

# Workplace Discrimination and Harassment

## Policy Scope

This policy relates to the staff at ACC Darling Downs Ltd.

## Policy

The School expects employees to treat each other with respect and courtesy.

Our daily interaction with others reflects on the School's reputation. Therefore, all employees are expected to be approachable, courteous and prompt in dealing with other people, including students, parents, other employees and members of the community.

The purpose of this policy is to define workplace discrimination, harassment and bullying and to provide a clear process for responding to issues when they arise.

This policy also outlines the staff roles & responsibilities as listed in the Staff Handbook.

## Staff Roles & Responsibilities

1. Firstly, all staff are to be reminded that what we do has a profound effect on the students in our care. Modelling effective leadership and respect in your interactions with students can have a profoundly positive influence on a student's personal and social development.
2. Similarly, it is important for you to treat your colleagues, other employees, contractors, students and parents with respect. Rude or insulting behaviour, including verbal and nonverbal aggression, abusive, threatening, intimidating or derogatory language and physical abuse or intimidation towards other employees, contractors, students and parents is unacceptable. You must not use information and communication technologies, such as email, mobile phones, text or instant messaging, blogs, social media sites and other websites to engage in this type of behaviour.
3. You must not discriminate against, or harass for any unlawful reason, or bully for any reason any employee, contractor, student or parent. Please refer to the Workplace Discrimination and Harassment Policy for definitions & examples.
4. Unlawful harassment or discrimination may constitute an offence under the Anti-Discrimination Act 1977 or federal discrimination legislation.
5. Bullying may be a breach of your obligations under work health and safety legislation or your duty of care at common law.
6. If you believe you are being unlawfully harassed or discriminated against or bullied:
  - a. It may be useful to speak with your Deputy Principal or Principal in the first instance to seek guidance on how to do this; and/or
    - i. If your allegation is about the Principal, make contact with the Chairperson of the School Board

- b. Follow the Informal Resolution Process OR the Formal Resolution Process as described in this policy.
7. The School takes reports of unlawful discrimination and harassment or bullying seriously and will consider action it considers appropriate if such conduct is found to have occurred including disciplining or dismissing offenders. Many incidents can be addressed effectively if reported early.
8. If you lie about or exaggerate a complaint, the School will view this as a very serious matter, and you may be disciplined or dismissed.
9. This list is also accessible to all staff in the [Staff Handbook](#).

### **How do we define workplace discrimination?**

Workplace Discrimination is denying any person equality of treatment in employment matters for any grounds other than those directly related to the requirements of the job.

Discrimination can occur directly or indirectly.

**Direct discrimination:** occurs when a person or group of people are treated in an unfair or less favourable way because of an attribute such as age, gender, race, religion, sexual orientation, disability, pregnancy, or marital status.

**Indirect discrimination:** occurs when a person or organisation imposes a requirement (a rule, policy, practice or procedure) that has an unequal or disproportionate effect on a particular group or groups. If the requirement is not reasonable in all the circumstances, it is likely to be indirect discrimination.

### **The Definition of Workplace Harassment**

Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. It can make it difficult for effective work to be done by the individual or groups targeted or affected by this behaviour.

For harassment to occur there does not have to be an intention to offend or harass. It is the impact of the behaviour on the person who is receiving it, together with the nature of the behaviour, which determines whether it is harassment.

Further, 'workplace' in this context is defined to include not only the usual work environment, but also work related events, seminars, conferences, work functions, Christmas parties, and business trips.

Workplace harassment should not be confused with legitimate comment and advice on the work performance or work-related behaviour of an individual or group. However, feedback and counselling should always be carried out in a constructive way that is not humiliating or threatening, and that is consistent with the performance management appraisal process.

### **Examples of Workplace Harassment**

- offensive physical contact, derogatory language or intimidating actions;
- insulting or threatening gestures or language (overt or implied) or continual and
- unwarranted shouting in the workplace;
- unjustified and unnecessary comments about a person's work or capacity for work; •
- openly displayed pictures, posters, graffiti or written materials which might be
- offensive to some;
- phone calls or messages on electronic mail or computer networks which are
- threatening, abusive or offensive to employees;
- persistent following or stalking within the workplace, or to and from work; and
- the exclusion of a person or group from normal conversations, work assignments,
- work related social activities and networks in the workplace.

### **The definition of Sexual Harassment**

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature that is likely to offend, humiliate or intimidate.

### **Sexual harassment can take many forms and may include:**

- belittling jokes or comments based on gender stereotypes;
- behaviour which insists that gender stereotypes be maintained and
- exercised in the workplace;
- uninvited touching, kissing or embracing; • making promises or threats in return for
- sexual favours;
- displays of sexually graphic material including posters, cartoons and screen savers; •
- repeated invitations to go out after prior refusal;
- staring or leering at a person or parts of their body;
- sexually explicit conversation;
- persistent questions or insinuations about a person's private life; and
- any behaviour that creates a sexually hostile work environment.

### **How do we define Bullying & Victimisation**

#### **Bullying**

Workplace bullying is the repeated, less favourable treatment of a person by another or others in the workplace. It includes behaviour that intimidates, offends, degrades or humiliates a worker.

Bullying can be distinguished from more common examples of harassment in that it is often about changing the perceptions and behaviours of others, whereas harassment focuses on belittling or targeting individuals or groups on the basis of perceived differences.

Bullies may use loud and aggressive tactics like yelling or screaming abuse. They may also use subtle intimidation like inappropriate comments about personal appearance, constant criticism, isolating workers from normal work interaction, withholding information or imposing impossible deadlines.

### **Victimisation**

Victimisation involves treating someone unfairly because they have made, or intend to make, a discrimination or harassment complaint. This also includes those who have supported another person in making a complaint.

## **Responding to allegations of Discrimination, Harassment, & Bullying**

### **The Definition of Informal Resolution Process**

1. The purpose of the informal resolution process is to provide an opportunity for a successful resolution without the need for formal intervention. This process is the preferred approach at our school because it has many benefits:
  - a. It allows the matter to be addressed quietly and without labels being attached to anyone. This is particularly important where the behaviour was unintentional or misguided.
  - b. It allows for positive action to be taken to correct or alter behaviour.
  - c. It allows for the Principal to develop preventative measures throughout a work area without attributing blame to one person or another. This can be important when the discrimination is the result of group behaviour or when what has been regarded as 'normal' behaviour in the work area is perceived as discrimination by someone new to the area.
  - d. It focuses effort on putting future working relationships onto a proper basis by clarifying what is regarded as acceptable behaviour and what is not.

### **The Informal Resolution Process**

1. Any employee who believes he or she is being subjected to any kind of discrimination/harassment should not ignore it, as ignoring it may be seen as unspoken consent from the alleged harasser's point of view.
2. Any incident or situation that an employee believes involves discrimination by a colleague must be brought to the immediate attention of those who are involved in the resolution of the case. Specifically:
  - a. Talk to the person who is making you feel uncomfortable or whom you may have offended (if you feel able)
  - b. Talk to the Deputy Principal or the Principal
  - c. If your concern is about the Principal, you may express your concern in writing to the Chairperson of the School Board.
3. If the employee who has complained of discrimination is satisfied with the outcome of the informal process, he or she should inform their supervisor so that normal working relationships can resume.

### **The definition of the Formal Resolution Process**

1. The purpose of the formal resolution process is:
  - a. To provide an opportunity for a successful resolution through a documented investigative process. OR
  - b. Through procedural fairness identify instances where staff have breached the Workplace Discrimination and Harassment Policy and they may be subject to disciplinary measure and/or dismissal.
2. The formal resolution process is at the discretion of the Principal or at the request of an employee who feels that the Informal Resolution Process has not worked or is not appropriate.

### **The Formal Resolution Process**

1. The person who is making the allegation will record in writing the following:
  - a. The person who they are concerned with
  - b. Specific details (time, place, events) relating to the allegation
  - c. Witnesses/persons whom the Principal will speak to in addition to the person who is making the allegation
2. The Principal will investigate the allegation and speak with additional parties if necessary.
3. The Principal may also consult with other colleagues such as the ICT Coordinator to corroborate information provided by the School's network and systems.
4. For procedural fairness:
  - a. The Principal will investigate the person who is making the allegation to ensure that the person who is alleging discrimination is acting in good faith and not out of malice.
  - b. The Principal will inform the person who is being investigated of the substance of the allegation and allow them to put their case forward prior to any determination being made.
  - c. It should be noted that procedural fairness may require the identification of the person alleging discrimination.
  - d. Both parties will receive a notification of the investigations findings prior to a determination being made. This will provide an opportunity for both parties to provide further information to the Principal.
5. The Principal will document the investigation process in their secure file on Google Drive.
6. The determination will be provided in the following way:
  - a. If a resolution between parties has been reached during the investigation process, the outcome will be noted and the investigation will be closed.
  - b. If a resolution has not been reached and there has been a breach in the Workplace Discrimination and Harassment Policy, the Principal will refer the matter to the Employment Policy.

**Policy Review**

On change of legislation or at the discretion of the School Board of ACC Darling Downs Ltd.

**Policy Version**

4.0