



# Prevention of Workplace Discrimination Bullying & Harassment Policy Version 1

## 1 Purpose

To enable Box Hill Institute (BHI) Group to provide an environment that supports equal employment opportunity and is free from unlawful workplace discrimination and harassment.

## 2 Scope

This policy applies to:

- board members
- how Box Hill Institute Group (BHI Group) provides services to clients and how it interacts with other members of the public
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- on-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever employee may be as a result of their BHI Group duties
- employee treatment of other employee, of clients, and of other members of the public encountered in the course of their BHI Group duties.

## 3 Policy Statement

BHI Group is committed to providing a safe, flexible and respectful environment for employee and clients free from all forms of discrimination, bullying and sexual harassment.

All employees are required to treat others with dignity, courtesy, respect and behave in a manner that is consistent with the BHI Group values.

By effectively implementing our *Workplace discrimination and harassment policy* we will attract and retain talented employees and create a positive environment for employees.

## 4 Employee Rights and Responsibilities

All employees 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.

All employees must:

- 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.

## 4.1 Additional responsibilities of managers and supervisors

Managers and supervisors must also:

- model appropriate standards of behaviour
- take steps to educate and make employee 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 employee resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure employee 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
- consider requests for flexible work arrangements, in conjunction with business requirements.

## 5 Unacceptable workplace conduct

Discrimination, bullying and sexual harassment are unacceptable at BHI Group and are unlawful under the following legislation:

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth).
- Employee (including managers) found to have engaged in such conduct will be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

### 5.1 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic 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 business needs.*

**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
- expunged homosexual conviction
- 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.

## 5.2 Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

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

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

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 BHI Group and may also be against occupational health and safety law.

## 5.3 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 in the workplace 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 employee and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't 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.

BHI Group recognises that comments and behaviour that do not offend one person can offend another. This policy requires all employee to respect other people's limits.

## 5.4 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.

BHI Group has a zero tolerance approach to victimisation.

## 5.5 Gossip

It is unacceptable for employee at BHI Group to talk with other employee members, clients 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.

## 6 Merit based selection

All recruitment and job selection decisions 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.

## 7 Resolving issues

BHI Group strongly encourages any employee member who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action through the resolution of complaints procedure.

Employees who do not feel safe or confident to take such action may seek assistance from Human Resources Team for advice and support or action their behalf.

### 7.1 Employee Assistance Program

BHI Group employees are entitled to up to three (3) free, professional counselling from our employee assistance program annually. To access the employee assistance program, contact our HR Team.

Employee assistance program counselling is confidential and nothing discussed with a counsellor will be communicated back to the Institute. Employee assistance program counselling is available free to employees regardless of whether the issue is related to a workplace problem or some other issue for the employees.

### 7.2 Disciplinary Policy

To avoid any doubt, BHI Group may initiate or take action in respect of a BHI Group employee under the Disciplinary Policy and Procedure, at any time; if it considers that an employee engaged or may have engaged in conduct contrary to this Policy. Failure to comply with this policy will result in disciplinary action that may include termination of employment or engagement with the BHI Group.

## 8 Code of Conduct

All employees are expected to conduct themselves in a manner consistent with the BHI Group Code of Conduct for Employees, the Code of Conduct for Victorian Public Sector Employees and any relevant Codes of Conduct for host organisations.

## 9 Definitions

Term	Definition
<b>Complainant:</b>	A person who makes a complaint.

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<b>Complaint</b>	A genuine concern from an employee/s about the behaviour of another employee/s, or matters that adversely affect their ability to work productively in a positive environment, that they believe is workplace harassment or sexual harassment complaint under this policy.
<b>Grievance</b>	A concern that, in making or failing to make a decision, the decision maker has not observed BHI Group policies and/or procedures, or the decision is unfair or unreasonable.
<b>HR TM</b>	Human Resources Team member is a person assigned by Human Resources to assist with resolving HR related matters in other areas.
<b>WPR</b>	Workplace Relations Team
<b>Personal Attributes</b>	Defined by Victorian and Federal equal opportunity and anti-discrimination laws are as follows: <ul style="list-style-type: none"><li>• Age</li><li>• Care and Parental Status</li><li>• Expunged homosexual conviction</li><li>• Gender Identity</li><li>• Breastfeeding</li><li>• Disability/Impairment</li><li>• Industrial activity</li><li>• Employment Activity</li><li>• Lawful sexual activity</li><li>• Marital status</li><li>• Physical features</li><li>• Political belief or Activity</li><li>• Religious belief or activity</li><li>• Pregnancy</li><li>• Sexual orientation</li><li>• Sex</li><li>• Race, Colour, Nationality, Social or Ethnic Origin</li><li>• Personal association with a person with any of the listed attributes</li></ul>
<b>Respondent</b>	A person or area that a complaint is made against or about.
<b>Support Person</b>	A person who attends a meeting to support and advise an employee – but does not represent, speak on behalf of, or answer questions for the employee. They will generally be a trusted colleague of the employee or a representative of a Union that the employee is eligible to be a member of. BHI Group may in certain circumstances permit a family member or legal representative to be a support person. If a Union official or legal representative attends an interview, a WPR/HR Team member must also attend the interview.

## 10 Related Documents

- BHI Group Code of Conduct

Uncontrolled when printed or downloaded



- Employee Complaints/Grievance Policy

## 11 Related Forms

Nil

## 12 Related Legislation and Registration

### 12.1 Box Hill Institute Group

Box Hill Institute PACCT Employee Enterprise Agreement 2016

Victorian TAFE Teaching Employee Multi-Enterprise Agreement 2015

CAE Enterprise Agreement 2016

BHI Group Code of Conduct

BHI Group Employee Discipline Policy

Prevention of Harassment, Bullying and Victimisation policy

### 12.2 External

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Charter of Human Rights and Responsibilities Act 2006

Code of Conduct Victorian Public Sector employees

Crimes Act 1958 (Victoria)

Disability Discrimination Act 1992 (Cth)

Equal Opportunity Act 2010 (Vic)

Fair Work Act 2009 (Cth)

Human Rights Commission Act 1986 (Cth)

Occupational Health and Safety Act 2004 (Vic)



Public Administration Act (Victoria) 2004

Racial and Religious Tolerance Act 2001 (Vic)

Racial Discrimination Act 1975 (Cth)

Racial Hatred Act 1995 (Cth)

Sex Discrimination Act 1984 (Cth)

Workplace Gender Equality Act 2012 (Cth)

WorkSafe Victoria Guide – Workplace Bullying: Prevention and Response

Various legislation as appropriate from time to time and applicable to overseas BHI employees

## 13 Records

Records will be maintained in accordance with the requirements of BHI Group Records Management Policy and Procedures.

Where the privacy of individuals may otherwise be compromised, records will be maintained as confidential.

## 14 Review

This policy and any associated procedures must be reviewed no later than three (3) years from the date of approval. The policy and associated procedures will remain in force until such time as they have been reviewed and re- approved or rescinded. The policy and procedures may be rescinded or amended as part of continuous improvement prior to the scheduled review date.

## 15 Approval Body

The CEO is the approval body.

Owner	Author
Executive Director Academic Affairs (VET & Higher Ed)	General Manager, Human Resources

## 16 Document Control

Version	Date	Amended by	Comments
1	16/1/18 21/02/2018	Aza Abdol Lah Katrina Marriott	Revised Policy Administrative change – addition of one omitted protected personal attribute