

POLICY

Anti-Discrimination and Freedom from Bullying & Harassment

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POLICY

Anti-Discrimination and Freedom from Bullying & Harassment

1. Scope

This policy applies to:

- (i) board members/directors
- (ii) all staff, including: managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers
- (iii) student residents at Robert Menzies College (RMC)
- (iv) how RMC provides services to its student residents and guests, and how it interacts with other members of the public
- (v) all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- (vi) on-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their RMC duties
- (vii) RMC related student functions, whether formal or informal, on-site or off-site, or at any time a student resident can be associated with RMC
- (viii) staff treatment of other staff, of student residents, guests and of other members of the public encountered in the course of their RMC duties.

2. Aims

RMC is committed to providing a safe, flexible and respectful environment for staff and student residents free from all forms of discrimination, bullying and harassment.

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

By effectively implementing our *Anti-Discrimination and Freedom from Bullying & Harassment policy* we will create a positive environment for staff and student residents in the College community.

3. Rights and Responsibilities

All staff are entitled to:

- (i) recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- (ii) work free from discrimination, bullying and harassment
- (iii) the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- (iv) reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All student residents are entitled to:

- (v) a College community free from discrimination, bullying and harassment
- (vi) the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.

All staff and resident students must:

- (vii) follow the standards of behaviour outlined in this policy
- (viii) offer support to people who experience discrimination, bullying or harassment, including providing information about how to make a complaint
- (ix) avoid gossip and respect the confidentiality of complaint resolution procedures
- (x) treat everyone with dignity, courtesy and respect.

3.1 Additional responsibilities of managers, supervisors and student leaders

Managers, supervisors and student leaders must also:

- (i) model appropriate standards of behaviour
- (ii) take steps to educate and make staff and students aware of their obligations under this policy and the law
- (iii) intervene quickly and appropriately when they become aware of inappropriate behaviour
- (iv) act fairly to resolve issues and enforce workplace and community behavioural standards, making sure relevant parties are heard
- (v) help staff and students resolve complaints informally
- (vi) refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- (vii) ensure staff and students who raise an issue or make a complaint are not victimised
- (viii) ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- (ix) seriously consider requests for flexible work arrangements.

4. Unacceptable workplace conduct

Discrimination, bullying and harassment are unacceptable at RMC 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).*

Staff (including managers) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

Student residents, including student leaders, found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including expulsion from RMC.

4.1 Discrimination

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 can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see the following list).

For example, a student is harassed and humiliated because of their race

or

A worker is refused promotion because they are 'too old'

Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see the following list).

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

Protected personal characteristics under Federal discrimination law include:

- (i) a disability, disease or injury, including work-related injury
- (ii) parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- (iii) race, colour, descent, national origin, or ethnic background
- (iv) age, whether young or old, or because of age in general
- (v) sex
- (vi) 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
- (vii) religion
- (viii) pregnancy and breastfeeding
- (ix) sexual orientation, intersex status or gender identity
- (x) marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- (xi) political opinion
- (xii) social origin
- (xiii) medical record
- (xiv) 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.

4.2 Bullying

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

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

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

Behaviours that may constitute bullying include:

- (i) sarcasm and other forms of demeaning language
- (ii) threats, abuse or shouting
- (iii) coercion
- (iv) isolation
- (v) inappropriate blaming
- (vi) ganging up
- (vii) constant unconstructive criticism
- (viii) deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- (ix) unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is unacceptable in RMC and may also be against work health and safety law.

4.3 Harassment

Harassment is any form of behaviour where a person is made to feel intimidated, or humiliated because of a particular characteristic(s) e.g. race, sex as specified under anti-discrimination or human rights legislation.

Harassment can be verbal, written or physical, and has the intent or effect of creating an intimidating, hostile or offensive work and/or college environment. Harassment can be a single incident, or repeated behaviour, and can occur even if the behaviour is not intended to offend. Silence does not mean that the behaviour is acceptable to the other person.

Behaviours that may constitute harassment include:

- (i) Asking intrusive questions about someone's personal life
- (ii) Comments that put down or stereotype people
- (iii) Offensive communications including digital communications (Facebook, twitter, e-mails, etc.), written, images and telephone
- (iv) Derogatory or demeaning jokes intended to offend on the basis of stereotyped characteristics.

Harassment is unacceptable in RMC.

Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- (v) comments about a person's private life or the way they look
- (vi) sexually suggestive behaviour, such as leering or staring
- (vii) brushing up against someone, touching, fondling or hugging
- (viii) sexually suggestive comments or jokes
- (ix) displaying offensive screen savers, photos, calendars or objects
- (x) repeated unwanted requests to go out
- (xi) requests for sex
- (xii) sexually explicit posts on social networking sites
- (xiii) insults or taunts of a sexual nature
- (xiv) intrusive questions or statements about a person's private life
- (xv) sending sexually explicit emails or text messages
- (xvi) inappropriate advances on social networking sites
- (xvii) accessing sexually explicit internet sites
- (xviii) behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace or College community when it happens at work or in the College community, at work-related and College events, between people sharing the same workplace or living at College, or between colleagues and residents outside of work or College premises. All staff and student residents have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately. RMC recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff, volunteers and student residents to respect other people's limits.

4.4 Victimisation

Victimisation is subjecting, or threatening to subject, someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, bullying, harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

RMC has a zero tolerance approach to victimisation.

4.5 Gossip

It is unacceptable for staff or student residents at RMC to talk with other staff members, student residents, guests or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager or student leader) is a serious breach of this policy and may lead to formal discipline.

5. Merit at RMC

All recruitment and job selection decisions at RMC will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

6. Resolving issues at RMC

RMC strongly encourages any staff member or student resident who believes they have been discriminated against, bullied, harassed or victimised to take appropriate action in accordance with the RMC *Discrimination, Bullying & Harassment Complaints Practice*.

Staff or students who do not feel safe or confident to take such action may seek assistance from the Master for advice and support or action on their behalf.

6.1 Staff & Student support

Where a formal complaint is made, RMC staff and student residents involved are entitled to a certain amount of free, professional counselling from an RMC designated counsellor. To access these counselling services, contact the Master, Dean, Chaplain or Business Manager.

Counselling is confidential and nothing discussed with a counsellor will be communicated back to RMC.

7. Other relevant RMC policies

Staff, especially managers and supervisors, and Student leaders are encouraged to read this policy in conjunction with other relevant RMC policies and practices, including:

- Discrimination, Bullying & Harassment Complaints Practice
- Work health and safety policy
- RMC Handbook
- Mission, vision and values statements

8. More information

If you have a query about this policy or need more information, please contact the Master, Dean, Chaplain or Business Manager.

9. Review details

This policy was adopted by RMC on 24 October 2016.

This policy was last updated on 24 October 2016.