

Responsibility:	Principal
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Related policies:	



Mount Lilydale Mercy College Respectful Workplace

RATIONALE FOR A RESPECTFUL WORKPLACE

Mount Lilydale Mercy College recognises the importance of demonstrating respect for the dignity of each person and of creating an environment where a sense of belonging for all is experienced. These aspirations are central to the wellbeing of individual staff and to a workplace where all staff feel safe and respected.

The College is therefore committed to building and nurturing a workplace that is free from discrimination, harassment, victimisation and bullying. It is important that all staff share a responsibility for upholding professional standards of conduct and for building and nurturing a workplace where discrimination, harassment, victimisation and bullying do not occur. It is therefore expected that staff will desist from engaging in or condoning such behaviours and practices.

It is also expected that staff who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

This policy and its accompanying Implementation Guidelines are compliant with the legislative framework under which the College operates. The College is guided by the applicable legislation in determining its prevention and intervention measures.

SCOPE

Staff, Contractors and Volunteers – All persons who work on College grounds, including contractors and volunteers, are required to comply with this policy in relation to the treatment afforded to other staff, contractors and volunteers.

Contact Officers – A Contact Officer is a staff member who is trained in and responsible for being a contact point for staff with concerns about whether they may have suffered discrimination, harassment, victimisation or bullying. A Contact Officer is able to provide staff with information on these behaviours, clarify any questions or concerns a person may have and provide advice on the options that are available for dealing with these behaviours.

POLICY STATEMENT

- The College is committed to building and nurturing a workplace that is free from discrimination, harassment, victimisation and bullying.
- The College is committed to implementing awareness-raising programs and strategies that heighten staff members' understanding of the impact of their behaviour on others, and awareness of their rights and responsibilities.



- The College aims to achieve resolution of complaints of perceived or actual incidents of discrimination, harassment, victimisation and bullying promptly. The College will endeavour to ensure that the offending behaviour stops.
- The College aims to respond to complaints or reports of discrimination, harassment, victimisation and bullying in a sensitive, fair and timely manner.
- The College encourages the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

Definitions

Discrimination, harassment and victimisation may be deemed to occur if reference is made expressly or impliedly to one or more of the following attributes in one's conduct, communication or other contact with another person:

- | | |
|--------------------------------|--|
| • Age | • Gender |
| • Lawful sexual activity | • Pregnancy |
| • Physical features | • Race |
| • Industrial activity | • Gender Identity |
| • Carer status | • Sexual Orientation |
| • Disability | • Breastfeeding |
| • Marital status | • Personal association with a person who is identified with reference to any of the above attributes |
| • Parental status | |
| • Political belief or activity | |
| • Religious belief or activity | |

What is harassment?

Harassment is any behaviour which is unwelcome and is based on one of the legislatively proscribed (prohibited) attributes listed above. It will usually be repeated behaviour, but can also consist of a single act.

Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the work environment unpleasant and sometimes even hostile. If a person is being harassed their ability to do their work is affected. They often become stressed and suffer health problems as a result.

Harassment can often be the result of behaviour which is not intended to offend or harm, such as jokes or unwanted attention. The fact that harassment is not intended does not mean that it is not unlawful. The differences between people should be acknowledged and respected - never ridiculed. Harassment often involves an abuse of power, for example, a person in a position of authority may harass a person over whom they have authority. Abuse of power can also happen when certain groups are in a minority in the workplace and are therefore in a vulnerable position. It does not include lawful behaviour which is mutually acceptable to the parties.

Types of harassment

There are many types of harassment. These can range from direct forms, such as abuse, threats, name calling and sexual advances; to less direct forms, such as where a hostile work environment is created, but no direct attacks are made on an individual.



Examples of verbal harassment:

- Sexual comments, advances or propositions
- Racist comments or jokes
- Spreading rumours
- Belittling someone's work or contribution in a meeting
- Repeated unwelcome invitations
- Obscene telephone calls including recorded voicemail messages

Examples of non-verbal harassment:

- Putting offensive material on notice boards, computer screen savers, e-mail etc.
- Displaying sexist or racist cartoons or literature
- Demoting, failing to promote or transferring someone because they refuse requests for sexual favours
- Mimicking someone with a disability
- Practical jokes which are unwelcome
- Ignoring someone or being cold or distant with them
- Unsolicited letters, faxes, e-mail
- Inappropriate use of Social Media (refer ICT Policy)

Examples of physical harassment:

- Unwelcome physical contact, such as kissing, hugging, pinching, patting, touching, brushing up against a person
- Hitting, pushing, shoving, throwing objects at a person

What is discrimination?

Discrimination is making unlawful distinctions between individuals and groups on the basis of any of the proscribed (prohibited) attributes previously listed (refer 'definitions' p2). Direct discrimination occurs when a person is denied a benefit or an opportunity on the grounds of any of the proscribed attributes. Indirect discrimination occurs when a policy, rule or practice has a discriminatory effect against a group of people.

What is victimisation?

Staff members must not victimise any other person. Victimisation is subjecting or threatening to subject another person to any detriment because they have asserted their rights under equal opportunity law, made a complaint (whether under this policy or otherwise), helped someone else make a complaint, participated in a complaint process (including by investigating a complaint or being a witness in an investigation) or refused to do something because it would be discrimination, harassment, victimisation or bullying.

What is bullying?

Bullying is repeated unreasonable behaviour directed at a worker or group of workers that creates a risk to health and safety. While an isolated instance of unreasonable behaviour may not be bullying, it is still unacceptable.

Bullying can take the form of both direct and indirect bullying.



Examples of **direct** bullying include:

- Verbal abuse
- Putting someone down
- Spreading rumours or innuendo
- Interfering with a person's property
- Sending inappropriate emails or communications

Examples of **indirect** bullying include:

- Unjustified criticism or complaints
- Deliberately excluding someone from meetings / workplace activities
- Setting timelines that are difficult to achieve
- Deliberately changing work arrangements e.g. rosters / leave to inconvenience
- Repeated, inappropriate social media communication (refer ICT Policy)

Note: Serious cases of bullying may constitute a criminal offence. Bullying is also against the College's OH&S policy as it can create an unsafe work environment.

What is not discrimination, harassment, victimisation and bullying?

Many activities occur in the workplace that are not considered to be discrimination, harassment, victimisation or bullying. Reasonable management action carried out in a fair and reasonable way should not be confused with discrimination, harassment, victimisation or bullying.

Reasonable management action may include:

- Setting reasonable performance goals, standards and deadlines
- Deciding not to select a worker for promotion following an informed selection process
- Feedback on work performance
- Informing a worker about inappropriate behaviour
- Allocating work to a worker in a transparent and appropriate way
- Fairly rostering and allocating working hours
- Transferring a worker for reasonable and explained reasons
- Implementing organisational changes

GUIDING PRINCIPLES

Procedure for resolving complaints

A complaint about discrimination, harassment, victimisation or bullying can be resolved using informal resolution processes and/or formal resolution processes. The approach taken should reflect the seriousness of the matter. For matters deemed as less serious, informal resolution processes should be explored prior to a formal resolution process. For more serious matters, or where informal approaches have been unsuccessful, a formal resolution process may be appropriate.

For the purposes of complaint resolution processes:

- A complaint is a complaint about discrimination, harassment, victimisation or bullying.
- A person who has or makes a complaint is a Complainant
- A person about whose actions or behaviour a complaint relates is a Respondent

