

ST JOHN AMBULANCE (NSW)

Bullying & Discrimination Policy (Youth)

December 2023



ST JOHN NSW VALUES



Our values define who we are. They guide our actions and behaviour. They influence the way we work with each other, our customers and communities.



RESPECT

We are ambassadors for St John. We are respected for the work that we do and the way that we do it. We recognise our strength comes from our diversity. We have the courage to be authentic and true.



INTEGRITY

We do the right thing. We are honest and trustworthy. We are accountable for our actions and take ownership of our shared goals. We are there when you need us. You can depend on us.



LEADERSHIP

We are the custodians of our future. We enable our teams to grow and succeed. We lead by example and learn from our mistakes. Our passion and commitment engage and inspire.



COMMUNICATION

We are sincere in our voice and actions. We share ideas and listen to each other, our customers and community. We are open and transparent in all that we do.



COLLABORATION

We work best when we work together. We care for our colleagues and our community. We take initiative, generate new ideas and embrace change. We share success. Together we can make a difference.



1. Scope

This policy applies to:

- all members (volunteers and staff members)
- contractors and sub-contractors
- all aspects of employment (including but not limited to, recruitment and selection, conditions and benefits, training and promotion);
- on-site, off-site or after-hours work, work-related social functions, conferences – wherever and whenever members may be as a result of their St John duties; and
- members' treatment of other members, clients or the public in the course of their St John duties.

This policy does not form part of any staff member's contract of employment or any contractors' contract for services.

2. Commencement of Policy

This Policy will commence on 1 January 2024. It replaces all other bullying policies (whether written or not).

3. Purpose

St John NSW is committed to providing a safe, flexible and respectful environment for members and clients free from all forms of discrimination, bullying and harassment, so far as reasonably practicable.

All St John staff are required to treat others with dignity, courtesy and respect.

As a staff or volunteer member of St John NSW we need to ensure that our actions maintain the reputation and values of St John NSW at all times.

St John NSW is committed to creating an environment for volunteers, staff members and contractors that reflects and supports our St John Values of Respect, Integrity, Leadership, Communication and Collaboration. Our Values describe the way in which we behave towards each other as well as with our customers, partners, contractors and the community, with a particular focus on the vulnerable (including children and young people).

St John NSW is committed to providing a safe and healthy workplace and volunteer space free from bullying, so far as it reasonably can. Bullying is a risk to the health and safety in the workplace which is unacceptable and will not be tolerated. The organisation will treat reports of workplace and volunteer-space bullying seriously and will respond promptly, impartially and confidentially.

It is recognised there are occasions where members do not demonstrate our Values and/or there are issues about a member's behaviour and/or conduct that requires further investigation.

This policy is intended to ensure that St John NSW takes a fair and transparent approach to managing reports of bullying and that the members involved are treated in a fair manner.

Members are protected by this Policy whether they feel bullied by a Manager, Divisional Superintendent/Hub Leader or Volunteer Leader, another staff member, another volunteer, client, contractor or member of the public.

4. Member Rights:

Members have the following rights:

- To have recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- To work free from bullying, discrimination and harassment so far as reasonably practicable;
- To raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- To reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

Under legislation and Work Health and Safety legislation, staff members, volunteers and other people at our workplace and volunteer space must take reasonable care that they do not adversely affect the health and safety of others.

St John NSW expects members to:

- Behave in a responsible and professional manner;
- Treat others in the workplace and volunteering with dignity, courtesy and respect;
- Listen and respond appropriately to the views and concerns of others;
- Be fair and honest in their dealings with others;
- Follow the standards of behaviour outlined in this policy;
- Avoid gossip and respect the confidentiality of complaint resolution procedures;
- Offer support to people who experience discrimination, bullying or harassment, including providing information about how to make a complaint.

This Policy governs behaviours that occur:

- In connection with work and/or volunteering, even if it occurs outside of normal working and/or volunteering hours;
- On-site and off-site wherever and whenever staff may be as a result of their St John NSW duties;
- During work and/or volunteering activities, for example when dealing with clients and members of the public;

- At work related or volunteer related events, for example meetings, events and St John related social events; and
- On social media, where members interact with colleagues or clients and their actions may affect them either directly or indirectly.

5. Additional Responsibilities of Managers and Volunteer Leaders

Managers and Volunteer Leaders at St John must also:

- Model appropriate standards of behaviour;
- Take steps to educate and make staff aware of their obligations under this policy and the law;
- Intervene quickly and appropriately when they become aware of inappropriate behaviour;
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- Help staff resolve complaints informally;
- Refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation;
- Ensure staff who raise an issue or make a complaint are not victimised;
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made; and
- Give genuine and reasonable consideration to requests for flexible work arrangements.

6. Unacceptable workplace conduct

Discrimination, bullying and sexual harassment are unacceptable at St John NSW and are unlawful under the following legislation:

- *Sex Discrimination Act 1984* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth).

Members found to have engaged in such unacceptable workplace conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal or termination of membership.

7. What is Workplace Bullying?

Workplace bullying is repeated and unreasonable behaviour directed towards a staff member, volunteer or group of staff members or volunteers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.

‘Repeated behaviour’ refers to the persistent nature of behaviour and can refer to a range or pattern of behaviours over a period of time. For example, verbal abuse,

unreasonable criticism, isolation and subsequently being denied opportunities - i.e. a pattern is being established from a series of different events.

'Unreasonable behaviour' means behaviour that a reasonable person, having considered the circumstances, would view as unreasonable, and may result in that employee feeling victimised, humiliated, intimidated or threatened by that behaviour, regardless of what the intention of the behaviour is.

Bullying can take many forms (both direct and indirect) and may include jokes, teasing, nicknames, emails, pictures, text messages, social isolation, ignoring people or unfair work practices.

Direct bullying behaviour may also include, but is not limited to, the following types of behaviour:

- Abusive, insulting or offensive language or comments;
- Spreading misinformation or malicious rumours;
- Behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming;
- Displaying offensive material;
- Inappropriate comments about a person's appearance, lifestyle, family, sexual preferences or any personal or private matter;
- Teasing or regularly making someone the focus of pranks or practical jokes; and
- Interfering with a person's personal property or work equipment, or harmful or offensive initiation practices.

Indirect bullying behaviour may include (but is not limited to) the following types of behaviour:

- Unreasonably overloading a person with work, or not providing enough work;
- Setting timeframes that are difficult to achieve, or constantly changing them;
- Setting tasks that are unreasonably below, or above, a person's skill level;
- Deliberately excluding or isolating a person from normal work activities;
- Withholding information that is necessary for effective performance of the person's job;
- Deliberately denying access to resources or workplace benefit and entitlements, for example training, leave etc.
- Deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers.

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and therefore are unacceptable to St John NSW.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine, or threaten a person actually have that effect.

8. What is not Bullying?

Managing staff does not constitute bullying, if it is done in a reasonable manner. Managers have the right, and are obliged to, manage staff. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling staff.

Reasonable management action taken by a Manager, Divisional Superintendent or Hub Leader or Volunteer Leader to direct and control the way work or volunteering is carried out in a lawful and reasonable way, taking the particular circumstances into account.

9. Bullying & Discrimination

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination or harassment.

Under Federal law, this behaviour does not have to be repeated to be discrimination or harassment, it may be a one-off event.

10. Discrimination

Unreasonable behaviour may involve unlawful discrimination or harassment which, by itself, is not bullying.

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability. Discrimination on the basis of a protected trait in employment may be unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in their employment because of a personal characteristic protected by law (see list below).

*For example, a worker is harassed and humiliated because of their race or
A worker is refused promotion because they are 'too old'*

Indirectly, when a policy, unreasonable requirement, condition or practice is imposed which applies to everyone equally, but in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (i.e. a prohibited ground of discrimination).

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

Protected attributes include:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

11. Vilification

Vilification is a public act which is reasonably likely, in the circumstances to incite, encourage, or urge others to physically harm, hate, have serious contempt for or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is particularly serious breach of EEO laws and will be dealt with accordingly.

12. Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Staff or Members must not retaliate against a person who raises a complaint or subject them to any detriment.

Victimisation is unlawful and will not be tolerated by St John NSW. Any person found to victimise, harass or take reprisal action against individuals participating in procedures associated with this Policy may be subject to separate disciplinary action.

13. Bystander intervention

Bystanders who witness or are aware of inappropriate behaviour in breach of this Policy occurring in the workplace, can play an important role in preventing such behaviour.

Bystanders that are aware of inappropriate behaviour in breach of this Policy occurring are encouraged to:

- Provide support to the individual who is being subjected to the behaviour;
- Formally or informally challenge concerning behaviour; and
- Report the behaviour.

St John NSW will not tolerate any victimisation, bullying, harassment or intimidation against those who take bystander action.

14. What Should You Do?

If a person feels as though they are experiencing or witnessing bullying, and are not comfortable dealing with the problem yourself, or your attempts to do so have not been successful, you should raise the issue promptly with your Manager, Divisional Superintendent or Hub Leader, Volunteer Leader, People & Culture Partner, Safety & Member Services Manager, another Manager within the organisation or GM People, Performance & Culture.

If you witness unreasonable behaviour you should bring the matter to the attention of your Volunteer Leader or Manager or People & Culture Team as a matter of urgency.

15. How St John NSW will respond to a Bullying, Harassment or Discrimination Complaint

St John NSW does not accept any form of bullying, harassment or victimisation.

St John NSW strongly encourages any staff member who believes they have been discriminated against, bullied, harassed or victimised to report it and it will be investigated as appropriate.

St John NSW will enforce its Complaints Handling Procedure Policy for dealing with this type of behaviour and the Policy has numerous options available to suit the particular circumstances of each individual situation.

If a person feels comfortable doing so, they should address the issue with the person concerned. The individual should identify the bullying behaviour, explain the behaviour is unwelcome and offensive and ask that it stop. However, this is not a compulsory step and if the person does not feel comfortable confronting the person, or the individual confronts the person and the behaviour continues, the individual should report the issue to their manager.

If workplace bullying or unreasonable behaviour is reported or observed, the organisation will take the following steps in line with the Complaints Handling Procedure Policy:

- Staff members and volunteers including parents, cadets and juniors are encouraged to provide feedback or submit a complaint to their Manager or Volunteer Leader in the first instance. Members can make the complaint verbally or in writing by completing the Complaints & Feedback Form found on St John NSW Members Website.
- Where this is not appropriate because the issue may involve them, then we encourage members to reach out to their Manager's Manager or Volunteer Leader's Manager.
- If it is not appropriate to go to these Managers or Volunteer Leaders you can go directly to the General Managers or Zone Leader/Deputy Commissioner.
- If members want to ensure that the complaint or issue remains anonymous then the member can go directly through to our external Whistleblower provider Hotline on 1300 30 45 50 or <http://stjohnnsw.stoplinereport.com>. More information can be found in our Whistleblower Policy.
- All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
- There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously, displeasing or in bad faith may result in disciplinary action.

The formal complaint procedure involves the person making a written complaint and a formal investigation of that complaint. It may be appropriate for more serious allegations, or if senior management are involved. Formal investigations may be conducted by St John NSW, or by an external investigator appointed by St John NSW.

16. Possible Outcomes and Consequences of Breaching This Policy

The possible outcomes of an investigation will depend on the nature of the complaint.

Appropriate disciplinary action may be taken against a person who is found to have breached this Policy. The type of action taken will depend on the nature and circumstance of each breach and could include the following:

- Verbal or written apology;
- One or more parties agreeing to participate in counselling;
- Training/education and/or mediation, which may be provided by their Manager, Volunteer Leader or another appropriate person or organisation;
- Ongoing coaching and support by their Manager or Volunteer Leader;
- Verbal or written reprimand;
- Personal Improvement Plan (PIP);
- Transfer or demotion of the person engaging in the bullying behaviour;
- Final Written Warning that employment or volunteer membership may be terminated; or
- Termination of employment or volunteer membership.

An investigation that results in substitution of serious misconduct, may result in instant dismissal.

If the bullying has not been substantiated or where an investigation finds bullying has not occurred St John may still take appropriate action to address any workplace misconduct leading to the bullying complaint and report.

If a person makes a false complaint, or a complaint in bad faith, that person may be disciplined and/or subject to external legal action.

17. What are the Support Services available?

Being involved in any incident or complaint can be a very stressful time for members. St John NSW actively encourages members to utilise the support services available. There are three support services available for members including:

- Peer Support Services
- Chaplaincy Services
- Employee/Volunteer Assistance Program:

Contact information is available on the Members Website.

18. Privacy and Confidentiality

St John NSW will maintain the privacy and confidentiality of a member's personal information in accordance the Privacy Policy. This Policy is available on the Members Website.

St John NSW will endeavour to maintain confidentiality as far as possible when dealing with complaints. However, it may be necessary to speak with other workers in order to determine what happened, including St John NSW's senior managers. It will also be necessary to speak to those against whom the complaint has been made in order to afford fairness to all parties.

All persons involved in the complaint must also maintain confidentiality, including the person who lodges the complaint.

Breaches to privacy and confidentiality are to be made in writing to the General Manager (GM) of People Performance and Culture (PPC).

19. Additional Responsibilities for Those in Positions of Leadership

All Managers, Divisional Superintendents or Hub Leaders or Volunteer Leaders must also:

- model appropriate standards of behaviour;
- take steps to educate and make members aware of their obligations under this Policy and the law;
- intervene quickly and appropriately when they become aware of inappropriate behaviour;

- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- help staff resolve complaints informally;
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation; and
- ensure members who raise an issue or make a complaint are not victimised

20. Definition of words used in this Policy

Complaint is a concern with a behaviour and/or conduct

Investigation Officer is the person conducting an independent formal investigation

Dispute is a disagreement around issue relating to aspects of work or volunteering

Member refers to both a staff member and a volunteer member

Respondent is the member who the complaint is about

21. What are the other St John NSW Policies this relates to?

- Values & Statement of Behaviour
- Complaint Handling Policy & Procedure
- How to Make a Complaint Guidelines
- Discrimination & Harassment Policy
- Sexual Harassment Policy
- Health & Safety Policy
- Privacy Policy
- Criminal Charge & Convictions Policy
- Whistleblower Policy
- Social Media Policy

22. Who to contact with questions?

If you would like further information please contact the People & Culture Managers, the People & Culture Partner, your Manager or Volunteer Leader or the GM PPC. Contact details are available on the St John NSW Members Website.

- 1.1 This Policy will be reviewed every 3 years, or when legislative requirements change, or in the event of a serious occurrence involving bullying or discrimination.



ST JOHN AMBULANCE (NSW)

WEBSITE

www.stjohnnsw.com.au

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