



POLICY	RESPECT IN THE WORKPLACE	EFFECTIVE DATE	7/12/2023
FUNCTION AREA	Governance	DOCUMENT REF	HR-RWP 01
RESPONSIBILITY	Board	REVISION NO.	V1

### Definitions

Complainant	A person who makes a complaint
Inclusiveness	Ensuring that everyone feels valued and respected as an individual
Harassment	Treating a person less favourably based on protected attributes
Unlawful discrimination	When a person, or a group of people is treated less favorably than another person or group because of their background or certain personal characteristics
Personal characteristics	Race, including color, national or ethnic origin or immigrant status, sex, sexual orientation, gender identity and intersex status, pregnancy or marital status, family responsibility, age, disability, political or religious belief
Prohibited Behavior	A group of identified behaviors that are deemed illegal or that create an unsafe, threatening, or insecure environment for other participants.
Respondent	A person who answers a request for information
Victimisation	Unfair treatment, or the threat of unfair treatment, directed to a person for making, or assisting someone to make a complaint about discrimination or harassment.
Workplace bullying	Repeated and intentional behaviour (words or actions) by an individual towards someone with the aim to cause distress and risk to their wellbeing.
Staff	All Hut employees and volunteers

### Purpose

The Hut Community Centre (we, our, us) is committed to providing a safe and respectful work environment, **being inclusive, valuing others and accepting their differences**, free from discrimination, workplace bullying, victimisation, harassment, and sexual harassment.

The objectives of this policy are to:

- create an environment free from discrimination, workplace bullying, victimisation, harassment and sexual harassment, and where all employees are treated with dignity, courtesy and respect.

- ensure all staff, volunteers and clients understand their rights and obligations in relation to appropriate workplace behaviour.
- encourage reporting of behaviour in breach of this policy.
- provide an effective procedure for the investigation of complaints; and
- provide protection from victimisation or reprisals resulting from lodging a complaint.

Discrimination and harassment in employment is prohibited under both Federal and State legislation. Workers must ensure their own behaviour and actions are appropriate for the workplace.

### **Scope**

Compliance with this policy is mandatory for all our staff, volunteers, contractors, students, visitors, participants and board members, collectively referred to as 'workers' throughout this document.

### **Policy statement**

We are committed to demonstrating the highest standards of professional conduct that promotes our values beyond what is required by statutory compliance.

We will take reasonable and proportionate measures to eliminate as far as possible:

- discrimination on the grounds of sex in a work context,
- sexual harassment in connection with work,
- sex-based harassment in connection with work,
- conduct creating a workplace environment that is hostile on the ground of sex,
- related acts of victimisation.

We will provide training and support about the importance of preventing and addressing sexual harassment and other prohibited behaviours in the workplace.

We will address unwanted or offensive behaviour early.

We encourage reporting of sexual harassment and other unwanted and prohibited behaviours and have established effective complaints procedures. *(Refer to OP PPC 03 Complaints Procedure)*

Developing and maintaining a working environment of mutual respect and dignity is the responsibility of all employees and is essential to our ability to build a positive and supportive working environment where all individuals feel a sense of belonging.

Employees must not engage in any behaviour inconsistent with the environment we wish to create, which includes any prohibited behaviours described in this policy.

Behaviours actively contributing to a supportive work environment are described in our Code of Conduct.

## **Prohibited behaviours.**

### ***Discrimination***

Discrimination in employment on the following grounds is unlawful:

- race.
- colour;
- sex;
- sexual orientation;
- age;
- physical or mental disability;
- marital status;
- family or carer's responsibilities;
- pregnancy;
- religion;
- political opinion;
- national extraction, and
- social origin.

We will ensure equal opportunity principles are incorporated into, and discrimination is eliminated from, all employment matters, including:

- recruitment and selection.
- policies, practices, and procedures.
- terms and conditions for work including salaries and other benefits.
- training, promotion, and transfer of employees.
- the methods and reasons for ending employment, and
- allocation of work and roles.

An action is ordinarily not discriminatory if is not unlawful under any applicable anti-discriminatory law or if the action is taken because of the inherent requirements of the position concerned.

### ***Workplace bullying***

Workplace bullying is repeated, and unreasonable behaviour directed towards an employee or group of employees creating a risk to health or safety. Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered bullying, whether intentional or unintentional:

- excluding or isolating an employee or employees from workplace activities.
- giving someone the majority of unpleasant or meaningless tasks.
- giving employees impossible assignments (for example, outside the skill and competence of the employee).
- verbal abuse.
- humiliating someone through sarcasm or insults.
- intimidation or threatening behaviour.
- deliberately changing work hours to cause inconvenience to employees.
- deliberately withholding information vital for effective work performance, and

- deliberate damage to personal property.

This is not an exhaustive list; other types of behaviour may also constitute bullying if it creates a risk to health and safety. Conduct may constitute bullying even if it was not intended to humiliate, undermine, or threaten.

Notwithstanding that, behaviour might not be repeated or directed at a person or group, and therefore may not fit within the definition of workplace bullying. Any unreasonable behaviour creating a risk to the health or safety of others is unacceptable and will be treated seriously by us.

### **Harassment**

Harassment is any unwelcome or uninvited behaviour causing or has the potential to cause offence, intimidation, or humiliation where it is reasonable in the circumstances for the person to feel that way.

Harassment can be physical, verbal, or visual in nature. Harassment can take various forms and can include sexual harassment or racial harassment.

Sexual harassment is:

- an unwelcome sexual advance or request for sexual favours to the person who is harassed; or
- other unwelcome conduct of a sexual nature in relation to the person who is harassed.

Sexual harassment doesn't have to relate to the characteristics of the person being harassed.

Examples of sexual harassment may include, but are not limited to:

- unwelcome touching or physical contact.
- staring or leering.
- verbal remarks with sexual connotations.
- any action or comment of a sexual nature, including a suggestive comment or joke.
- display of inappropriate objects or pictures, written emails, or text messages.
- unwanted questions or insinuations about a person's private life.
- sexually explicit jokes, banter, or innuendo.
- persistent requests for social contact or sexual favours where these are unwelcome.
- viewing, downloading, or printing pornography or sexually explicit material.
- offensive communication including email messages, voicemail, text messages, letters, telephone calls and/or contact via social media,

where that behaviour is uninvited and unwanted.

A person could also experience sexual harassment by being exposed to or witnessing this kind of behaviour in their work environment. For example, overhearing a conversation or seeing a sexually explicit poster in the workplace.

To be sexual harassment, it must be reasonable to expect that there is a possibility that the person being harassed would be offended, humiliated or intimidated by the

behaviour. This means that whether behaviour is sexual harassment depends on how a reasonable person would interpret the behaviour in that situation. When working out whether certain conduct is sexual harassment, the intention of the alleged harasser doesn't matter.

Behaviour that is sexual harassment in one situation, may not be in a different situation.

Sexual harassment doesn't have to be repeated or continuous. It can be a one-off incident.

Sexual harassment in the course of employment can be considered serious misconduct and be a valid reason for dismissal.

Any person who causes, instructs, induces, acts or permits sexual harassment can be liable as an accessory to the prohibited conduct.

Harassment may occur even if it is not intentional. It is the impact of the behaviour on the person concerned that is important, not the intention of the 'harasser'.

Harassment can be the result of:

- a single incident.
- a series of incidents over a period; or
- the workplace environment.

### **Victimisation**

Victimisation means treating someone unfairly because they have acted on their rights under equal opportunity or harassment law or because they have supported someone else who acted upon those rights.

Current legislation prohibits the victimisation of individuals who:

- intend to make a complaint.
- make a complaint.
- intend to provide information as a witness.
- provide information as a witness, or
- support an individual who intends to make a complaint or who has made a complaint.

We will take all necessary steps to ensure people involved in a complaint are not victimised by anyone for coming forward with the complaint or for helping to resolve it.

### **Behaviour outside of work**

The prohibited behaviours described in this policy are not limited to behaviour only occurring inside the workplace.

If the behaviour is sufficiently connected to employment, 'outside of work behaviour', may still be subject to policies and legislative obligations, providing us with the obligation and ability to manage any such issues in those circumstances.

### **Reasonable administrative action**

Discrimination and harassment do not include 'reasonable administrative action'.

It is important to differentiate between bullying and discrimination and our legitimate authority to direct and control the way work is done. It is reasonable for us to allocate work, and for managers to give fair and reasonable feedback on an employee's performance.

Examples of reasonable administrative action include but are not limited to:

- counselling staff and employees over poor work performance.
- allocating a staff member or employee reasonable and comparable level of work.
- applying firm conditions in keeping with workplace health and safety standards.
- changing a roster in a reasonable way (regardless of whether it is 'liked');
- asking an employee for a medical certificate for sick leave (complying with policy requirements) and
- excluding an employee from meetings not relevant to their job.

### **Policy requirements**

The Hut Community Centre and its staff must not engage in any of the prohibited behaviours described in this policy.

### **Confidentiality**

Other than as required by law or for the disciplinary process, all details of complaints of discrimination and harassment will remain confidential unless specific permission from the complainant is granted.

Any person who breaches confidentiality may be disciplined.

It is also important the complainant keeps this matter confidential (this will avoid idle gossip and the possibility of defamation proceedings against the complainant or us).

### **Record keeping**

It is important written records are kept of any complaints of discrimination or harassment and of any follow-up action, as these may be required as evidence should the allegations be taken to the Equal Opportunity Commission. Management is responsible for accurate, concise and confidential record keeping.

### **Resolution of complaints**

#### **Self-help**

Self-help is most often the first step in discrimination and harassment situations, if the employee is comfortable doing so. It involves the employee personally addressing the problem with the other person concerned, either alone or with the support of someone else.

It involves advising the person concerned either in person or in writing that their behaviour is offensive and request it stop. The person may be unaware of the negative impact of their actions and advising them may prevent recurrence.

### **Informal intervention**

Informal intervention occurs when the employee decides to have a neutral party intervene on their behalf, without a formal complaint being made.

The employee may raise the matter with management and discuss possible solutions.

Those solutions may include (for example):

- sending a general message on appropriate behaviours to all staff, or reminder of this policy.
- the neutral party informally discusses the behaviour with the person concerned, the impact on the complainant and requests the behaviour stops.

### **Formal complaint**

If the matter is not resolved through informal processes, or it is a serious breach of policy, then the employee can lodge a formal, written complaint with their manager or direct supervisor. If it is reasonable to do so in the circumstances, a formal investigation may be conducted, which may involve, in relation to complaints about employees:

- interviewing and taking a witness statement from the complainant.
- interviewing and taking witness statements from identified or potential witnesses.
- collecting other relevant evidence; and
- determining whether there is a reasonable basis to put allegations to the accused employee(s) for their response, and if so, putting those allegations to the employee(s).

The employer may follow a different process in relation to complaints about non-employee employees.

For more detail on our investigation and complaints process, see our **Workplace Discrimination, Harassment and Bullying, Complaint and Investigation Procedures**.

### **External options**

After consideration of all internal options, the complainant may choose to pursue the matter externally. External options include:

- Equal Opportunity Commission.
- The Fair Work Commission.
- external advice and/or representation, and
- various community help groups.

Even if a formal, written complaint is not made and we become aware of an issue or a potential issue, we have a duty to investigate appropriately. That is, we may not need to lodge a written complaint or request an investigation for such matters to be investigated.

## **Responsibilities**

### **The Hut Community Centre**

- We will take reasonable steps to ensure a workplace culture that prevents and does not tolerate discrimination, bullying, harassment or victimisation.
- We will take reasonable and proportionate steps to eliminate as far as possible:
  - Discrimination on the grounds of sex;
  - Sexual harassment, or harassment on the grounds of sex;
  - Hostile workplace environments (for example sexual banter, offensive jokes, distribution of pornographic material); and
  - Acts of victimisation in response to allegations, assertions, complaints, proceedings.
- We are responsible for ensuring this policy is documented, implemented, maintained and communicated to all employees. This includes ensuring this policy is available for interested parties to access and is reviewed periodically.
- We will ensure the policy is regularly reviewed to ensure it complies with legal requirements and remains relevant to our workplace.
- We will provide employees with appropriate training and support to assist them in understanding and implementing this policy.

### **Managers and Supervisor responsibilities**

- Managers and Supervisors are responsible for monitoring and acting upon compliance with this policy.
- Managers and Supervisors are responsible for ensuring all employees understand this policy.
- Managers and Supervisors must ensure:
  - all employees know what acceptable conduct is by setting a personal example.
  - they counsel employees about behaviour that is inappropriate or may develop into inappropriate behaviour in accordance with the requirements of this policy.
  - they inform employees of their right to raise a matter about behaviour in the workplace if they feel it is affecting them.
  - once aware of an issue, they act in a quick, fair and confidential manner to investigate and resolve the issue.
  - they take appropriate action to resolve a behavioural problem in the workplace as soon as becoming aware of the problem or potential problem.
  - they monitor individual employee behaviour that has changed in relation to lowered work performance, isolation from colleagues, unexplained absenteeism, and excessive use of personal/carer's leave to determine



whether such changes may be a result of inappropriate workplace behaviour.

- they take action to ensure employees are not victimised for making a complaint.
- all employees are aware of and understand this policy and the consequences of non-compliance;
- this policy is enforced within their team;
- all new employees are made aware of this policy during induction;
- any change to this policy is communicated to employees; and
- if required, action is taken to ensure no further instances of non-compliance occur.

### **Employee responsibilities**

- All employees must:
  - prevent discrimination or harassment by maintaining an appropriate standard of behaviour in the workplace and treating fellow employees with courtesy and respect;
  - raise harassment or discrimination issues with their manager if unresolved through personal approaches;
  - actively contribute to a positive and productive work environment and inclusive workplace culture;
  - maintain awareness and an understanding of the policy and the consequences of not complying with the policy;
  - seek advice from their manager if they are unsure whether their actions could breach this policy; and
  - report suspected non-compliance of this policy to their manager.

### **Noncompliance**

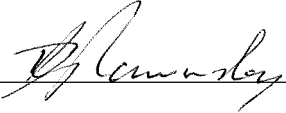
We require and expect compliance with this policy. Any non-compliance may lead to disciplinary action, up to and including termination of employment.

<i>Related Documents</i>	<ul style="list-style-type: none"><li>▪ Workplace Discrimination, Harassment and Bullying Complaint and Investigation Procedures.</li><li>▪ <a href="#"><u>Human Resource Management Policy</u></a></li><li>▪ <a href="#"><u>Working with Children and Young People Policy</u></a></li><li>▪ Privacy Policy</li><li>▪ WHS Policy</li><li>▪ <a href="#"><u>Performance Review Procedure – Employees</u></a></li><li>▪ <a href="#"><u>Support and Feedback Procedure - Volunteers</u></a></li><li>▪ <a href="#"><u>Code of Conduct</u></a></li><li>▪ <a href="#"><u>Board Code of Practice</u></a></li><li>▪ <a href="#"><u>Disciplinary Procedures</u></a></li></ul>
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	<ul style="list-style-type: none"> <li>▪ <u>Grievance Procedures</u></li> </ul>
Legislation & References	<ul style="list-style-type: none"> <li>▪ Age Discrimination Act 2004 (Cth)</li> <li>▪ Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 (Cth)</li> <li>▪ Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)</li> <li>▪ Australian Human Rights Commission Act 1986 (Cth)</li> <li>▪ Disability Discrimination Act 1992 (Cth)</li> <li>▪ Equal Opportunity Act 1984 (SA)</li> <li>▪ Fair Work Act 2009 (Cth)</li> <li>▪ Fair Work Act 2009 (Cth) Amendment Act 2013</li> <li>▪ Privacy Act 1988 (Cth)</li> <li>▪ Racial Discrimination Act 1975 (Cth)</li> <li>▪ Sex Discrimination Act 1984 (Cth)</li> <li>▪ <a href="http://www.humanrights.gov.au/employers">www.humanrights.gov.au/employers</a></li> <li>▪ <a href="http://www.humanrights.gov.au/employers">www.humanrights.gov.au/employers</a></li> </ul>

Policy approved by:-

Name: DAVID RAWNSLEY  
Board Chair

Signed:  Date: 13 / 3 / 2024



## Workplace Discrimination, Harassment, sexual Harassment and Bullying complaint Form

Please ensure you have read out Workplace Discrimination, Harassment, Sexual Harassment and Bullying Complaint Handling and Investigation Procedures.

### 1. Personal details of the complainant

Title	
First Name	
Last Name	
Email Address	
Contact Number	
Position	

Are you complaining on behalf of someone else Yes/No

If yes what is their name \_\_\_\_\_

### 2. Please Categorise the incident/s

Discrimination	<input type="checkbox"/>
Harassment	<input type="checkbox"/>
Sexual Harassment	<input type="checkbox"/>
Bullying	<input type="checkbox"/>
Vilification	<input type="checkbox"/>
Victimisation	<input type="checkbox"/>

### 3. When did the incident/s happen?

It began on (date)	<input type="text"/>
It finished on (date)	<input type="text"/>
Is it still going on?	<input type="text"/>

### 4. Who is this complaint against?

First name	
Last Name	
Relationship to the Hut Community Centre (e.g. employee, contractor, volunteer)	

**5. What happened? Please describe the incident/s in detail**

Please describe the offending incident/s or behaviour in detail, if you need more space, please provide these details on a separate page attached to this form.	
Where did the incident/s occur?	
When did the incident/s occur? (if there have been multiple incidents, how often has or does the offending behaviour occur? (eg. Daily, weekly, monthly)	
Have there been any witnesses to the described incident/s? If so, please name.	
Any other relevant information (e.g. the impact of the incident/s)	

**6. Please indicate any other steps you have already taken eg raised the issue with a colleague or Manager, spoken with/lodged complaint with external agency.**

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**7. Supporting evidence**

If there are any documents that may help The Hut Community Centre investigate your complaint please provide copies where this information may be obtained.

**8. Please indicate what would be a satisfactory outcome for you in relation to this complaint (e.g. that the offending behaviour cease, disciplinary action be taken, receive an apology)**

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**Confidentiality**

Only those directly involved in making or investigating a complaint will have access to information about the complaint (except in circumstances necessitate by law where the alleged conduct is serious and/or may amount to criminal conduct) Please ensure that you maintain confidentiality and do not disclose details of your complaint except to the extent necessary to make your complaint in accordance with this procedure.

**Sign and date your complaint**

Signature	
Full Name	
Date	

<b>Office use</b>	
Date form received	
Staff Member who received this form	
Referred to (Staff member managing complaint)	Name: Position: Date referred:

