

Bullying and Harassment Procedure

Procedure

All staff, upon becoming aware of a bullying, harassment or sexual harassment incident or allegation must act in accordance with the responsibilities as set out in the Bullying and Harassment Policy.

As the scope of the Policy extends to the stakeholders being staff, employees, trainees, participants and jobseekers there will be some variation in the procedure, which is largely based on the degree of direct control Maxima may exercise in any given situation, e.g. interactions with Hosts and other external stakeholders.

The principles common to the procedure are:

- ensure that a safe work environment is provided (which may mean in practice that the complainant is removed from the situation until it is established that the environment poses no risk)
- consider the view of the complainant
- objectively assess the situation
- the confidence/ability of the staff member to deal with the problem
- provision of information about relevant and independent advocacy and support services where appropriate

If in doubt, staff who receive a report of an instance of bullying, harassment or sexual harassment are encouraged to discuss the matter confidentially with the HR Manager/Officer, Contact Officer or the Bullying and Harassment Officer.

Methods of Reporting

Include:

- direct observation
- direct reporting from either an individual or group of individuals
- through a third party reporting an observed or reported action.

All reports need to be taken seriously and treated confidentially.

Where the matter has been reported by a third party, it is important to speak with the alleged victim and find out their views on the behaviour in question.

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Methods of Resolution

Any staff member who receives a report of bullying, harassment or sexual harassment needs to make a decision as to the appropriate resolution. When making this judgment it is expected the following will be taken into account:

- the view of the complainant
- the seriousness of the issue
- the confidence/ability of the staff member to deal with the problem.

If in doubt, staff who receive a report of an issue are encouraged to discuss the matter confidentially with the HR Manager/Officer, Contact Officer or Bullying and Harassment Officer.

Where the matter has been reported by a third party, it is important to speak with the alleged victim and find out their views on the behaviour in question.

Minor Allegations

For less serious issues, a resolution may include:

- informal advice
- the victim telling the perpetrator to stop their behaviour
- a mediation or conciliation meeting between the parties directly involved.

It is then important, even if this stops the behaviour, that a short report be submitted to the HR Manager/Officer so that further instances involving other alleged perpetrators/victims are not considered in isolation. The record of a resolution will be kept confidentially.

Serious Allegations

If the matter is deemed to be of a more serious nature, the alleged victim should be encouraged to make a formal complaint to the HR Manager/Officer who will instigate a formal investigation.

A formal investigation should include:

- a meeting with the alleged victim detailing the allegation
- meetings with any witnesses
- review of any documentary evidence (i.e. emails, social media, medical evidence and other relevant items)
- meeting with alleged perpetrator to discuss their position
- all interviews to take place in confidence and be fully documented.

After all the evidence has been collected, remedial action should be identified with senior management i.e. HR Manager/Officer, Bullying and Harassment Officer.

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Remedial Action

May include:

- formal mediation/reconciliation with enforceable outcomes (see mediation/reconciliation below)
- verbal or written warnings, records of which will be documented (see disciplinary action/termination policy)
- dismissal (see disciplinary action/termination policy).

Remedial action may differ dependent on stakeholders involved.

Mediation/Reconciliation

A meeting date should be secured to suit all parties. The HR Manager/Officer will send out invitations to the parties to be involved.

The meeting should take place in a neutral environment and include:

- 2 out of the following 3 people: HR Manager/Officer, Contact Officer or Bullying and Harassment Officer
- the person on the receiving end of the behaviour (victim) and a support person, if needed
- the perpetrator and a support person, if needed

Actions from this meeting are to be documented and recorded.

Consequent Actions

After all the evidence has been collected, a course of action should be determined by senior management or delegate. For all stakeholders in cases where the bullying, harassment or sexual harassment may constitute a potential breach of the law, they will be referred to appropriate authorities.

For staff, consequent actions could include:

- verbal or written warnings consistent with the disciplinary action/termination policy
- mediation/reconciliation
- termination.

For trainees and employees:

- relevant disciplinary action procedure
- relevant termination procedure

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However, if the perpetrator was an employee of the host (or other person associated with the host), the host would need to enact their procedures to resolve the situation. If the host was unable to satisfactorily resolve the situation Maxima may need to terminate the placement.

Jobseeker or participant:

Where a jobseeker or participant, is the perpetrator actions may include:

- withdrawal from work experience/placement
- termination of services.

Where a jobseeker or participant is the complainant of alleged bullying, harassment or sexual harassment by another person not associated with Maxima while they are engaged off-site in a Maxima program, Maxima will attempt to liaise with the relevant individual or organisation to resolve the matter. Where this is not possible Maxima will make alternative arrangements to complete the Maxima program in which they are engaged.

Associated Documents

- Bullying and Harassment Policy GP 013
- Disciplinary Action/Termination Policy GP 005