



## Bullying, harassment (including sexual harassment) and discrimination policy and procedure

<b>Relevant legislation/guidelines</b>	<p>WHS Act 2011  WHS Regulation 2017 (NSW)  Sex Discrimination Act 1984 (Cth)  Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021  Disability Discrimination Act 1992 (Cth)  Racial Discrimination Act 1975 (Cth)  Age Discrimination Act 2004 (Cth)  Australian Human Rights Commission Act 1986 (Cth)  Anti-Discrimination Act 1977 (NSW)  Discrimination Act 1991 (ACT)  Workplace Gender Equality Act 2012 (Cth)  Human Rights and Equal Opportunity Commission Act 1986  Human Rights Act 2004 (ACT)  Criminal Code Act 1995 (Cth)  Crimes (Domestic and Personal Violence) Act 2007 (NSW)</p>
<b>Related documents</b>	<p>Staff Code of Conduct  Work Health Safety Policy and Procedure  Complaints Policy and Procedure  Investigations Policy and Procedure  Whistleblower Policy and Procedure  Continuous improvement procedure – incident, hazards and feedback  Privacy policy</p>
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<b>Feedback</b>	Feedback on this policy can be emailed to the Principal – Darren McPartland <a href="mailto:d.mcpartland@stpetersbroulee.nsw.edu.au">d.mcpartland@stpetersbroulee.nsw.edu.au</a>

## Commitment

St Peter's Anglican College (SPAC) (the College) is committed to legislative compliance and promoting and maintaining a culture where our people are able to work in a positive and supportive environment that is free from workplace bullying, harassment (including sexual harassment) and discrimination (WBHD). Commonwealth law obligates employers to take reasonable and proportionate measures to eliminate WBHD. Failure to take steps to prevent and address WBHD could constitute a breach of the law and may have repercussions for the College and our people.

## Purpose and Scope

This document outlines the College's policy on WBHD. It is an organisational wide policy and applies to all Board members, employees, volunteers, and contractors (our people). This policy is responsive to the jurisdictional and regulatory environment in which it operates.

## Definitions

**Sex-based harassment** - unwanted conduct that is related to an individual's sex or the sex of another person

**Sexual harassment** – the unwanted conduct of a sexual nature

A **workplace** is considered any site where a worker might be at while at work. This includes; ADS related events and functions; pre engagement of a worker and on other interactions with colleagues or clients such as social media.

## Policy

St Peter's Anglican College is an equal opportunity employer that promotes fair, equitable and respectful behaviour in the workplace. SPAC seeks to eliminate WBHD. These behaviours will not be tolerated.

SPAC aims to:

1. create a working environment which is free from WBHD where all workers are treated with dignity, courtesy and respect;
2. implement training and awareness raising strategies to ensure that our people know their rights, responsibilities, how to identify, prevent, respond and intervene early should WBHD arise;
3. maintain a positive duty to manage and identify risk factors with WBHD;
4. provide an effective procedure for complaints based on the principles of natural justice;
5. treat all complaints in a sensitive, fair, timely and confidential manner;
6. guarantee protection from any victimisation or reprisals;
7. encourage the reporting of behaviour which breaches this policy; and,
8. promote appropriate standards of conduct at all times.

## Bullying

Bullying is repeated, unreasonable behaviour that is directed towards a person or group of persons at a workplace, which creates a risk to health and safety. Unreasonable behaviour means behaviour that could reasonably be considered to be humiliating, intimidating, demeaning, undermining or threatening to an individual or group of individuals. It can be overt or covert, inflicted by one person or groups. Bullying may be intentional or unintentional. It can take place between:

1. an employee and a manager or supervisor;
2. co-workers;

3. an employee and any other person in the workplace such as a client or service provider.

### Examples of workplace bullying

The following are examples of workplace bullying:

1. verbal, written or physical abuse or threats;
2. humiliation through sarcasm or through belittling someone's opinions;
3. denying opportunities for training, promotion or interesting work;
4. deliberately denying access to information, consultation or resources;
5. setting tasks that are unreasonably beyond a person's ability;
6. setting timelines that are difficult to achieve, or constantly changing deadlines;
7. intimidating behaviour such as yelling, screaming, threatening or 'standing over';
8. repeated 'put-downs' or displays of aggression;
9. behaviour that intends to punish such as isolation, exclusion from workplace activities and 'ganging up', constant criticism or insults.

### What is NOT considered to be bullying

There are things that happen at work that are not considered to be workplace bullying, even when these experiences may be uncomfortable. The following 'reasonable management actions' are not considered to be bullying:

1. counselling because of concerns about work performance;
2. allocating reasonable levels of work in keeping with others in the work area;
3. applying harsh conditions that are in keeping with *Work Health Safety* standards, when these are applied to everyone else in the workplace;
4. changing a roster in a reasonable way, even if an employee does not like it;
5. asking an employee for a medical certificate when they are taking sick or carers leave;
6. giving an employee critical feedback about their work when this is done in privacy and in a respectful manner;
7. moving an employee to a different work area when this is in keeping with their duty statement and they have been consulted prior to the move;
8. being left out of meetings when they are not relevant to a person's work;
9. good natured interactions with peers, such as joking, laughing and telling stories between colleagues when it is not directed at anyone and does not contain offensive content;
10. an employee is asked by a work colleague for a date and the work colleague respects the employee's wishes if they decline;
11. an employee is respectfully told by a colleague that they are bothering them or holding up their work;
12. someone disagrees with an employee's opinion in a respectful way;
13. accidentally being overlooked in a social invitation (as long as this were not a consistent or repeated occurrence).

### Workplace harassment

**Workplace harassment** is any behaviour or conduct which has no legitimate workplace function and which makes one feel offended, humiliated, intimidated, or uncomfortable at work because of the race, colour, relationship status, nationality or ethnic origin, spirituality, gender, disability, sexual preference or some other characteristic. It is repeated (but not always), unwelcomed, unreciprocated, uninvited behaviour that is verbal, written or physical in nature.

It can take place between:

1. an employee and a line manager;
2. co-workers;
3. an employee and any other person in the workplace, for example, a client or service provider.

The following are examples of workplace harassment (including sexual harassment):

1. unwelcome practical or sexual jokes;
2. circulating or displaying written or pictorial material that is offensive or belittling;
3. unwelcome, suggestive looks, physical contact or requests for sexual favours;
4. the use of unsuitable language;
5. derogatory or dismissive comments;
6. spreading gossip and rumours;
7. gestures that are insulting or belittling.

There does not have to be an intention to offend or harass a particular individual for a behaviour to be considered workplace harassment. Different social or cultural backgrounds may lead a person to perceive the same conduct differently.

## Discrimination

**Workplace discrimination** is any behaviour that treats employees less favourably than others because of a personal attribute rather than an employee's ability to do their job. The behaviour or conduct has no legitimate workplace function, regardless of their qualifications or performance.

It can take place between:

1. an employee and a line manager;
2. co-workers;
3. an employee and any other person in the workplace, for example, a client or service provider.

### Protected attributes:

1. Race, colour, national extraction or social origin;
2. Sex, gender identity or sexual orientation;
3. Age;
4. Physical, intellectual, mental or psychiatric disability;
5. Pregnancy or potential pregnancy;
6. Marital status, relationship status and family or carer's responsibilities;
7. Religion;
8. Political opinion; and
9. Trade union activity.

The following are examples of workplace discrimination:

1. Job refusal;
2. Being dismissed or having hours cut down;
3. Denial of training opportunities, transfers and promotions;
4. Not being paid the same as someone doing the same job with the same experience and qualifications;
5. Exclusion or isolation by co-workers;
6. Having information you need to do your job deliberately withheld;
7. Being given impossible tasks; and
8. Being subjected to taunts or abuse that references the protected attribute.

There does not have to be an intention to offend or discriminate against a particular individual for a behaviour to be considered workplace discrimination. Different social or cultural backgrounds may lead a person to perceive the same conduct differently.

## Responsibilities

This policy is approved by the SPAC Board. This document will be reviewed every two years by the Principal. All workers should be given a reasonable opportunity to express their views and contribute to the development of this document and be advised of the outcome.

**Line managers** are responsible for:

1. Promoting the elimination of WBHD and ensuring new workers are appropriately inducted;
2. monitoring the work environment to ensure that acceptable standards of conduct are observed at all times and identify and manage any issues with appropriate support;
3. treating all complaints seriously and taking immediate action to investigate and resolve the matter while managing risks;
4. maintaining accurate records as incidents using ISOPro which detail complaints and the course of action taken;
5. offering appropriate support to the complainant; and
6. ensure notifications are made to the police or other relevant authority if the allegation involves violence, physical assault or the threat of physical assault.

**Personnel** are responsible for:

1. their own health and safety;
2. complying with this policy;
3. engaging in training, speaking up, reporting incidents of WBHD, offering support to anyone who is experiencing these behaviours and letting them know where they can get help and advice (they should not, however, approach the alleged or others involved themselves); and
4. maintaining complete confidentiality if they provide information during the investigation of a complaint.

## External avenues

SPAC has policies and processes to eliminate and respond to WBHD. Where it is safe, these should be used to try and resolve the problem.

In certain circumstances this may not be possible and an external avenue may need to be explored.

From March 2023 an aggrieved person can apply for the Fair Work Commission to deal with sexual harassment and bullying [Common issues in the workplace | Fair Work Commission \(fwc.gov.au\)](https://www.fwc.gov.au). When a worker asks the Commission for assistance it is the start of a legal process.

Additionally, from January 2014, the Fair Work Ombudsman can receive complaints from workers who believed they have been bullied at work. [Common workplace problems - Fair Work Ombudsman](https://www.fwo.gov.au)

The Australian Human Rights Commission (AHRC) has the power to investigate and conciliate complaints in employment about:

- unlawful discrimination
- discrimination based on irrelevant criminal record, trade union activity, political opinion and social origin
- sexual harassment
- sex-based harassment

- disability harassment
- racial hatred

### Legal obligations

In some circumstances, the seriousness of allegations or information provided may place SPAC under a legal obligation to report or investigate beyond that which the worker intends or wishes, in which case SPAC may initiate a complaint or progress a complaint of its own volition.

### Reporting, evaluation and continuous improvement

SPAC is committed to sharing what we can about allegations or incidents we deal with, while respecting the privacy of the people involved. This does not mean full disclosure of all the details. De-identified case studies of serious incidents, investigation findings, root cause analysis and organisational corrective actions are used to encourage organisational learning. Further, information reported via an incident report contributes to core organisation metrics which are reported to the SPAC Board, informing resourcing and continuous improvement.

### Compliance

Noncompliance with this policy may result in disciplinary action up to and including dismissal.