

DISCRIMINATION AND HARASSMENT POLICY

POLICY STATEMENT

As a Catholic employer, the Trustees of the De La Salle Brothers (the Trustees) uphold the rights of all personnel (employees, religious and volunteers) to be treated equitably and with dignity and respect, and to have their reputation safeguarded. In addition, the employer is committed to fostering a friendly and cooperative work environment that facilitates mutual respect and good workplace relations.

The Trustees recognise the right of all personnel to attend work and to perform their duties without being subjected to any form of discrimination or harassment. Equally, it is the obligation and responsibility of all personnel to ensure that the workplace is free from discrimination and harassment.

No employee or volunteer will be treated unfairly as a result of complaining of discrimination or harassment, and have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

The principles set out in this policy are intended to apply to any work-related context, including conferences, work functions, social events and business trips.

This policy is designed to:

1. Ensure that personnel strive to behave in a professional way and treat others with equal respect
 2. Provide clear guidelines about what is appropriate and inappropriate behaviour in the work environment
 3. Ensure personnel are aware of both their own and management's roles and responsibilities in ensuring a cooperative and harmonious work environment
 4. Guide personnel in reporting incidents of harassment and discrimination
 5. Ensure personnel are aware that they may be disciplined and/or dismissed if they are found to have engaged in harassing or discriminating behaviour.
-

What is Harassment?

Workplace harassment is unwelcome, unreciprocated and usually repeated behaviour that has no legitimate workplace function. Harassment in the work environment targets an individual or group of people based on attributes such as gender, age, physical characteristics, marital status, ethnic origin, religion, disability – both actual or presumed.

Harassment consists of a variety of different behaviours that may be written, verbal or physical conduct towards another person, including physical violence and threat of violence, repeated verbal abuse, ethnic, racial, gender and religious insults, manipulative behaviour for personal gain, suggestive comments, sexual or inappropriate jokes.

Harassment may occur outside the actual workplace, such as at a work conference, office party, social event or business trip. Examples would be harassment at the office Christmas party, unwanted phone calls to an employee's home, and following an employee home from work.

The legitimate actions of a supervisor or manager in correcting an employee's conduct or behaviour, giving legitimate instructions/directions to an employee or disciplining an employee, etc, does not constitute harassment.

The most common form of work place harassment is sexual harassment. Sexual harassment refers to deliberate sexual gestures, remarks and suggestions of a sexual nature that the subject of such behaviour considers to be uncomfortable, unwelcome, humiliating or inappropriate. It is not necessary for the perpetrator to have an intention to harass an individual/group for it to be classified as harassment. Sexual harassment is not behaviour which is based on mutual attraction, friendship or respect.

What is Discrimination?

Discrimination is treating an individual who has a particular attribute less favourably than an individual without that attribute, or with a different attribute under similar circumstances; it also includes seeking to impose a condition or requirement on a person with an attribute who does not or cannot comply, while people without that attribute do or can comply.

[Note: legitimate differentiation of attributes can occur in recruitment according to the *inherent requirements of a position* – this does not constitute discrimination.

Breach of Policy

A breach of this policy may result in disciplinary action. Depending upon the severity of the case, consequences may include:

- Apology
- Counselling
- Transfer to another position or reallocation of duties/responsibilities
- Demotion or suspension
- Other appropriate disciplinary action (eg written warning)
- Dismissal.

Disciplinary action may also be taken against anyone who victimises or retaliates against a person who has complained of discrimination or harassment, or against any employee who has been alleged to be a harasser.

PROCEDURES

The Trustees strongly encourage any person who feels they have been harassed to take immediate action, preferably by initially making it clear that such behaviour is unwelcome and offensive. Alternatively, or in addition, it is encouraged that the behaviour is reported. Any reports of harassment will be treated seriously and promptly with sensitivity and confidentiality.

Complainants have the right to determine how to have a complaint treated (within reason), to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process. The alleged perpetrator will be given the right to have a support person of their own during any investigation procedures; they also have a right to representation

and advice throughout the process and the opportunity to respond fully to any formal allegations made. Presumptions of guilt should be avoided and no determination made until the completion of an investigation.

Complaints Procedures

- The subject of the inappropriate behaviour should take firm, positive and prompt action to indicate that the behaviour is unwelcome and offensive
- If the behaviour continues (or the subject of the behaviour feels unable to speak to the perpetrator/s directly) contact should be made asap to the Office Manager, Brother Visitor, Brother Auxiliary Visitor
- Once discriminatory or harassing behaviour has been identified, management will take action as soon as possible to instigate an appropriate investigation
- Following a finding in relation to the investigation, disciplinary action may be taken against the perpetrator
- Where deemed necessary, conciliation/mediation conducted by an impartial third party may be organised to assist the parties in reaching a mutually acceptable resolution.

Harassment that Constitutes Criminal Conduct

Some forms of severe harassment (eg physical attack, obscene phone calls) may constitute criminal conduct. While the Trustees are committed to treat most harassment complaints at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Personnel are advised they have the option of police support or intervention. It is not the obligation or duty of the employer to report such matters to the police on behalf of the complainant.