

Code of Conduct for the Prevention of Abuse
Including the Bullying, Harassment and Sexual
Harassment Policy,



Safe Church in the Northern Synod
Creating an environment of safety for all people in our Church

Approved at the Annual Synod Meeting held in June 2016



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Section 1 – Code of Conduct for the Prevention of Abuse

Policy Statement Underpinning the Code of Conduct

The Uniting Church in Australia believes that all people are made in the image of God, and as such we accept every individual regardless of race, age, creed or gender. As a Christian community we believe that God reaches out to us in love and acceptance and that our relationships with each other should express love and respect and not be abused. As a community of faith we are committed to providing a place in society where human beings can explore what it means to be made in the image of God. As an expression of this commitment, the Uniting Church in Australia recognises its responsibility to provide worshipping and pastoral communities that are free from abuse and that provide safe environments for all people to explore and express their faith in the Gospel. (Safe Place Position Statement developed by the UCA Commission on Women and Men in 1997)

We commit to being a community which:

- provides and maintains a welcoming and safe environment
- offers suitable and well-equipped leadership
- provides a level of resourcing that reflects the value of all people, particularly children and vulnerable adults
- provides clear and appropriate guidelines for managing the safety of people, particularly children and vulnerable adults, within its activities and programs.

Statement of Ethical Principles for Congregations in the Northern Synod

The Code of Conduct for the Prevention of Abuse is supported by the Uniting Church's *Statement of Ethical Principles for Congregations*.

The Northern Synod seeks to be a Christian community which develops its life around worship, prayer, witness, Biblical study, pastoral care, deep friendships and mutual accountability.

Being a part of the Northern Synod is open to all who are baptised in the name of the Father, Son and Holy Spirit. Membership is about a relationship with other members both individually and collectively. Members, as part of a congregation, promise to participate in God's mission to the world, witnessing to Christ in word and deed as their gifts equip them and as recognised by the Church. As members we are encouraged to exhibit the fruits of the spirit – love, joy, peace, patience, kindness, generosity, faithfulness, gentleness and self-control (Galatians 5).

Such participation is characterised by:

- commitment to God
- participation in worship
- faithful study of the Bible
- ethical Christian conduct within the community
- commitment to, and respect for, the polity of the Uniting Church in Australia
- participation in, and respect for the councils and agencies of the Uniting Church
- sharing and communicating information from councils and agencies of the Church



- willingness to use and share individual gifts and skills
- accountable, honest, ethical and non-abusive relationships
- confidentiality
- sharing resources

As a Christian community, if we speak of the power and wonder of faith in God without love, the community means nothing.

Therefore a Christian community's faith and action shall be nurtured by love that never ends; that is faithful and kind; that does not insist on its own way; love which is not resentful but rejoices in the truth (1 Corinthians 13). It is this love which informs our belief that each member and adherent of the community has the right to:

- be listened to attentively and sensitively
- have personal and sensitive information treated with confidentiality
- receive ministry which fulfils the expectations of the Code of Ethics and Ministry Practice, which ministers to their needs and not the needs of the carer
- participate in ministry and work which recognises the giftedness of each person, with access to sufficient training
- participate in safe ethical community where questions, fears, celebration, vulnerabilities or breaches of ethical behaviour may be named
- informed referrals to other professionals or agencies where there are limitations to the community's or individual's skills¹

¹ Source: Statement of Ethical Principles for Congregations of the Uniting Church in Australia, Uniting Church 1999

Ensuring children and vulnerable adults are safe in our Church

We want everyone who interacts with our church communities to experience them as safe places.

People who attend worship or other activities of our congregations, in particular children and young people and their parents or guardians, need to be confident that they will be cared for, nurtured and encouraged as they grow, and, at the same time, protected from physical, mental, and emotional harm, forming inappropriate relationships and bullying.

It has become evident to all Governments and to the Church that children are not the only vulnerable group of people in need of protection. A definition of a vulnerable adult is a person who may be considered to be susceptible to abuse or exploitation based on factors such as their health status (physical or mental), age, grief, social isolation or financial hardship. Vulnerability may be temporary or permanent.

The Northern Synod has a moral and legal responsibility to ensure that children and vulnerable adults are safe.

This Code of Conduct for the Prevention of Abuse provides a clear set of behavioural expectations for ministry (lay and ordained leaders, members and adherents, and volunteers) in relation to children and vulnerable adults. It gives expression to the Safe Church in the Northern Synod's framework² on Creating a Safe Environment for Children and Vulnerable Adults for Church Councils and Presbyteries.³

² ns.uca.org.au

³ The Code of Conduct for the prevention of Child Abuse has been adapted from the National Council of Churches in Australia, Safe Church Training



Code of Conduct for the Prevention of Abuse

A. We minister out of relationship with God

We maintain a healthy relationship with God by:

- joining regularly in the life and ministry of the Church
- studying the Scriptures in private and corporately or as a community
- praying regularly in private and in fellowship with and for the people and ministry of the Church

B. We serve others in the context of healthy relationships

We will engage in healthy relationships with those to whom we minister, in particular children and vulnerable adults, by:

- loving and caring for all; paying attention to the effect of ministry on them
- treating others with respect; teaching and exercising power respectfully, responsibly and with accountability
- upholding confidential information; not disclosing to anyone (including one's spouse) any confidential information without the consent of the person providing the information. There is an exception where there is a legal or obvious moral obligation or duty of care to do so.
- being a member of a team cooperating with others in ministry; there will be areas that overlap and someone else may have the advice that you need

- using words that build up others; not ridiculing or embarrassing people
- avoiding professionally counselling people with whom you have a personal relationship
- being mindful of maintaining a relationship with any person if you feel there is a risk of it becoming inappropriate.

C. As Christians involved in ministry with children and vulnerable adults we will:

- not engage in bullying, emotional abuse, harassment, physical, sexual or spiritual abuse of any person, of any age, including family members. This includes the use of electronic media such as e-mail and social media
- utilise the Northern Synod's resources to actively seek to learn about how to prevent child abuse and the abuse of vulnerable people and become familiar with the Synod's child protection and abuse prevention policies
- put what we have learnt about the prevention of abuse into action
- take reasonable steps to ensure the safety and welfare of those in our care
- respect, listen to and attempt to meet individual needs in an appropriate and safe way
- be sensitive and respectful of family and cultural traditions that are different from our own
- ensure adequate supervision of children (those under age 18) and vulnerable adults as appropriate
- undertake vigilant screening and selection of all people who work and/or volunteer with children and vulnerable adults to ensure their suitability



- provide clear behavioural expectations for leaders and participants in Church activities
 - refrain from any form of corporal punishment. This behaviour is strictly prohibited and will not be tolerated.
 - ensure that physical contact is of a non-intimate nature
 - ensure that the content of any printed, media, music or digital material to be used is suitable and appropriate to the age and maturity of the group being taught or entertained
 - obey the law
 - disclose to the Church leadership if we are or have been investigated for any criminal offences, especially offences against children
 - report concerns about the safety of children and vulnerable adults to the relevant authorities.
- attend training to develop and be equipped as a leader
 - obtain and maintain a current Working with Children check (for Western Australia), or a Working with Children Clearance and Ochre Card (for Northern Territory), to be registered on the Synod database
 - receive supervision

Assistance to implement this policy

If you need assistance to implement this policy, please contact the Northern Synod Safe Church Coordinator on 08 9192 1162.

D. We are accountable and transparent in our interactions

As leaders of integrity we hold ourselves accountable to each other and recognise that we are responsible for our words and actions and how they might impact on others. Part of our desire to be accountable relates to using transparent practices in our ministry to others and that we are seen to be doing the right thing and are responsible for our actions.

In our interactions with children and vulnerable people we:

- avoid working alone or in isolation e.g. avoid being alone with a child
- ensure ministry occurs in a public place or location with visibility.

Document sourced from: Synod of Victoria and Tasmania of the Uniting Church in Australia, Culture of Safety - version 2013



SECTION 2: Bullying and Harassment / Sexual Harassment – Zero Tolerance Policy

1 Policy Statement

The Uniting Church in Australia, Northern Synod (the Synod) is committed to providing a safe and productive work environment where the dignity of every individual is respected and therefore has a zero tolerance approach to bullying, harassment and sexual harassment. The Synod will actively endeavour to eliminate bullying and harassment /sexual harassment of all kinds from its workplaces and will not tolerate bullying or harassment of any kind, whether it is by managers, staff, contractors, sub-contractors, volunteers , members, ministers or others associated with the organisation in the course of its operations.

As part of its commitment to a workplace which is free of bullying and harassment / sexual harassment the Synod will ensure that the following are appropriately trained and accessible to all staff:

- (a) Line Managers and or Presbytery Minister who are available to provide advice and support to staff members who experience bullying or harassment in the workplace
- (b) Presbytery Minister and General Secretary, who will actively promote equal opportunity in the workplace, provide advice and support on all equal opportunity matters including bullying and harassment / sexual harassment, arrange an annual education program, and investigate complaints or allegations of bullying or harassment / sexual harassment as required by the General Secretary.

2 Objective

To provide safe Synod workplaces that are free from all forms of bullying and harassment/ sexual harassment.

To create and maintain a child safe culture.

3 Scope

This policy applies to all Synod workplaces, work related activities and Agencies

4 Definitions

See Appendix 1 on page 24

5 Bullying, Harassment and Sexual Harassment Behaviour

5.1 Workplace bullying

Workplace bullying is unreasonable behaviour directed towards an employee or group of employees that creates a risk to health and safety. Bullying is repeated behaviour which makes another person feel intimidated, stressed, or unsafe and may be direct or indirect.

(a) Direct bullying behaviour includes:

- . verbal abuse
- . putting someone down



- . humiliating someone through sarcasm, criticism, or insults
- . abusive, belittling or intimidating phone calls, emails or notes;
- . being humiliated, shouted at and /or threatened, sometimes, but not always in front of others

(b) Indirect bullying behaviours includes:

- . unjustified criticism or complaints
- . deliberately excluding someone from workplace activities
- . deliberately denying access to information or other resources
- . withholding information that is vital for effective work performance
- . setting tasks that are unreasonably above or below an employee's ability
- . deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular employee or employees
- . excluding or isolating employees;
- . psychological harassment;
- . repeatedly assigning the worst jobs or impossible assignments to particular employees;
- . deliberately changing work rosters or projects to inconvenience particular employees;
- . deliberately withholding from an employee information or resources necessary to do their job;
- . cyber-bullying, which includes the use of email, text messages, chat rooms or social media to humiliate and distress.

When determining whether particular behaviours constitute bullying, consideration will be given to whether:

- . the behaviour is a single occurrence or has been repeated;
- . the behaviour has created a risk to health and safety, including stress.

(c) Bullying is not

Reasonable and respectful direction or guidance from management is not bullying. Behaviour which is not bullying includes:

- . legitimate and constructive advice from managers or supervisors who have a duty to monitor an individual's employment performance
- . reasonable direction by management including requirements for compliance with laws and policies



- . setting performance goals, standards and deadlines
- . allocating work to an employee
- . transferring an employee
- . deciding not to select an employee for promotion
- . informing an employee about unsatisfactory work performance
- . informing an employee about inappropriate behaviour
- . implementing organisational changes
- . performance management processes
- . constructive feedback
- . downsizing.

5.2 Harassment

Harassment in the workplace is behaviour that causes concern or distress to a staff member who perceives that the behaviour directed towards them is unwelcome, unjust, or unfair. Harassment may be a single incident or a series of incidents and includes behaviour which is discriminatory, offensive, abusive, belittling, humiliating threatening or intimidating.

Harassment may be an abuse of real power or perceived power to explicitly or implicitly gain favours or to threaten disadvantage. Such perceptions of disadvantage may include lack of collegial acceptance, or loss of employment or career opportunities

5.3 Sexual harassment

Sexual harassment in the workplace is any form of unwelcome sexual attention or conduct that is perceived by the recipient to be offensive, humiliating or intimidating and that occurs in any Synod workplace or during any work related activity.

Sexual harassment may be written, verbal or physical and includes:

- . unwelcome touching, grabbing or other physical contact
- . asking for sex or sexual favours
- . leering and staring
- . displaying sexually offensive material in any format
- . sexual jokes, gestures or comments
- . questions or discussion about a staff member's sex life



5.4 Occupational violence

Occupational violence is any incident where an employee is threatened or physically attacked in the workplace. Within this definition:

- . 'threat' means a statement or behaviour that would cause the ordinary person in the employee's situation to believe they were in danger of being physically harmed;
- . 'physical attack' means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by another person, where that application creates a risk to health and safety.

Violence of any sort within the workplace is serious misconduct and will lead to termination of employment.

6 The offender means no harm

The intention or motive in allegations of bullying or harassment of any kind is not relevant when determining whether the behaviour was unwelcome. Bullying and harassment focuses on how the conduct was perceived and experienced rather than the intention behind it.

7 Maintaining a bullying and harassment free workplace

All managers, staff members and ministers have a responsibility to help maintain a workplace that is free of all forms of bullying and harassment. This responsibility includes

- (a) complying with the Synod's Code of Conduct which provides a framework for treating all individuals with dignity and respect.
- (b) being familiar with Synod policies and procedures on bullying and harassment
- (c) proactively supporting initiatives which are designed to raise awareness of policies, procedures, and issues related to workplace bullying or harassment, including attending education sessions as required.
- (d) encouraging any person who has concerns about possible bullying or harassment to read the Synod's policy and procedures as well as advising them that assistance can be accessed from Line Managers, the staff member's manager, a Presbytery Minister or the General Secretary
- (e) acting promptly where behaviour that could constitute bullying or harassment has been observed, either advising the person(s) involved that the behaviour could give offence and to cease immediately or seeking advice from their manager, Line Managers, a Presbytery Minister or the General Secretary
- (f) where a situation of alleged bullying or harassment has occurred in the workplace, to respect the rights of both complainant and respondent in line with natural justice and procedural fairness. This includes refraining from starting or engaging in gossip about the situation or the people who may be involved.
- (g) refraining from victimisation of any person associated with a complaint. Victimisation is unlawful and will therefore be subject to disciplinary action.



8 Consequences of Breaching This Policy

Where it is found that behaviour which constitutes a breach of the Synod's bullying and harassment policy has occurred, immediate action will be taken. Such action includes, but is not restricted to, disciplinary action including termination of employment.

9 Related Policies, Procedures, Documents

Code of Conduct (included in this document)
Equal Opportunity Policy
Occupational Health and Safety (OHS) Policy
Bullying and Harassment Procedures
Keeping Children Safe

10 References

Equal Opportunity Act 2010
Human Rights and Equal Opportunity Commission Act, 1986 (Cth)
Occupational Health and Safety Act 1984WA
Work Health and Safety (National Uniform Legislation) Act NT
Work Health and Safety Regulations 2012 SA
Work Health and Safety Act 2012
Racial Discrimination Act, 1975 (Cth)
Sex Discrimination Act, 1984 (Cth)





Section 3 Bullying and Harassment/Sexual Harassment Procedures

11 Purpose

The purpose of these procedures is to facilitate the Synod's commitment to a workplace that is free of bullying and harassment by providing a framework for the informal and formal management of bullying and harassment incidents, issues and complaints.

12 Scope

These procedures apply where a bullying or harassment incident occurs in a Synod workplace or at a work related function or activity.

Procedures and information are provided for:

- . a person who has been bullied or harassed (the complainant)
- . a witness who has observed a bullying incident
- . a person who has had bullying allegations made against them (the respondent)

13 Natural Justice

Natural justice will be afforded to all parties where any allegation of bullying, harassment or sexual harassment is made (see 'Natural Justice' definition - ref 24(i)).

14 Understanding the procedures and options

Procedures for resolution of bullying, harassment and sexual harassment issues have been fully described in this document.

In some cases it may be difficult to decide which is the most appropriate option for individual circumstances. Where this occurs staff are encouraged to contact the Presbytery Minister or General Secretary for further information for professional counselling.

It is important to be aware of anonymity constraints (see clause 18.2) before proceeding to discuss an incident with Presbytery Minister or General Secretary.

15 Assistance

If you require assistance in relation to bullying or harassment incidents or advice in relation to bullying or harassment, or these procedures, then please contact your manager or a Presbytery Minister

16 Initial response

16.1 If You Are Bullied or Harassed

Do not ignore bullying or harassment because silence gives the impression that the behaviour is acceptable. In most cases early intervention will eliminate or minimise the risk of the behaviour being repeated, it will help to prevent damage to working relationships, and it is likely to prevent other staff being subject to bullying or harassment.



As soon as possible after an incident has occurred, make notes of the incident(s) including date, time, place, witnesses, what was said or done. Next, refer to procedures in clause 17 to review options for next steps and seek the assistance of your manager, Presbytery Minister or the General Secretary.

16.2 If You See or Become Aware of a Bullying Incident (s)

All management, staff, members and volunteers have a responsibility to help maintain a safe and healthy work environment that is free of bullying, harassment and sexual harassment, so if you witness an incident of this kind then make notes of the incident(s) including, time, place and witnesses and what was said or done. Next, advise your manager, Presbytery Minister or the General Secretary of the incident.

If you do not observe directly but become aware of bullying behaviour in the workplace then please ensure that you bring this to the attention of your manager, Presbytery Minister or the General Secretary who will take appropriate investigative action.

Sometimes an incident of bullying will occur which seems to be fairly minor but may form part of a pattern where multiple people are subjected to inappropriate workplace behaviour. If you are in any doubt about whether behaviour may constitute bullying then please discuss the situation with a Presbytery Minister or the General Secretary or your manager.

It is important to take action early and to remember that silence will be taken to condone inappropriate behaviour.

Where a complaint of sexual abuse of a child becomes known it must be immediately reported to the authorities and steps taken to assess and minimise any risk or harm must be followed. The Church mandates any person who is aware of or suspects child sexual abuse to make a report to the authorities. We will support investigations into any concerns about children and/or allegations of abuse or harm towards children by the relevant authorities and Church leadership. We will clearly document all instances and action taken.

16.3 If You Are Informed That Your Behaviour is Bullying or Harassment

Staff, members, volunteers and ministers are encouraged to respond early and informally where they feel bullied or harassed by the behaviour of a colleague. It is therefore important that you listen with an open mind if a concern is raised about your behaviour. Refer to Clause 17 of this document for informal and formal procedures for dealing with a bullying incident or complaint.

It is important to take the matter seriously because bullying, harassment and sexual harassment are unlawful.

17 Procedures

Informal and formal procedures are provided below to facilitate the elimination of any bullying or harassment behaviour.

Staff, volunteers, Congregational members or ministers are strongly encouraged to arrange an early intervention through informal procedures in the first instance (see 17.1 and 17.2). If no



action is taken then the person who is engaging in bullying or harassing behaviour may perceive that you are condoning their behaviour. Without early intervention such behaviour may become a pattern and require resolution through the formal complaint process (see 17.3). In some cases attempts at informal resolution may not be appropriate and the formal complaint process will apply.

17.1 Informal self-managed resolution procedure

The purpose of this procedure is to provide a means to resolve concerns about behaviour promptly and informally through a self-managed process of constructive and clear communication.

A staff member, volunteer, Congregational member or minister who feels intimidated, bullied or harassed is encouraged to attempt to resolve the issue informally in the first instance. In many cases the person who is engaging in bullying or harassing behaviour is not intending to intimidate, harass or bully and will cease such behaviour if asked to do so.

Staff members, volunteers, Congregational members or ministers who feel able to address a colleague's behaviour are advised to adopt the following procedure:

- (a) Identify the specific behaviour(s) that is causing you concern
- (b) Arrange to meet at a suitable time and place with the colleague whose behaviour is a problem. Ensure that sufficient time is allowed so that you do not feel rushed
- (c) Plan what you will say in a way that makes it clear that the behaviour is the problem (and not the person). An example of how this can be done is provided below.

'Thank you for making time to see me. The purpose of meeting with you today is to try to work with you to resolve a problem on an informal basis. You may not realize it but when you (insert bad behaviour – e.g. raise your voice, exclude me, with hold information, put me down in meetings or in front of others) I feel intimidated / uncomfortable / stressed. I need to be clear with you that I find that your behaviour is challenging / creates difficulties for me / is stressful / is unacceptable and so I am asking you not to do this again / to find some other way of working / doing this'

- (d) Make notes about the outcome of your meeting.
- (e) If your colleague refuses to acknowledge that the behaviour is a problem or the behaviour does not improve then options are as follows:
 - . assisted informal resolution (see 17.2); OR
 - . lodgement of a formal complaint (see 17.3).

17.2 Assisted informal resolution procedures

In some cases staff members, volunteers, Congregational members or ministers who feel bullied or harassed may be able to resolve the problem informally by enlisting the



assistance of a support person. The support person will normally be the staff member's or volunteers line manager, the Presbytery Minister or General Secretary.

The purpose of the assisted resolution process is to resolve the complaint constructively and to jointly determine a satisfactory outcome.

The line manager of the staff member or volunteer, who is feeling bullied or harassed or the Presbytery Minister, will:

- (a) meet with the staff member, volunteer, Congregational member or minister who is alleged to have engaged in bullying / harassing behaviour, communicate concerns about that behaviour, and seek assurance of appropriate behaviour for the future;
- (b) communicate the outcome to the staff member, volunteer, Congregational member or minister who feels bullied / harassed;
- (c) with the agreement of the parties, meet with both parties together;
- (d) make confidential notes about the agreed outcomes.

In the case of a Church Council, Church Council member or Minister being bullied or harassed this role may be filled by the General Secretary.

17.3 Formal complaint and investigation procedures

17.3.1 Responsible Officer

The General Secretary is the officer responsible for ensuring the procedures below are carried out following receipt of a formal complaint of bullying or harassment from a staff member volunteer, Congregational member or minister or an allegation or report of sexual harassment.

The purpose of this procedure is to establish the facts of the alleged incident(s) and so a complaint will be promptly followed by an investigation. The General Secretary will normally delegate responsibility for an impartial investigation of allegations to Presbytery Minister.

17.3.2 Formal complaint procedures

(a) Parties involved

The parties involved in an investigation include the complainant, the respondent, contact officers / support people, an investigator and (in some cases) witnesses.

(b) Support person

Both the complainant and the respondent may have a support person in attendance for all parts of this procedure. The support person **must not** be from the respondent's work area, be involved in the process, or be someone who will be interviewed in relation to the matter.

(c) Suspension of employment duties

If the Synod considers it appropriate for the safe and efficient conduct of an investigation, parties involved may be required not to report for work during



the investigation period. Parties will be paid their normal pay during any such period.

- (d) Investigation procedures will be as follows:
- i formal complaints process has commenced, that the matter is strictly confidential and no information must be disclosed to others without the prior authorization of the General Secretary;
 - ii. Where the General Secretary deems it is appropriate the line manager or Presbytery Minister of the complainant and/or respondent will be confidentially advised that a complaint is in process. The line manager will not have a formal involvement in the complaint process unless specifically required by the General Secretary;
 - iii. the General Secretary will advise the relevant parties that a complaint is in process;
 - iv. where a staff member, volunteer, Congregational member or minister makes a verbal complaint then they will be asked to provide details in writing. If a record of the complaint has been made by another staff member, volunteer, Congregational member or minister then the complainant will be requested to correct (if appropriate) and sign the record;
 - v. the investigator will provide details of the allegation(s) to the respondent in writing;
 - vi. after receiving the written allegation(s) the respondent will be provided with up to 5 working days to prepare a response. The General Secretary may extend this period where appropriate;
 - vii. the respondent and Presbytery Minister / support person will meet with the investigator to present the written response. A record of any additional verbal response will be made by the investigator and a copy of that record will be provided to the respondent;
 - viii. at any time during the investigation the investigator may seek clarification from either the complainant or respondent about any matter pertaining to the allegations;
 - ix. the investigator will interview witnesses to the alleged incidents and make a record of their response(s). During this process witnesses will be advised that the matter is confidential. The investigator will not unnecessarily disclose information about the allegations / investigation to witnesses;
 - x. information gathered during the investigation process will be recorded, collated and provided to the General Secretary in a report for



consideration and determination of an outcome. The report will include the allegations, the response and any statements from witnesses.

- xi. full details of the outcome will be provided in writing to the respondent. Outcomes may be one or more of the following:
 - a. that the behaviour which is subject of the complaint did not constitute bullying or harassment;
 - b. that the respondent will apologise verbally or in writing to the complainant;
 - c. that undertakings in relation to improved behaviour are required of the respondent;
 - d. that the respondent is required to undertake counselling or training sessions which are behaviour related;
 - e. that the respondent is subject to disciplinary action in the form of a warning;
 - f. that serious misconduct has occurred and employment of the respondent's employment will be terminated.

If the outcome is that disciplinary action is required then this will be undertaken in accordance with the disciplinary provisions of the *Employment Agreement*

- xii. the complainant will be advised of the outcome in general terms. The complainant will also be provided with information where behavioural undertakings are required on the part of the respondent and / or complainant. It should be noted that the respondent has a right to confidentiality and that information relating to any disciplinary action taken will not be provided to the complainant.
- xiii. the General Secretary will advise the line manager Presbytery Minister of
 - a. finalisation of the complaint
 - b. any other information pertaining to the complaint as deemed appropriate by the General Secretary
- xiv. the formal complaint procedures will normally be completed within 2 weeks of lodgement of the complaint.
- xv. Where a formal complaint is made against the General Secretary then the Moderator will fulfil the functions of the responsible officer in this clause 17.3



17.3.3 *Dispute over outcome*

Any dispute in relation to the outcome of these procedures may be referred to the South Australian, Northern Territory or Western Australian Human Rights and Equal Opportunity Commission or the Fair Work Commission as appropriate. Page 17

18 General Information

18.1 Is it bullying or harassment?

Staff members, volunteers, Congregational members or ministers are encouraged to have a confidential conversation with a line manager or the Presbytery Minister at any time they are unsure if the behaviour they have experienced or witnessed constitutes bullying or harassment.

18.2 Anonymity

From time to time requests are received from staff members for management or HR to take action about inappropriate behaviour whilst maintaining anonymity of the complainant.

If a staff member, volunteer, Congregational member or minister states that they have an issue that they think is bullying or harassment and they would like to remain anonymous, the line manager will immediately advise the staff member that:

If there is risk or perceived risk to the health and safety of any person in the workplace then **the Synod is legally obliged to take action** about the matter and it **may not be possible to maintain the anonymity** of the complainant

The staff member, volunteer, Congregational member or minister has the option of discussing the matter with the Presbytery Minister or a trained counsellor on a completely confidential basis

If there is no risk to health and safety then the staff member, volunteer, Congregational member or minister will first be encouraged to consider contacting the Presbytery Minister for assistance through counselling

If there is a complaint about the behaviour of any staff member, volunteer, Congregational member or minister that requires action then that person (the respondent) has the right to know the details of the complaint and who has made the complaint

18.3 Complaint withdrawal

The complainant may decide not to continue with a complaint at any stage of the informal or formal process. In this event, the complainant will be required to advise withdrawal in writing.

It should be noted that the Synod has a legal obligation to ensure no bullying or harassment in the workplace and so withdrawal of a complaint does not necessarily mean that the Synod will take no further action.



18.4 Records

A confidential file will be created and maintained by Synod Office (General Secretary) in accordance with the Synod's record retention policy and any relevant legislative or regulatory requirements.

18.5 Other assistance

(a) *Counselling*

The Synod provides counselling through an Employee Assistance Program. This service is provided for the benefit of employees, and is completely confidential. Counselors are very experienced in workplace matters and staff is assured that no reports are provided back to their manager or anyone else in the Synod office. See OHS notice boards for further information.

(b) *Fair Work Australia*

Web: www.fwa.gov.au

Phone: 1300 799 675

(c) *Fair Work Ombudsman*

Web: www.fairwork.gov.au

Phone: 13 13 94

(d) *Unions*

Employees who are members of a union may seek advice and support from their union.

(e) *Equal Opportunity and Human Rights Commissions*

These procedures have been put in place to facilitate prompt resolution in the workplace of any issues pertaining to bullying or harassing behaviour. However it should be noted that staff have the right at any time to lodge a complaint with the Equal Opportunity and Human Rights Commission or Antidiscrimination Commission in their State. Contact details are as follows:

(f) *WorkSafe*

Information about workplace bullying can also be obtained from Worksafe Web sites

. Northern Territory
<http://www.worksafe.nt.gov.au/>
Email: safetyadvice@nt.gov.au
Phone: 1800 019 115

. Western Australia
Website: www.commerce.wa.gov.au/WorkSafe/
Email: safety@commerce.wa.gov.au
Phone: 1300 307 877

. South Australia
<http://www.safework.sa.gov.au/>
1300 365 255



Roles and Responsibilities

19 Contact Officer

19.1 Role

The role of a Contact Officer is to provide advice and support to Staff members, volunteers, Congregational members, ministers, managers or visitors who experience bullying, harassment or sexual harassment in the workplace or during work related activities. It is important to note that it is not the role of a Contact Officer to investigate a complaint – see Equal Opportunity Officer.

19.2 Qualifications and appointment

Synod Contact Officers are appointed by the General Secretary and have completed a recognised Contact Officer training course. The names and contact details of all Contact Officers are displayed in workplaces.

19.3 Process

A Contact Officer who receives a report or allegation of bullying and / or harassment will provide a copy of these procedures to the complainant and explain options for resolving the complaint.

The Contact Officer may act in an ongoing supporting role in the resolution of the complaint if requested to do so by the complainant. Support provided by a Contact Officer may involve:

- (a) assisting the person to work through the advantages and disadvantages of resolution options in a sensitive and confidential manner
- (b) advising and assisting the person to resolve the problem through a self-managed process (see 17.1).
- (c) providing advice and support during an assisted informal resolution process (see 17.2)
- (d) providing advice and support throughout a formal investigation process (see 17.3) including
 - . meeting with the person prior to the scheduled meeting to listen to any queries about processes or concerns, and if required, seeking clarification on their behalf
 - . listening to discussions and taking notes during meetings
 - . asking questions of clarification around any matters that are not clear during discussions
 - . requesting a break during meetings if time out would be helpful
 - . debriefing with the person after the meeting, providing clarification if needed and offering general support



19.4 Confidentiality

Contact Officers are required to maintain strict confidentiality on bullying, harassment and sexual harassment information which is disclosed to them and, with the exception of the General Secretary and Equal Opportunity Officer(s), not convey information about the matter to any other person including their direct line manager.

Where a staff member, volunteer, Congregational member, minister, manager or visitor seeks to have a complaint addressed at the same time as maintaining their anonymity, the Contact Officer will provide a copy of the Anonymity clause contained in this document (Clause 18.2).

19.5 Conflict of interest

A Contact Officer has the right to decline to be a support person if there is a conflict of interest.

19.6 Employee Assistance Program

As part of providing support to the complainant the Contact Officer will encourage the complainant to access confidential counselling via the Synod's Employee Assistance Program.

20. Equal Opportunity Officers

20.1 General

The role of Equal Opportunity Officers is

- (a) to work in conjunction with the Synod office and Senior Leadership Teams to promote equal opportunity in the workplace
- (b) to plan and arrange an annual education program on bullying, harassment, sexual harassment, discrimination and other equal opportunity matters for all Synod staff and members
- (c) to investigate complaints or allegations of bullying, harassment or sexual harassment which have occurred in the Synod workplace or in connection with work related activities.

20.2 Qualifications and appointment

It is a pre requisite that Synod Equal Opportunity Officers have completed an equal opportunity complaints investigation training course, have knowledge, expertise and experience in employment law compliance and are appointed by the General Secretary.

The names and contact details of all Equal Opportunity Officers are displayed on OHS notice boards in Synod workplaces.

20.3 Process

An Equal Opportunity Officer who is requested by the General Secretary to investigate a complaint or allegation of bullying and / or harassment /sexual harassment will do so in accordance with the procedures outlined in 17.3 above.

During the investigation process the Equal Opportunity Officer will report directly to the General Secretary.



20.4 Confidentiality

Equal Opportunity Officers will maintain strict confidentiality on bullying and harassment /sexual harassment information which is disclosed to them during a formal complaint investigation process. This means that, with the exception of the General Secretary, Equal Opportunity Officers will not convey information about any matter related to the investigation to any other person unless necessary as part of the investigation process or requested to do so by the General Secretary.

Where a staff member seeks to have a complaint addressed at the same time as maintaining their anonymity, the Equal Opportunity Officer will provide a copy of the Anonymity clause contained in this document (Clause 16.1).

20.5 Conflict of interest

An Equal Opportunity Officer has the right to decline to undertake an investigation if there is a conflict of interest.

20.6 Employee Assistance Program

As part of providing support to Staff members, volunteers, Congregational members, ministers, managers or visitors involved in bullying / harassment incidents the Equal Opportunity Officer will encourage access to confidential counselling via the Synod's Employee Assistance Program.

21 Presbytery Ministers/Line Managers

21.1 General

The Presbytery Ministers/ Line Managers have a legislated responsibility to ensure that a working environment is provided to staff members that is safe and without risks to health. This includes taking prompt action in accordance with this policy and procedures where bullying or harassment occurs.

21.2 Involvement in complaint resolution

In some circumstances a staff member may prefer to work through the informal resolution procedures (see 17.1 or 17.2) of a bullying or harassment incident without involving or advising their line manager, Church council or Presbytery minister. This preference will be respected unless the Presbytery Ministers/ Managers is directly involved in or is a witness to the complaint or incident.

Where formal complaint investigation procedures apply (see 17.3) then, provided that the Presbytery Ministers/ Line Managers are not involved in the complaint in any way, they will be informed by the General Secretary of the complaint and the anticipated time frame for resolution. If there is any need for the involvement of the Presbytery Ministers/ Line Managers in the complaint resolution process, then the General Secretary will specify the requirements.

21.3 Confidentiality

Presbytery Ministers and Line Managers will maintain strict confidentiality on bullying and harassment / sexual harassment information which is disclosed to them during a formal complaint investigation process. This means that, with the exception of the General Secretary and Presbytery Minister, they will not convey information about any



matter related to the investigation to any other person unless requested or authorised to do so by the General Secretary.

Where a staff member seeks to have a complaint addressed at the same time as maintaining their anonymity, the Presbytery Ministers/ Managers will provide a copy of the Anonymity clause contained in this document (Clause 16.1). Page 23

22 Synod Office

22.1 General

It is the responsibility of the Synod office staff to provide advice as required and, under the direction of the General Secretary to

- (a) work collaboratively with Equal Opportunity Officers to develop, recommend and implement strategies to facilitate the elimination and prevention of bullying and harassment / sexual harassment
- (b) maintain an appropriate number of trained Contact Officers in workplaces
- (c) maintain confidential records of harassment or bullying complaints lodged by any Staff members, volunteers, Congregational members, ministers, managers or visitors (d) monitor legislative and regulatory changes, amend policies and procedures accordingly and arrange appropriate education in the workplace.

22.2 Confidentiality

Synod office staff will maintain strict confidentiality on bullying and harassment / sexual harassment information which is disclosed to them during a formal complaint investigation process. This means that, with the exception of the General Secretary and Presbyterian Minister, they will not convey information about any matter related to the investigation to any other person unless requested or authorised to do so by the General Secretary.

Where a Staff member, volunteer, Congregational member, minister, manager or visitor seeks to have a complaint addressed at the same time as maintaining their anonymity, Synod office staff will provide a copy of the Anonymity clause contained in this document (Clause 16.1).

23 Document Review Period and Process

This document will be reviewed

- . every two years, or as required by legislative or regulatory changes;
- . in accordance with the Synod's normal policy process, any material changes will be made after consultation with managers and staff

24 Appendix 1 – Definitions

(a) Bullying

Bullying is repeated unreasonable behaviour to another person including offensive or abusive language or conduct, behaviour which belittles, threatens or intimidates another



person. Workplace bullying is unreasonable behaviour directed toward an employee or group of employees that creates a risk to health and safety.

(b) Complainant

A person who has lodged a complaint of bullying or harassment

(c) Conciliation

A process in which an independent Conciliator works with staff members to reach resolution of an issue or complaint through negotiating and agreed outcome

(d) Contact officers

Trained advisors who provide information about options for resolving issues relating to bullying or harassment. Contact Officers are not responsible for investigating complaints. A list of Contact Officers can be found on the intranet or OHS notice boards.

(e) Discrimination

Discrimination is treating a person (or group or people) unfairly and or disadvantaging them because of the following actual or assumed personal characteristic(s):

- . age
- . carer status, family responsibilities, parental status
- . disability / impairment (including physical, sensory and intellectual disability, work related injury, medical conditions, mental, psychological and learning disabilities)
- . employment activity
- . gender identity, lawful sexual activity, sexual orientation
- . industrial activity
- . marital status
- . physical features
- . political belief or activity
- . pregnancy, breastfeeding
- . race (including colour, nationality, ethnicity and ethnic origin)
- . religious belief or activity
- . sex
- . personal association with someone who has, or is assumed to have, one of these personal characteristics.

(f) Equal Opportunity Officers

Trained advisors and investigators who have experience and expertise in understanding and ensuring compliance in equal opportunity and employment law frameworks. Equal Opportunity Officers will assist to informally resolve behavioural issues with colleagues



and to investigate formal complaints as required by the General Secretary. A list of Equal Opportunity Officers can be found on the intranet or on OHS notice boards.

(g) Harassment

Unwelcome behaviour or language that has the effect of offending, intimidating or humiliating a person.

(h) Managers

Managers within the Synod context refers to managers, directors, executive directors, Presbytery Ministers and the General Secretary.

(i) Natural justice

Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right of support during processes, the right to be treated fairly, the right to be informed of allegation(s) being made and the right to objective consideration of allegations and responses, all within a timely manner.

(j) Respondent

The person who is alleged to have bullied or harassed another person

(k) Sexual harassment

Unwelcome sexual behaviour or sexual innuendo that has the effect of offending, intimidating or humiliating another person

25 If a formal complaint is made against you – what to expect (see 17.3 for full procedures)

The following steps will normally occur but may be varied by the General Secretary depending on circumstances of the particular complaint. Outcomes will normally be determined within 2 weeks of lodgement of the complaint.

If a complaint is made against you then:

(a) The General Secretary will advise you in writing

- . that a complaint has been lodged against you
- . of details of allegations which have been made against you
- . that the complaint will be investigated
- . that you have up to 5 working days to prepare a response to the allegations
- . that an investigator has been appointed, and the name of the investigator
- . that the investigator will meet with you to discuss the allegations
- . that you are entitled to be accompanied by a support person for all discussions during the investigation process
- . that the investigator may seek information from witnesses to alleged incidents



- . that the matter is to remain confidential and not discussed except with the investigator, General Secretary, and your support person
 - . IN SOME CIRCUMSTANCES, that you are to take leave with pay until the outcome of the investigation has been determined
- (b) The General Secretary
Will advise your line manager and Executive Director that a complaint investigation is in progress
- (c) The investigator
Will record and collate information provided during the investigation and submit a report to the General Secretary for consideration and determination of an outcome
- (d) Potential outcomes of the investigation may be one or more of the following:
- . that the behaviour which is subject of the complaint did not constitute bullying or harassment;
 - . that you will be required to apologise verbally or in writing to the complainant;
 - . that undertakings in relation to improved behaviour are required from you;
 - . that you are required to undertake counselling or training sessions which are behaviour related ;
 - . that you will be subject to disciplinary action in the form of a warning*;
 - . that serious misconduct has occurred and your employment will be terminated.*

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* processes will be in accordance with the disciplinary provisions of the *Lay Staff Collective Employment Agreement 2015*. *

- (e) Dispute over outcome
Any dispute in relation to the outcome may be referred to the Victorian Human Rights and Equal Opportunity Commission or Fair Work Australia (see page 18 for contact details). Page 28

26 If you make a formal complaint – what to expect (see 17.3 for full procedure)

The following steps will normally occur but may be varied by the General Secretary depending on circumstances of the particular complaint. Outcomes will normally be determined within 2 weeks of lodgement of the complaint.

If you make a formal complaint then:

- (a) The General Secretary will
- . advise you that the complaint will be investigated
 - . appoint an investigator and advise you of the name of the investigator



- . advise the respondent of the allegations in writing and that he /she has up to 5 working days to prepare a response to the allegations
 - . advise you that you are entitled to be accompanied by a support person for all discussions during the investigation process
 - . advise that the investigator may seek information from witnesses to alleged incidents
 - . advise that the matter is to remain confidential and not discussed except with the investigator, General Secretary, and your support person
 - . IN SOME CIRCUMSTANCES, the respondent may be required to take leave with pay until the outcome of the investigation has been determined
 - . advise your line manager and Executive Director that a complaint investigation is in progress
- (b) The investigator
Will record and collate information provided during the investigation and submit a report to the General Secretary for consideration and determination of an outcome
- (c) Potential outcomes of the investigation may be one or more of the following:
- . that the behaviour which is subject of the complaint did not constitute bullying or harassment;
 - . that the respondent will apologise verbally or in writing to the complainant;
 - . that undertakings in relation to improved behaviour are required of the respondent;
 - . that the respondent is required to undertake counselling or training sessions which are behaviour related ;
 - . that the respondent is subject to disciplinary action in the form of a warning*;
 - . that serious misconduct has occurred and employment of the respondent will be terminated*

* processes will be in accordance with the disciplinary provisions of the *Lay Staff Collective Employment Agreement 2015*. *

- (d) You will be advised of the outcome in general terms
- (e) Dispute over outcome
Any dispute in relation to the outcome may be referred to the Victorian Human Rights and Equal Opportunity Commission or Fair Work Australia (see page 18 for contact details).

A copy of this document is available in the Members Section of the Northern Synod website at www.ns.uca.org.au.

