



# STAFF ANTI-DISCRIMINATION, SEXUAL HARASSMENT AND BULLYING POLICY

---

## RATIONALE OR PURPOSE

Villanova College is committed to developing an education and organisational culture based on mutual trust and respect which assists people to recognise and develop their personal capabilities.

The College is also committed to providing each person working at Villanova College with a safe and caring environment which is conducive to working in and experiencing a community which espouses the values of the Gospel and the Augustinian ethos.

## Policy

Villanova College is committed to providing for each person working at Villanova College an environment in which the dignity of individuals is respected and that is free from unlawful discrimination, sexual harassment, vilification and workplace bullying.

Villanova College considers all forms of harassment, vilification and workplace bullying to be unacceptable behaviours because they undermine the intrinsic dignity of the individual person. Accordingly, Villanova College sets in place procedures to address all forms of unlawful discrimination, sexual harassment, vilification and workplace bullying.

## Guiding Principles

It is expected that each person working at Villanova College will:

- Promote the principle of equal opportunity;
- Observe the principles of natural justice;
- Acknowledge the right of individuals to be treated with respect;
- Engender fairness and respect in relationships;
- Refrain from any behaviours that impinge negatively upon a person's dignity and rights, morale and work effectiveness;
- Contribute to quality of life in the workplace through respect and tolerance;
- Protect and promote cultural and social diversity in the College community;
- Respect the need for confidentiality;
- Observe the provisions of relevant state and federal legislation, including Federal Privacy legislation;
- Engage in practices which are restorative.

## Values

The integrity, ethos and values of the College should not be compromised for short term goals.

## Operative Provision

A Person Working at Villanova College must not engage in, encourage, support or be otherwise involved in Unlawful Discrimination, Vilification, Sexual Harassment or Bullying.



## Definitions

### A person working at Villanova College

This refers to all staff, religious, volunteers (paid and unpaid) involved in the activities of the College.

### Unlawful Discrimination

Under the Anti-Discrimination Act (1991) Queensland and other legislation, it is unlawful to treat someone unfavourably (in connection with work or in deciding who should be offered work or education) on account of:

- Family responsibilities
- Parental status
- Breastfeeding
- Religious belief or religious activity
- Political belief or activity
- Trade union activity
- Lawful sexual activity
- Relationship status
- Sexuality
- Sex
- Gender identity
- Race
- Impairment
- Pregnancy;
- Age

*Note: Section 25 of the Anti-Discrimination Act 1991 provides that a person may impose genuine occupational requirements for a position. A specific example provided in the legislation includes employing persons of a particular religion to teach in a school established for students of the particular religion.*

### Vilification

The 2003 Amendment to the Anti-Discrimination Act 1991 (Qld) (s 124A) makes it unlawful to publicly vilify a person because of their race, religion, sexuality or gender identity.

Vilification is a public act or speech which encourages others to have serious contempt for, severe ridicule of, a person or a group of persons because of their race, religion, sexuality or gender identity.

### Sexual Harassment

Sexual harassment consists of unwelcome conduct of a sexual nature, and/or which offends, intimidates or humiliates another person. It is a form of sex discrimination. It promotes a work environment which is unpleasant, humiliating or intimidating for those subjected to or threatened by this behaviour.

Sexual harassment can be a single incident or a series of incidents – it depends on the circumstances. Obviously, some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation out, may not constitute harassment if they are not repeated.

This policy accepts that sexual harassment can occur outside of working hours and not within the workplace. Sexual harassment is unlawful in any work related context, including conferences, work functions, work Christmas parties and business or field trips.



Under the Anti-Discrimination Act 1991 (Qld) and other legislation, it is unlawful to sexually harass another person. Section 119 of the Anti-Discrimination Act 1991 (Qld), states that sexual harassment happens if a person:

- subjects another person to an unsolicited act of physical intimacy.
- makes an unsolicited demand or request (directly or by implication) for sexual favours from the other person.
- makes a remark with sexual connotations relating to the other person.
- engages in any other unwelcome conduct of a sexual nature in relation to the other person.

and the person engaging in the conduct does so:

- with the intention of offending, humiliating or intimidating the other person; or
- in circumstances which a reasonable person would have anticipated the possibility that the other person could be offended, humiliated or intimidated by the conduct.

### **Bullying**

Bullying is any behaviour which intimidates, offends, degrades or humiliates a person. It is usually repeated and there often is, or is seen to be, an imbalance of power (ie authority, physical size) between the person bullying and the person being bullied. Bullying in any form is not acceptable at Villanova College.

Bullying can be:

- Face to face;
- Over the telephone;
- Through electronic messages;
- By the exclusion of others;

Examples of bullying are:

- Assault, threats of assault, pushing, shoving or jostling;
- Personal insults and name-calling;
- Spreading malicious rumours, slandering a person or their family;
- Inappropriate comments about personal appearance or lifestyle;
- Obstructing and isolating a person in the workplace;
- Increasing responsibility but removing authority; and
- Unclear, vague or exceedingly long job descriptions.

### **Complainant**

This refers to such person working at Villanova College who believes he/she has a bona fide complaint of a breach of this policy.

### **Respondent**

This refers to the person against whom a complaint is made.



## Evaluation and Review

**Policy Endorsement:** Approved by Villanova Collge Council 17 May 2006

Reviewed and endorsed by Villanova College Board 19 June 2013

**Review Date:** 2018