

Discrimination, Harassment and Bullying Policy



<i>Policy No.</i>	5.7	<i>Created by</i>	Morag Roseby
<i>Approved date</i>	November 2022	<i>Approved by</i>	Management Committee
<i>Review frequency</i>	Every two years	<i>Last review</i>	November 2022
<i>Supporting Documents</i>	<ul style="list-style-type: none"> • Complaints Policy • Grievance Policy • Workplace Health and Safety Policy • Code of Conduct 		
<i>Associated Legislation</i>	<ul style="list-style-type: none"> • Age Discrimination Act 2004 (Cth) • Australian Human Rights Commission Act 1986 (Cth) • Human Rights Act 2019 (QLD) • Disability Discrimination Act 1992 (Cth) • Racial Discrimination Act 1975 (Cth) • Sex Discrimination Act 1984 (Cth) • Fair Work Act 2009 (Cth) • Equal Employment Opportunity Act 1987 (Cth) • Privacy Act 1988 (Cth) & Information Privacy Act 2009 (QLD) • Workplace Gender Equality Act 2012 (Cth) • Workplace Health and Safety Act 2011 (QLD) • Anti-Discrimination Act 1991 (Qld) 		

1. PURPOSE

Stepping Stone is committed to providing a safe, flexible and respectful Clubhouse environment for staff and members free from all forms of discrimination, bullying and sexual harassment. The purpose of this document is to provide guidance on the policy regarding Harassment, Discrimination and Bullying. All Stepping Stone members, employees, Management Committee, Nominated Support Persons (NSP), volunteers, and students on placement (referred to as 'stakeholders') are entitled to:

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

All stakeholders are required to treat others with dignity, courtesy and respect. The intended aim of this policy is to create a workplace that is free from all forms of harassment, discrimination and bullying.

2. SCOPE

This policy applies to Stepping Stone members, employees, Management Committee, Nominated Support Persons (NSP), volunteers, and students on placement.

3. POLICY STATEMENT

Stepping Stone strives to achieve a healthy and safe environment by addressing the issue of harassment, discrimination and bullying. Stepping Stone will put measures in place to ensure that harassment, discrimination and bullying does not occur and will respond promptly to any concerns raised.

Stepping Stone commits to informing stakeholders as to the nature and effects of harassment, discrimination and bullying, and to providing the necessary resources to inform them of the contents of this policy.

4. PROCEDURES

4.1 Unacceptable conduct

Discrimination, bullying and sexual harassment are unacceptable at Stepping Stone and are unlawful under relevant legislation.

Staff 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.

Any relevant stakeholders engaged in such conduct can result in formal discipline and/or exclusion from Stepping Stone premises.

4.2 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic that is 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 list below).

For example, a worker 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 list below).

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:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex
- 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
- religion
- pregnancy and breastfeeding

- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- 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.

4.3 Bullying

Bullying is when:

- a person or group of people repeatedly behave unreasonably towards another worker or group of workers
- the behaviour creates a risk to health and safety

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

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits

Bullying is unacceptable at Stepping Stone and contravenes occupational health and safety law.

4.4 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:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes

- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- 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 when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff, members and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it does not 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. Stepping Stone will support impacted individuals to report incidents to the police where needed.

Stepping Stone recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff, members and volunteers to respect other people's limits.

4.5 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, sexual 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.

Stepping Stone has a zero tolerance approach to victimisation.

4.6 Gossip

It is unacceptable for staff and other stakeholders at Stepping Stone to talk with other staff, members 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) is a serious breach of this policy and may lead to formal discipline.

4.7 Merit at Stepping Stone

All recruitment and job selection decisions at Stepping Stone 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.

4.8 Resolving issues at Stepping Stone

Stepping Stone strongly encourages any stakeholder who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by following the relevant policy, such as the Grievance Policy or the Feedback and Complaints Policy. If the complaint involved a Stepping Stone member receiving NDIS services, the CEO is also required to assess the complaint against the reportable incident definition as per the Incident Management Policy.

Staff who do not feel safe or confident to take such action may seek assistance from the CEO, any member of the leadership team, or any member of the Management Committee for advice and support or action on their behalf.

5. ROLES AND RESPONSIBILITIES

Role	Responsibilities
All staff/members	<ul style="list-style-type: none">• follow the standards of behaviour outlined in this policy• offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint• avoid gossip and respect the confidentiality of complaint resolution procedures• treat everyone with dignity, courtesy and respect.
Supervisors	<ul style="list-style-type: none">• model appropriate standards of behaviour• take steps to educate and make staff aware of their obligations under this policy and the law• intervene quickly and appropriately when they become aware of inappropriate behaviour• act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard• help staff resolve complaints informally• refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation• ensure staff who raise an issue or make a complaint are not victimised• ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made• seriously consider requests for flexible work arrangements.
CEO	<ul style="list-style-type: none">• understand and are committed to the rights and entitlements of all employees to attend work and perform their duties, without fear of being sexually harassed in any form• ensure all reasonable steps are made to eliminate sexual harassment• ensure all staff, members and volunteers are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment

Role	Responsibilities
	<ul style="list-style-type: none"> • ensure they provide an environment which discourages harassment and victimisation and set an example by their own behaviour • ensure they treat all complaints seriously and confidentially • ensure they take immediate and appropriate corrective action if they become aware of any offensive action or illegal behaviour • ensure staff who raise an issue or make a complaint are not victimised • ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made • seriously consider requests for flexible work arrangements • policies and procedures are regularly reviewed and (if necessary) amended; and • policies and procedures are complied with.
Management Committee	<ul style="list-style-type: none"> • policies and procedures are regularly reviewed and (if necessary) amended • policies and procedures are complied with • regular guidance and education is provided to employees regarding sexual harassment and inappropriate behaviour in the workplace; and • ongoing support and guidance is provided to all employees in relation to the prevention of sexual harassment.