

# Bullying, Discrimination and Harassment Policy

Raleigh Street Community Children's Centre (Raleigh St) is committed to providing a safe and equitable workplace for its employees that is free from bullying, harassment, and discrimination of any kind. We acknowledge and support the right of all persons employed with us, volunteering at, visiting, or providing services to Raleigh St to experience a safe and positive environment. Raleigh St considers the distress caused by any kind of harassment, bullying and discrimination in the workplace to be the same whether the actions are intentional or unintentional, and considers such behaviour unlawful. We consider bullying, harassment, and discrimination unlawful, and have zero tolerance for such behaviour in the workplace.

Raleigh St encourages persons covered by this policy who feel bullied, discriminated, or harassed to raise their concerns or make a complaint. Raleigh St takes reports of workplace bullying, harassment, and discrimination seriously and will respond to complaints impartially and confidentially. Raleigh St will display this policy prominently in the workplace and include this as part of the information given to all employees (including students on placement) and Committee of Management (CoM) members and to families of the children attending Raleigh St, and ensure this policy is adhered to in day-to-day interactions between individuals.

## National Quality Standards (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
<b>4.2</b>	Professionalism	Management, educators, and staff are collaborative, respectful, and ethical.
<b>4.2.1</b>	Professional collaboration	Management, educators, and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
<b>4.2.2</b>	Professional standards	Professional standards guide practice, interactions, and relationships.

## Education and Care Services National Regulations/Law

<b>168</b>	Education and care services must have policies and procedures
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## Related Policies

- Code of Conduct
- Social Media Policy
- Health and Safety Policy
- Interactions with Children Policy
- Privacy and Confidentiality Policy
- Staffing Arrangements Policy
- Work Health and Safety Policy

## Purpose

We are committed to providing a safe and equitable workplace for all employees. Bullying, discrimination, and harassment will not be tolerated under any circumstances. As part of this commitment, we aim to prevent workplace bullying, discrimination, and harassment by adhering to the Early Childhood Australia *Code of Ethics*, Occupational Health and Safety and Fair Work legislations and Raleigh St's philosophy to ensure a safe workplace and the wellbeing of all employees.

This document sets out the responsibilities and the expectations that Raleigh St has of all its employees, volunteers, families, students, and others engaging with the Centre to create a positive, collaborative, and safe work environment.

It also includes the procedures to be followed to resolve complaints and grievances of alleged bullying, harassment, and discrimination between employees of Raleigh St and/or the CoM.

## Definitions

**Bullying:** repetitive use by an individual or group of individuals, of words using any medium (verbal, electronic, social media etc.) or actions against another individual or group of individuals, to cause them distress and may involve any of the following types of unreasonable behaviour:

- aggressive or intimidating conduct
- making belittling or humiliating comments
- bad language or rudeness
- spreading malicious rumours
- teasing, practical jokes or initiation of, or participation in 'initiation ceremonies'
- exclusion from work-related events or team activities
- unreasonable work expectations
- withholding essential information that is required by someone to perform their duties
- displaying offensive material

- pressure to behave in an inappropriate manner etc.

Bullying does not include:

- conflict between people such as having a fight or an argument
- disliking someone
- legitimate management actions carried out in a reasonable manner for any of the following:
  - to address poor work performance by an employee
  - taking disciplinary action
  - providing direction to an employee or controlling the manner in which work needs to be carried out etc.

**Complaint:** an issue of a minor nature relating to the employment of a person at Raleigh St that can be resolved promptly, usually within a 24-hour period, and which does not require a detailed investigation. E.g., complaints about staff amenities, hours of work, wording of a communication etc.

**Discrimination:** treating an individual or group of individuals badly, unfavourably, or unfairly because of a personal characteristic that is protected by law. Personal characteristics that are protected by law include age, gender, sexual orientation, gender identity, marital status, race, culture, religion, disability etc.

**Grievance:** is a formal written statement of complaint of a more serious nature, e.g., bullying, harassment, discrimination, breach of EBA terms or conditions etc., and requires a more detailed response from the employer including a detailed investigation in some instances.

**Harassment:** a range of unwanted and unwelcome covert and/or overt behaviours towards an individual or group of individuals that is hostile, offensive, embarrassing, intimidating, and humiliating to them. Harassment includes inappropriate behaviours such as:

- being abusive
- sending offensive messages through any form of communication including text messages, email, social media etc.
- displaying offensive material of a sexual or racially offensive nature in public (e.g., screen savers, posters etc.)
- making or continuing to make derogatory comments about personal characteristics of an individual protected by law such as disability, race, gender identity etc.
- asking intrusive questions about an individual's personal life
- offensive or intimidating personal contact or actions etc.

Harassment includes sexual harassment, which is unwelcome or unsolicited actions or behaviour

of a sexual nature that involves physical contact or suggestive behaviour, comments, propositioning, or unnecessary and unwelcome familiarity.

**Mediator:** a neutral (usually third party) person who is engaged to reconcile differences between disputants.

**Mediation:** an objective process undertaken by a mediator to bring about a resolution, settlement, or compromise between disputants.

**Unreasonable behaviour:** behaviour that a reasonable person, having regard to all the circumstances, would consider to be victimising, humiliating, undermining, or threatening them.

### Scope

This policy applies to all persons, paid or voluntary, who attend Raleigh St including children, families, employees, students, Committee of Management (CoM), volunteers, suppliers, contractors etc.

**Note:** Attachment 1- *Procedure to Handle Employee Complaints and Grievances Related to Breaches of Raleigh St's Bullying, Discrimination and Harassment Policy* at the end of this document applies only to complaints made by employees against each other or Raleigh St. All other persons who have a complaint or grievance in relation to the breach of this policy must follow the process outlined in the Raleigh St Complaints and Grievance policy.

### Implementation

It is illegal to discriminate or harass a person in the workplace. Australia's federal anti-discrimination laws are contained in the following legislation:

- [Age Discrimination Act 2004](#)
- [Disability Discrimination Act 1992](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)

Raleigh St's *Philosophy, Code of Conduct*, and the Early Childhood Australia (ECA) *Code of Ethics* will guide educator behaviours and interactions and encourage best practice to ensure a safe working environment for all staff.

The **Director and the CoM** will ensure:

- all employees and others covered by this policy are treated equally and fairly
- they role model and encourage a positive work environment
- a thorough induction process for new employees is conducted at the commencement of their employment covering all the policies and procedures applicable at Raleigh St
- all individuals and groups covered by this policy, are provided a copy of the Raleigh St *Code of Conduct*, the ECA *Code of Ethics*, this policy and Raleigh St's *Complaints and Grievance Procedures* and ensure they understand Raleigh St's expectations

- all individuals and groups covered by this policy are aware of their right to raise a complaint about the breach of this policy, and the appropriate process to raise such a complaint
- the *Bullying, Discrimination and Harassment Policy*, and all related policies are reviewed every three (3) years or when significant changes to legislation occur and updated as required
- all employees and others covered by this policy understand and acknowledge that inappropriate behaviour, including bullying, discrimination and harassment will not be tolerated, and Raleigh St reserves the right to take appropriate action to address such breaches
- inappropriate behaviour by individuals or groups covered by this policy is addressed in a timely manner
- employees are aware of their responsibilities in relation to this policy through appropriate interactions such as professional development and training, team meetings, performance appraisals, individual counselling, and clear management expectations

All **employees** will ensure they:

- read and understand this policy and their own roles and responsibilities in relation to creating a safe and positive work environment, and seek clarifications from the Director as necessary
- role model the values and philosophy of Raleigh St in every interaction with their colleagues, families, children, and other stakeholders
- follow this policy in their day-to-day work and interactions and take responsibility for their own actions
- understand their right to a safe and healthy workplace, and the processes available to them to raise concerns, or lodge a complaint
- raise a complaint with their Director in a timely manner if they feel bullied, harassed, or discriminated against, following the procedures outlined in Attachment 1
- understand the actions they can take and support they can provide to their colleagues as a by-stander if they witness or are aware of behaviours in the workplace that are of a bullying, harassing or discriminatory nature
- maintain confidentiality and not discuss or release information relating to complaints and/or grievances
- provide specific information regarding the complaint or grievance and be prepared to have the grievance made known to the person, to allow for the fair investigation, management and resolution of the complaint or grievance.

All **other persons** covered by this policy will ensure they:

- read and understand this policy and their own roles and responsibilities in relation to creating an environment that is safe and free from bullying, harassment, and discrimination
- role model the values and philosophy of Raleigh St in all their interactions with each other and employees of Raleigh St
- understand the options available to them to raise concerns or complaints about a breach of this policy by another person or employee
- understand the actions they can take as a by-stander if they witness or are aware of behaviours at Raleigh St that are of a bullying, harassing or discriminatory nature

### **Consequences for breach of this policy**

Raleigh St will respond impartially and confidentially to any breaches of this policy reported to it by an employee or any other person covered within the scope of this policy.

The process outlined in this document, or the *Complaints and Grievance Policy* will be followed to investigate any complaint and resolve the matter depending on whether the complaint is from an employee or other person. Breaches of a serious nature may also result in termination of employment of an employee.

### **Where to access more information and support**

All employees and other persons covered by this policy can access more information about this policy, interpretation of any of its provisions, its implementation at Raleigh St, the process to lodge a complaint about bullying, harassment, or discrimination etc., and any other related matters from the person on the CoM that is designated as the Staff Liaison Officer.

The role of this person is to provide information and guidance only, including options for resolution of a complaint, and not to actually investigate or resolve the complaint or grievance. For more information on prevention of bullying, harassment, and discrimination and rights of persons who feel bullied, harassed, or discriminated against, the resources listed in the section below may be helpful.

### **Other resources for more information**

- WorkSafe Victoria, *Prevention of Bullying and Violence at Work*, <https://www.worksafe.vic.gov.au/preventing-workplace-bullying>
- Victorian Equal Opportunity and Human Rights Commission – Employee and workplace rights, [www. https://www.humanrights.vic.gov.au/hub/workplace-rights/](https://www.humanrights.vic.gov.au/hub/workplace-rights/)

## Sources

- *Anti-Discrimination Act*: See <https://raisingchildren.net.au/disability/disability-rights-the-law/law/anti-discrimination-laws> for Acts for specific Australian states and territories
- Australasian Legal information institute: [www.austlii.edu.au](http://www.austlii.edu.au)
- Australian Children's Education & Care Quality Authority (2014)
- Australian Human Rights Commission. (2019). Reform of discrimination law: <https://www.humanrights.gov.au/>
- Early Childhood Australia Code of Ethics. (2016)
- *Fair Work Act 2009* (Cth)
- Fair Work Ombudsman. (2019). Bullying & Harassment <https://www.fairwork.gov.au/employee-entitlements/bullying-and-harassment>
- Fair Work Ombudsman. (2019). Managing performance & warnings <https://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings>
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2020)
- Guide to the National Quality Standard. (2017)
- Law Council of Australia. (2019). Bullying and harassment in the workplace: <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/bullying-and-harassment-in-the-workplace>
- Revised National Quality Standard. (2018)
- Safe Work Australia. (2019). Bullying: <https://www.safeworkaustralia.gov.au/bullying>
- *Work Health and Safety Act 2011* (Cth)
- *Workplace Relations Act 1996* (Cth)
- Equal Opportunity Act 2010 (Vic)
- Racial and Religious Tolerance Act 2001 (Vic)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Occupational Health and Safety Act 2004 (Vic)
- Victorian Early Childhood Teachers and Educators Agreement 2016
- Professional Child Care Standards 2018.

**Review**

<b>Policy reviewed-</b>	<b>Modifications-</b>	<b>CoM endorsement date-</b>	<b>Next review date-</b>
April 2021	Policy created by a third party to be added to Raleigh St's policy manual	June 2021	June 2024