

CEWA Policy: Stewardship
Executive Directive: Employment



Mazenod procedures must be read in conjunction with [CECWA Policy](#), and [Executive Directives and Principles](#)

1. Purpose

To outline the College procedure for managing and investigating allegations of workplace bullying, harassment, unlawful discrimination and victimisation in accordance with the *CEWCA Executive Directive: Employment*.

For the purpose of these procedures, a reference to the term harassment will include harassment, unlawful discrimination, victimisation or bullying and a reference to a principal includes his or her delegate.

2. Scope

This procedure is applicable to all Mazenod College employees, contractors and volunteers.

Guidance

This policy applies to all worksites, including off-site and after-hours work-related activities such as training courses, conferences, telephone calls, social media and social functions.

3. Definitions

3.1. Bullying

An individual or group of individuals who repeatedly behaves in a way which is:

- unreasonable
- creates a risk to health and safety of an individual or group of workers
- intimidating or threatening
- victimising.

Bullying can include:

- yelling, screaming or offensive language
- excluding or isolating employees
- psychological harassment
- giving employees impossible jobs that are outside of their capabilities
- undermining work performance by deliberately withholding information vital for effective work performance.

Bullying does not include:

- the raising of performance and/or conduct concerns raised in a reasonable manner
- directing and controlling the way work is carried out
- the taking of disciplinary action.

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3.2. Harassment

- Any unwelcome and unwanted conduct
- that discriminates against, humiliates, offends or intimidates another person
- and which is based on any of the proscribed grounds of discrimination (see discrimination definition).

For example: sexual harassment, racial harassment, disability harassment.

Harassment can include:

- asking intrusive questions about an individual's personal life including his or her sex life
- sending explicit or sexually suggestive emails or text messages
- making derogatory comments or taunts about a person's disability
- displaying racially offensive or pornographic posters or screen savers.

3.3. Discrimination

- Any distinction, exclusion or preference
- made on the basis of: race, nationality, social origin; age; sex / gender; religion; medical record; criminal record; impairment; intellectual disability; psychiatric disability; physical disability; marital or relationship status; pregnancy or potential pregnancy; family responsibilities; breastfeeding; sexual orientation; political opinion; trade union activity; membership of any unlawful organisation.
- that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (e.g. in recruitment, the terms and conditions of employment, opportunities for promotion, training and development, performance development or management, and disciplinary matters).

Discrimination does not include any distinction, exclusion or preference made:

- in respect of a particular job based on the inherent requirements of the job
- in relation to the doctrines, tenets, beliefs or teachings of the Catholic Church, provided that distinction, exclusion or preference is made in good faith in order to avoid injury to the religious susceptibilities of the teachings of the Catholic Church
- as part of reasonable management action performed in a reasonable manner.

Discrimination may be direct or indirect as follows:

- **Direct** – which occurs when a person receives less favourable treatment by comparison to another person in the same or similar circumstances as themselves on any of the proscribed grounds. This includes discrimination that applies because of a characteristic that applies, or is assumed to apply, to the group to which that person belongs.
- **Indirect** – which occurs when any rule, policy or practice is implemented that is not reasonable in the circumstances and which may, in effect, have a negative impact on a particular person or group of people.

3.4. Victimization

Any unfavourable treatment or threat of unfavourable treatment of an employee because they have made, intend to make, or have assisted another employee to make a complaint of harassment, discrimination or bullying against another employee.

4. Procedures

4.1. Leaders, managers and supervisors are responsible for ensuring that staff, students and other people we come into contact with as a result of our work are treated professionally, fairly and with respect, and in particular:

- model appropriate standards of behaviour
- educate and make staff aware of their obligations under this policy
- take prompt action to stop inappropriate behaviour

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- act to resolve issues and enforce workplace behavioural standards
- promptly refer matters for investigation and formal action where appropriate
- handle matters confidentially
- ensure staff who raise issues are not victimised.

4.2. All employees are responsible for:

- demonstrating professional, ethical and inclusive behaviour in accordance with the College Code of Conduct
- reporting incidents of bullying, harassment, discrimination or victimisation to the Harassment Contact Officer or Principal
- participating in grievance resolution processes and investigations, and comply with resolution agreements or decisions
- ensure confidentiality and privacy is adhered to at all times.

4.3. The Harassment Contact Officer's name is located in the Staff Handbook.

4.4. If you feel you have been subjected to harassment you should act promptly once the situation arises. Part of this process is to seek support and guidance from the College nominated Harassment Contact Officers, Principal, Deputy Principal or Manager.

4.5. Resolution pathways can be formal, informal or you have the right to refer the issue to an external body, for example the Australian Human Rights Commission.

4.6. Informal resolution – recommended for less serious, intermittent complaint(s) where a complaint is made and the perpetrator admits the behaviour, and the situation can be resolved through conciliation or counselling. This may include:

- **Self-resolution** – where you wish to deal with the situation yourself, but would like advice from the Harassment Contact Officer, your manager, Deputy Principal or Principal.
- **Conciliation or counselling** - this may be appropriate if you don't wish to make a formal complaint and focus on resolution, rather than investigation and substantiation of a complaint. You ask a conciliator to speak to the perpetrator on your behalf. A conciliator may be the Harassment Contact Officer, a person from the school community, or an external conciliator.

4.7. Formal complaint procedure – for serious and/or persistent complaint(s)

4.7.1. Allegations of workplace bullying, harassment, unlawful discrimination and victimisation should be presented in writing and identify the Complainant. Assistance and advice on this procedure can be sought from a Harassment Contact Officer.

4.7.2. Should anonymous allegations be received that does not identify the Complainant then the scope for investigating will be limited. In this scenario the complaint will be reviewed and assessed under the *Dispute and Complaint Resolution*.

4.7.3. Upon receipt of allegations of workplace bullying, harassment, unlawful discrimination or victimisation, an Investigating Officer will be appointed.

4.7.4. The severity and substance of the allegations will determine the appropriate type of investigation.

4.7.5. Where the complaint is from a staff member against a Principal, the Provincial should appoint an appropriate Investigating Officer, or the complainant may refer the matter to an external agency such as the Equal Opportunity Commission (EOC) or the Australian Human Rights Commission (AHRC).

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4.7.6. The role of the Investigating Officer:

- meet with the Complainant in person to outline the investigation process, clarify the allegations and the resolution being sought
- advise the Respondent of the allegations against them in writing and outline the investigation process to follow
- advise the Respondent of their right to respond to the allegations both in writing and in person.

4.7.7. The Investigating Officer is to meet with the Respondent to allow them the opportunity to present a verbal response to the allegations against them.

- If the Respondent confirms the allegations are true and correct the matter should proceed to the determination of an appropriate resolution.
- If the Respondent denies the allegations, either in whole or in part, an investigation must be conducted by the Investigating Officer.
- The Investigating Officer must ensure the investigation process is conducted in line with the principles of natural justice and procedural fairness.

4.7.8. Where possible, the Investigating Officer should seek evidence from witnesses. In conducting witness interviews the Investigating Officer should:

- seek the names and contact information of any witnesses presented by each party
- contact each witness named by the parties and arrange individual interviews
- an impartial third party must attend witness interviews as a witness and note taker
- ensure notes of witness interviews are transcribed as soon as practicable post-interview and forwarded to the witness for confirmation and signing
- students should not be contacted as witnesses unless deemed necessary by the Investigating Officer
- in the event a student must be interviewed, their parents must be notified and invited to attend.

4.7.9. When the Investigating Officer has conducted all relevant areas of the investigation, they must prepare a report for the Principal or Executive Director detailing:

- the parties
all relevant background information
- the allegations
- the evidence presented by both parties and the witnesses
- the investigation standard 'on the balance of probabilities'
- the findings (which must be substantiated against the relevant definitions and criteria as outlined in the Executive Directive - Employment)
- the recommendations including a proposed resolution or outcome.

4.7.10. Where the investigation concludes that the allegations are substantiated, possible outcomes and resolutions may include (but are not limited to):

- mediation
- conciliation
- a written and/or verbal apology
- training
- a performance or conduct based employment process to address the improper conduct of the Respondent, which may result in a range of disciplinary outcomes at the determination of the Principal.

4.7.11. If either party is dissatisfied with the findings and outcomes of the investigation process, they may lodge an internal appeal by writing to the Provincial, citing the reasons for their objection and the outcome sought. Alternatively, they may refer the matter externally.

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4.7.12. Full records of the complaint, the investigation process (including witness interviews), the outcomes and all related communications must be retained on the personnel records of the parties.

4.8. Any party involved in a matter relating to the Executive Directive-Employment and this Procedure (including Complainant, Respondent, witnesses and interviewees) have a responsibility to treat a complaint and all information and associated processes as confidential. Any suspected breaches of confidentiality will be investigated as a separate issue.

5. Resources

[CEWA Policy and Executive Directives - PolicyHub](#)

Resources available on the CEWA Policy Hub include:

- Role of the Harassment Officer
- Template – Record of discussion
- Template – Allegation letter to respondent
- Template – Letter of allegation to complainant
- Template – letter of findings and outcomes to respondent
- Resolution options for workplace bullying
- Bullying investigation report – template
- Relevant Legislative links

6. Related Documents

Mazenod College Staff Handbook

Code of Conduct

Unsatisfactory Performance or Misconduct

7. Review History

Year	Reviewed by:	Amendments / Review
2015	CLT	Policy released
2015	CLT	Review
2018	CLT	Reformatting
2019	CLT	Review
2021	CLT	Updated to align with CEWCA Policy and Directives