

