

ANTI-DISCRIMINATION, BULLYING AND HARASSMENT POLICY

INTRODUCTION

Villanova College is committed to the highest standards of conduct and ethical behaviour in all of its operations and to promoting and supporting a culture of honest and ethical behaviour. This philosophy aligns with the College's Augustinian values and the College Code of Conduct. It follows the belief of St Augustine that every person is called to the ideals of wisdom, spiritual truth and a commitment to the quality of community life.

SCOPE

- 1.1 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 fosters an environment in which dignity of individuals is respected and that is free from unlawful discrimination, workplace harassment, sexual harassment, vilification and bullying. Everyone within our community has rights and responsibilities under work health and safety and anti-discrimination, bullying and harassment legislation to create and maintain a workplace and community free of harassment and discrimination.

POLICY STATEMENT

- 2.1 The purpose of this policy is to arm employees with an understanding of College expectations to promote positive, safe and respectful behaviours within the community. The College is committed to providing a safe working environment which is free from discrimination, bullying, workplace harassment and sexual harassment. Employees have a duty of care regarding their own health and safety and that of others within our community. This duty of care extends to both psychological and physical health and wellbeing.
- 2.2 Respectful and collegial relationships are expected from all employees, including their right to speak-up and voice concerns should they witness inappropriate behaviours. The Code of Conduct states that employees who supervise or manage other employees have a special responsibility to model appropriate behaviour, and to ensure that the people they supervise understand the standard of behaviour that is expected of them.
- 2.3 The College provides safe and transparent mechanisms for staff to raise a grievance in regard to discrimination, harassment and bullying without fear of retribution. It also aims to ensure that such grievances are appropriately investigated, that respondents receive fair and equitable treatment, and that disciplinary action is taken where appropriate. Villanova College does not condone or tolerate discrimination, or any form of harassment and/or bullying.



This document alongside other College policies and procedures referenced within, reinforces the College's commitment to:

- a) support diversity and inclusive work practices;
- b) promote respect amongst all people in the workplace;
- c) encourage fair and equitable treatment of all people in the workplace;
- d) ensure employees have redress against sexual harassment in the workplace; and
- e) inform employees they may be personally liable if allegations of bullying or harassment are substantiated against them.

APPLICABILITY

- 2.4 The policy applies to all College employees and workers, regardless of their employment status, role or position - permanent, temporary, casual or part-time employees, contractors or volunteers, students on work experience, managers, supervisors, team leaders, team members or individuals - must be familiar with and follow the spirit and content of this policy.
- 2.5 This policy covers employees for incidents arising out of or in the course of their employment. It is not intended to cover incidents that are not work related.
- 2.6 Social media usage either at work or away from work can readily be used by employees to harass work colleagues. This policy clarifies that the use of social media to harass a fellow employee, irrespective of whether the behaviour originated at work or outside the workplace, with or without the use of College ICT, can still be considered workplace harassment, sexual harassment or discrimination. Please refer to the Social Media and Social Networking Guidelines for Staff.
- 2.7 Employees have legislative rights of appeal through external bodies as outlined by various Acts.

This policy is not exhaustive and applies when engaging with other employees, volunteers, students or community members encountered in the course of working duties. It applies to all of the College campuses, including any location that employees may be considered to be performing duties in the course of their employment. This may include but is not limited to conduct that occurs:

- a) in a taxi/uber or work car travelling to an appointment (e.g. meeting or school visit);
- b) on a school excursion, in the classroom or on a playground duty;
- c) at a team lunch;
- d) at any after-hours work-related social function (e.g. Christmas party);
- e) in an off-site training session facilitated by a third party;
- f) at a conference;
- g) across the College's IT channels including email, Microsoft Teams and One Drive; and
- h) on social media platforms (e.g. Facebook).

It is not the intention of this Policy to interfere in personal lives and relationships between consenting employees, which is not a form of sexual harassment.



2.3 The College has an obligation to take reasonable and proportionate measures to eliminate bullying, discrimination and harassment in the workplace. We aim to deal with allegations of discrimination, harassment and bullying in a prompt and confidential manner.

2.4 Workplace Harassment

The Workplace Health and Safety Queensland Code of Practice defines workplace harassment as repeated behaviour by a person, including the person's employer or co-worker or group of co-workers of the person, that:

- a) is unwelcome, unsolicited, or uninvited
- b) offends, intimidates, humiliates, or threatens (regardless of intent)
- c) would offend, intimidate, humiliate, or threaten a reasonable person if it happened to them.

Workplace based harassing behaviours can range from subtle intimidation to more obvious and aggressive tactics.

Workplace harassment is not reasonable management action, constructive feedback, counselling on work performance or behaviour intended to assist employees to improve their performance or behaviour. Harassment is not a personality clash or interpersonal conflict.

A single incident of unreasonable behaviour may not be considered harassment. Nevertheless, single incidents of harassing type behaviour must not be ignored. Well-managed early intervention in response to single incidents will help prevent the situation from escalating and foster a harassment-free working environment.

The following are examples taken from Fair Work Australia that may be regarded as harassment in the workplace if the behaviour is repeated or becomes a pattern of behaviour. This list is not exhaustive; it does however outline some of the more common harassing behaviours which include:

- behaving aggressively
- teasing or practical jokes
- pressuring someone to behave inappropriately
- excluding someone from work-related events
- unreasonable work demands or
- taking and or vandalising someone personal items

There will always be differences of opinion, conflicts and problems in any workplace or working relationship. However, if the behaviour meets the definition outlined above, then action will need to be undertaken to stop the behaviour and resolve the problem.

Harassment can occur between people within a workplace or community, for example:

- laterally (between co-workers, students, volunteers and community members);
- upwards (a worker harassing a manager or supervisor); and
- downwards (a supervisor or manager harassing a worker).



2.5 Sexual Harassment

Sexual harassment is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated, or intimidated, and where that reaction is reasonable in the circumstances.

The effect of sexual harassment on those people involved can range from annoyance to deep and long-term distress. It can lead to an intimidating, hostile and offensive work environment or unsafe community. This can contribute to reduced quality of work output, mistrust, low productivity and morale, absenteeism, severe mental health conditions and high staff turnover.

Sexual harassment can be physical, spoken or written. It can include one-off or repeated incidences of:

- unwanted or unsolicited intimate physical contact such as patting, pinching or touching in a sexual way
- unnecessary familiarity such as brushing up against a person
- sexual propositions or repeated unwanted requests for dates
- unwelcome and unsolicited remarks or insinuations about a person's sex or private life, including jokes, insults or taunts
- sending jokes or graphics of a sexual nature by email, internet, fax or mobile phone
- suggestive comments about a person's appearance or body
- offensive telephone call, texts, emails or social media posts of a sexual nature
- staring or leering, or sexual gestures or imitating a sexual act
- subjecting a person to sexually offensive screen savers or images in electronic or other forms.
- comments about a person's sex life or physical appearance
- comments of a sexual nature
- 'flashing'
- making promises or threats in return for sexual favours
- displays of offensive photographs, reading matter or objects
- unwelcome questioning about a person's private life
- stalking, sexual assault, indecent assault or rape (which are also criminal offences).

Sexual harassment can occur in all aspects of employment, such as recruitment, selection, training and promotion processes and discussions around employment conditions and benefits. Sexual harassment can also occur through electronic means (such as emails or text messages or by viewing pornographic websites) and through social media, regardless of whether the post was made during work hours or not. Where there is a link to employment, employees are subject to the same rules about sexual harassment in the virtual world as they are in the real world. As such, employees are required to use technology and social media responsibly in the workplace and in relation to anything or anyone associated with the workplace. This extends to the use of technology and social media outside the workplace where there is a strong connection to the employment relationship (for example, between colleagues where the foundation of the relationship is a common workplace).



2.6 Discrimination

As defined in various state and federal legislations, discrimination occurs if a person treats, or proposes to treat, someone unfavourably due to a personal characteristic which is protected by law including:

- gender
- gender identity
- relationship status (e.g. divorce, de facto etc.)
- pregnancy
- parental status
- breastfeeding
- age
- race
- impairment (loss of bodily functions)
- religious belief or religious activity
- political belief or activity
- trade union activity
- lawful sexual activity
- sexuality
- family responsibilities
- association with, or relation to, a person who has any of these attributes.

It is important to note that there are some circumstances when discrimination can be considered lawful such as where the inherent requirements of the role require certain attributes. For example, a roofer may need to be able to climb ladders, carry tools and work at heights.

Discrimination can be direct, or indirect. Direct discrimination is treating people differently, because of personal characteristics listed above. Indirect discrimination is treating everyone the same, however this same treatment indirectly has an unfair effect on an individual or group of people. For example, having a height requirement for an administrative role of 180cm, would exclude most women and some ethnic groups who are small framed and could be considered indirect discrimination.

2.7 Bullying

All forms of workplace bullying are prohibited. If you engage in bullying, you may be subject to disciplinary action. Workplace bullying is a risk to health and safety. Engaging in bullying could also constitute a breach of your obligations under occupational health and safety legislation.

Safe Work Australia defines bullying as repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to their health and safety. Unreasonable behaviour includes behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

Workplace bullying takes place where an individual or a group of individuals;



- repeatedly behave unreasonably towards a worker, or a group of workers of which the worker is a member: and
- that behaviour creates a risk to health and safety.

Examples of behaviour that may constitute (but not limited to) bullying include:

- continually making jokes or remarks about a person, or making more remarks about one member of a team compared to other team members;
- verbal abuse, swearing or name calling;
- excluding or isolating staff;
- intimidation;
- assigning meaningless tasks unrelated to a person's job;
- deliberately changing work rosters to inconvenience particular staff;
- deliberately withholding information that is vital for effective work performance;
- initiation pranks;
- constant criticism or insults;
- spreading misinformation or malicious rumours; or
- displaying written or pictorial material which may degrade or offend certain team members

Bullying does not include reasonable management action conducted in a reasonable manner. These may include:

- reasonable management decisions, discussions or actions (including performance counselling and managing underperformance);
- setting reasonable work goals and standards;
- reasonable supervision and performance of other genuine work-based responsibilities;
- disciplinary action;
- management instruction, directions and requirements that control the way work is done (for example, allocating work);
- differences of opinion;
- reasonable behaviour that does not break any law; and
- legitimate restructuring or re-organising of a business or work.

The above definitions of harassment and bullying cover a wide range of similar behaviours that can have an adverse impact on the health and safety of members within our community. The College considers that the definitions for workplace harassment and bullying are so similar, that for the purposes of this procedure any allegations of bullying will be considered to be workplace harassment.

PROCEDURE

3.0 Concerns

If an individual has concerns with the behaviour of another individuals, ideally in the first instance (and if they feel comfortable), they should address how they feel about the behaviour

with the individual. Conversations should be approached in a respectful, professional and collegial way. Conversations can be had in informal and formal settings between the individuals.

If an individual has concerns about a particular behaviour, or is unsure if it constitutes bullying, discrimination, harassment or sexual harassment; they should contact their line manager or Human Resources immediately. Employees may also seek support from the College's Employee Assistance Program (EAP).

Individuals who have concerns about, or becomes aware of, behaviour that may constitute bullying, discrimination, harassment or sexual harassment has an obligation and a duty of care to intervene actively and promptly to prevent such conduct continuing.

3.1 Complaints

To make a confidential complaint, please refer to the Grievance Policy and/or contact Human Resources. The College will consider and take all complaints seriously. The College will accept complaints where it is appropriate to do so, and if a complaint is not accepted, the reasons will be given for the decision by the Deputy Principal or Principal. When an individual decides not to make a formal complaint, discussions will be kept confidential other than in exceptional circumstances, where required by law or where there is a significant risk of harm to the health and safety of the individual or another.

If a formal investigation is required, Human Resources will trigger a confidential investigation process per the Grievance Policy and Misconduct and Performance Policy.

3.2 Witnesses/bystanders

If an individual is a witness or bystander to behaviour that they consider may constitute bullying, workplace harassment, sexual harassment or discrimination, they have a duty of care to submit a raise a Grievance with Human Resources or Report a Confidential Incident Form or raise their concerns to either the relevant line manager or Human Resources representative.

3.3 False or malicious allegations

In every instance, allegations will be treated as a priority and appropriately investigated. Employees who are proven to have made false or malicious allegations which are substantiated will be in breach of the Code of Conduct and that behaviour will be viewed as misconduct or serious misconduct.

3.4 Victimization

A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about or otherwise being involved in the resolution of a complaint of bullying, workplace harassment, sexual harassment or discrimination.



POLICY MANAGEMENT

Compliance, Monitoring and Review

- 3.8 The Principal and Deputy Principal are the primary policy officers, delegating implementation and management of this policy to the College Leadership Team and their contingent workers.
- 3.9 The Compliance Officer and the identified delegates will monitor any trends, issues, cases, and breaches of policy to determine if the policy is current, effectively communicated, implemented, and followed.
- 3.10 Sources of data include grievances, discrimination claims, harassment claims, exit interview data, safety KPI's student admissions, student performance, and staff performance KPIs.
- 3.11 This policy is to be reviewed immediately after a substantial breach in policy, otherwise the policy is to be reviewed every two years from the date of publication.

Reporting

- 3.12 The Director of Human Resources must provide a regular update to the Principal and Deputy Principal. Where any allegations and complaints involved members of the College Leadership Team (CLT), the Grievance and Whistle blower policy process will be escalated to appropriate Board Directors for independent investigation.

Records Management

- 3.13 The Compliance Officer must maintain all records relevant to administering this policy as per the College recordkeeping system.

APPENDICES

Related Villanova College Documents

Code of Conduct

Grievance

Misconduct and Performance Management Policy

Social Media and Social Networking Guidelines for Staff

Workplace Health and Safety Policy

Complaints Procedure Non-Compliance with Student Protection Process