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ANTI-DISCRIMINATION, HARASSMENT AND WORKPLACE BULLYING POLICY

Contact Officer:	Deputy Headmaster Co-curricular
Date Approved by School Council:	25 May 2016
Date of Last Amendment:	April 2016
Date of Next Review:	April 2019
Related Policies or Legislation:	Race Discrimination Act (Cth) 1975; Sex Discrimination Act (Cth) 1984; Disability Discrimination Act (Cth) 1992; Anti-Discrimination Act (Qld) 1991; Age Discrimination Act (Cth) 2004; Work Health and Safety Act 2011; Work Health and Safety Regulations 2011; Grievance Policy and Procedures.

PURPOSE

Anglican Church Grammar School is committed to providing a safe and productive environment and considers any form of discrimination, verbal or physical harassment, including workplace bullying, unacceptable. In addition, the School seeks to identify, understand, value and respect the differences in its employees, and in doing so, creates an environment that values creativity and innovation rather than conformance to any stereotypes.

BACKGROUND

The law sets standards of workplace behaviour which require us to respect these differences. Behaviour such as discrimination, harassment, victimisation and vilification in the workplace is against the law. The law also makes each of us responsible for our behaviour and an individual can be held legally responsible for any unlawful actions of discrimination, harassment, victimisation, vilification against another person.

This policy outlines the standards the School expects everyone to maintain.

Reports of any form of discrimination and/or harassment will be treated seriously by the School and will be investigated thoroughly and confidentially. The alleged respondent will be considered innocent pending the outcome of the investigation.

POLICY TYPE

The Anti-Discrimination, Harassment and Workplace Bullying Policy is regulatory in nature and must be approved by School Council.

SCOPE

This policy is relevant to workers and employees of the Anglican Church Grammar School. This policy does not just apply at work, it also applies anytime that an employee is involved in work matters at other places, such as on camp and co-curricular activities. It also applies at work functions (including social functions) related to, or organised by, the School.

DEFINITIONS

Discrimination

The law requires us to respect the differences of others by prohibiting certain kinds of conduct where a reason for the conduct is based on one of the following characteristics:

- Age;
- Impairment (means mental or physical disability);
- Family responsibilities (care for children or family);
- Parental status (includes step parent, adoptive parent, guardian);
- Relationship or marital status (single, married, de facto, same sex, divorced);
- Pregnancy (includes potential to become pregnant);
- Breastfeeding (includes expressing milk on site during work hours);
- Race (colour, descent, national or ethnic origin);
- Sex (male or female);
- Sexuality (heterosexual, lesbian, gay or bisexual);
- Sexual identity;
- Gender identity (those who identify with opposite gender);
- Lawful sexual activity (engaging, not engaging in lawful sexual activity);
- Religious belief or activity;
- Trade union activity;
- Criminal record;
- Medical record;
- Physical features (a person's height, weight, size);
- Associate with anyone who has any of these characteristics.

There are two types of discrimination: **direct** and **indirect**.

Direct discrimination occurs when you treat a person less favourably than you would treat other people because they have one of the characteristics listed above.

Indirect discrimination occurs where you have a requirement or condition which seems to apply to everyone equally but, in fact, operates unfairly in relation to a particular group that has one of the characteristics listed above. If the requirement or condition is not reasonable then the requirement or condition is unlawful.

Not all discrimination is unlawful and there are circumstances where discrimination is allowed. An example of this might be not employing someone who cannot meet the genuine requirements of a job is permitted.

Sexual harassment

Sexual harassment is uninvited or unwelcomed behaviour of a sexual nature which is offensive or humiliating.

Examples of sexual harassment include:

- Uninvited and unwelcome touching;
- Sexual comments and jokes (including sex-based insults or taunts);
- Speculation about or intrusive questions into a person's private life;
- Repeated unwelcome requests to go out with someone or requests that someone has sex with you;
- Discussing your own or others' sexual behaviour;
- Suggestive phone calls, emails or messages;
- Leering at someone, e.g. staring at a person's breasts or bottom;
- Displays of sexually explicit materials, including posters, pinups, graffiti, pornographic magazines;
- Commenting about a person's physical appearance particularly where the reference is of a sexual nature e.g. reference to a person's breast or bottom.

Do not assume that just because someone does not complain or object to your behaviour, e.g. dirty jokes, they do not find it offensive. The law says that if a reasonable person would have thought your behaviour was offensive then you have breached the law and you can be liable to pay compensation to the person who has been offended.

Workplace bullying or harassment

Workplace bullying is repeated unreasonable behaviour by an individual or group that creates a risk to health and safety. This behaviour may be regarded as being offensive, humiliating, intimidating or threatening. It is usually unwelcomed behaviour which undermines a person's dignity at work.

Workplace bullying can occur between co-workers, by a manager or supervisor against one or more employees and by an employee against a manager or supervisor. Individuals and groups can be victims and can be perpetrators.

Some examples of workplace bullying are:

- Physical or verbal abuse and intimidation;
- Unfair or excessive criticism;
- Insulting someone in public, name calling;
- Leaving abusive message on email, telephone or chat;
- Setting tasks that are unreasonably below or beyond a person's skill level;
- Persistent and unjustified criticisms, particularly about petty, irrelevant or insignificant matters;
- Using non-verbal put-downs such as rolling eyes, staring, laughing at comments;
- Forming a group against someone to exclude them socially; refusing to speak to someone or ignoring them;
- Petty, persistent and unjustified comments about insignificant matters;
- Refusing to help someone when you would help someone else in the same circumstances;
- Sabotaging a person's work and getting a person into trouble in other ways;
- Spreading gossip or false, malicious rumours about a person with the intention to upset them.

What is NOT bullying. Reasonable management actions, carried out in a fair and reasonable way, are not considered bullying. For example:

- Setting performance goals, standards and deadlines;
- Allocation of working requirements;
- Deciding not to select an employee for promotion;
- Informing an employee about unsatisfactory work performance;
- Informing an employee about inappropriate behaviour;
- Implementing organisational change;
- Performance management process.

Workplace violence

Workplace violence occurs where a worker is physically attacked or threatened with physical attack or violence. Workplace violence is a crime and if it occurs in our workplace the policy may be invoked.

Victimisation occurs if someone is treated unfairly because they have made a complaint or may make a complaint about breach of this policy or the law. Victimisation also occurs if the person targeted for the unfair treatment is not the complainant but a witness.

Vilification is something done in public which causes contempt or ridicule of others. If the public action is related to the person's race, religion, sexual identity, gender identity or HIV/AIDS then that is unlawful. The law reinforces this by making vilification unlawful.

POLICY STATEMENTS

Impact of unacceptable behaviour

No one enjoys coming to work if they are being harassed, bullied, discriminated against, at risk of physical attack, are victimised or subjected to vilification or other unsafe work practices. This type of behaviour can also cause stress, anxiety, depression and other illnesses. Working relationships breakdown and the working environment can become unsafe as employees can lose concentration, become distracted or withdrawn, and their decision-making ability can become impaired. No one should have to tolerate this.

Responsibilities of employees

To ensure that our workplace is an enjoyable, harmonious and safe place to work we are all responsible for ensuring that we treat each other with respect. If you see someone else behave in a way that breaches this policy, then take action to stop that unacceptable behaviour. Encourage others to raise issues or concerns rather than put up with unacceptable behaviour.

School leaders, managers and supervisors must also ensure that employees are not exposed to workplace harassment. School leaders, managers and supervisors are required to personally demonstrate acceptable behaviour and ensure compliance of other employees with this policy.

How to raise concerns/complaints about breach of this policy

There are several options available to employees. The School's *Grievance Policy and Procedures* consists of a four step process. A grievance may be resolved at any stage:

- Steps 1 and 2 comprise the informal process as, at this stage, the outcome of the dispute is still within the hands of the parties.
- Steps 3 and 4 comprise the formal process as, at this stage, the issue is determined by a third party.

Other options include self-help, assisted mediation, investigation of the complaint by the School or making a complaint to an external authority.

Important things about managing complaints:

- **Good faith:** All action and complaint processes undertaken and any decisions made under this policy will be in good faith;
- **Consistency:** This policy will be applied consistently to ensure you are treated equally with other employees;
- **Natural Justice:** No decision will be made until you have had the opportunity to give your version of events or had someone hear your side of the story.
- **Confidentiality:** All complaint processes under this policy, will ensure as far as possible that confidentiality of the process is maintained. You must not discuss the matter with anyone not involved in the process. You can be assured that all other parties involved in the process are required to maintain strict confidentiality as well.
- **Timeliness:** Processes under this policy will be undertaken as quickly as possible in the circumstances.

Employee Assistance Program

The behaviours or the complaint process may affect an employee directly and you may wish to get assistance and support from an external person. Employees may contact AccessEAP for confidential advice and/or counselling. This service is provided free of charge to you. Use of this service is confidential and no employee specific information will be conveyed to the School unless, because of the harassment, or a breach of occupational health and safety legislation AccessEAP are required to report back to the School.

Consequences of breach of this policy

Disciplinary action will be taken against anyone found guilty of discriminating against an employee, who harasses or bullies any employee, who engages in workplace violence or dangerous actions, or who victimises or vilifies anyone or in any way breaches this policy.

If a complaint is found to be vexatious, i.e. **without foundation**, and intended to cause unjustifiable damage to the career and reputation of the alleged harasser, or to extract revenge in regard to a personal or professional issue, then disciplinary procedures may be taken against the complainant.

Disciplinary action may include issuing a formal warning, demotion or termination of employment including termination without notice.

Many of the actions described above are unlawful. This means you may be directly involved in litigation if you engage in this type of conduct. This litigation may result in you having to pay compensation to a victim of your unlawful conduct. Serious incidents and workplace violence may involve the police and criminal prosecution may result.