

HIGHVIEW COLLEGE GENERAL RESPECTFUL WORKPLACE POLICY

Person Responsible – Board Chair

(Reviewed in even years)



Purpose

The purpose of this policy is to:

- support a harmonious workplace culture reflective of Highview College's Code of Conduct, where people are treated with dignity and respect
- prevent and minimise behaviours that have potential to adversely affect the harmony of the workplace and/or cause harm or injury to others
- promote recognition and acceptance of employees' right to equality of opportunity
- assist employees to recognise workplace behaviour that is unlawful or otherwise inappropriate
- provide a mechanism for action to be taken to address inappropriate behaviour; and meet the requirements of workplace equal employment opportunity and anti-discrimination laws.

Scope

This policy applies to all Highview College employees, Board Members, volunteers and students as well as contractors and consultants engaged by the College. The term 'employee' will be used to describe all those covered in the scope.

This policy is not limited to behaviour and conduct in the workplace or during normal business hours; it also applies to all behaviour and conduct that is reasonably related to or connected with work (including but not limited to social events, work functions, business trips, interactions via social media tools e.g. Facebook, twitter etc.).

This policy is to be read in conjunction with relevant College policies and relevant legislation.

Policy Statement

This policy reflects Highview College's commitment to provide a respectful, safe and positive working environment that is free from behaviours that may adversely affect the professionalism of the workplace and/or cause harm or injury to others. Such a workplace provides the opportunity for each employee to work to their full potential and to develop their career to the extent of their ability.

It confirms the College's behavioural expectations of its employees. Employees must not engage in unacceptable conduct in the workplace, including unlawful conduct such as:

- not providing equal opportunity
- discrimination
- sexual harassment

- workplace harassment and /or bullying
- vilification, and
- victimisation

The fundamental aim of this policy is to recognise the need to respect, recognise and value diversity in the workplace and the right for all employees to work in an environment that is free from unlawful discrimination, harassment (including sexual harassment), bullying, victimisation, vilification or other antisocial behaviours. Inappropriate workplace behaviours have a significant negative impact on the workplace, and Highview College takes a zero tolerance approach to such behaviour.

Furthermore, Highview College will:

- ensure that all decisions regarding employment, promotion, advancement and training are on the basis of individual merit according to the skills, aptitude, qualifications and experience relevant to the work to be performed
- provide a comprehensive set of policies free of language that is in any way discriminatory and ensure the fair treatment at all stages of employment including recruitment and providing reasonable flexibility in working arrangements, especially where needed to accommodate family responsibilities, disability, religious beliefs or cultural background
- communicate the principles and expectations outlined in this policy to all levels of employees; and
- take appropriate action in respect to breaches of this policy.

Application of this Policy to our Relationship with the Community

Highview College expects employees to apply the same standards of behaviour as they do with each other in their dealings with members of the public. While this is an internal policy, it extends to behaviour directed by employees towards external persons. The scope of the legislation also means that members of the public are able to raise issues or make complaints about the behaviour of Highview College employees. Similarly, our employees have a right to perform work, free from bullying, harassment, victimisation or vilification by members of the public.

Breach of this Policy

Alleged breaches of this policy may be managed in accordance with Highview College's Grievance Resolution Policy and/or Code of Conduct.

All employees are responsible for their own individual actions and conduct, including under anti-discrimination legislation, and are personally liable under that legislation. In addition, Highview College may be vicariously liable for discrimination, bullying and sexual harassment which occurs in the workplace or in connection with an individual's potential employment unless it can be shown that 'reasonable steps' have been taken by it to prevent the conduct

occurring.

Employees need to be aware that breaching this policy may result in disciplinary action being taken against them in accordance with the Disciplinary Policy. Depending on the severity of the situation, outcomes could include: disciplinary action up to and including dismissal; asking the perpetrator to issue an apology; undergo counselling; and/or being directed to participate in additional training.

In addition to internal disciplinary action, a serious breach of this policy could also result in legal proceedings being commenced against the individual for breach of applicable discrimination, or health and safety laws. In the event of legal proceedings, individuals may be exposed to legal costs, penalties, and/or orders to pay compensation.

Definitions

Discrimination

Direct discrimination occurs when a person is treated less favourably on the basis of a protected attribute compared to a person who does not have a protected attribute.

It is important to realise that conduct and behaviour can be discriminatory even though it may not be intended to be.

According to the Equal Opportunity Act (2010), protected attributes can include:

- Age
- race, colour, descent or national or ethnic origin
- sex, gender identity, lawful sexual activity and sexual orientation
- religion, religious belief or religious activity
- political belief or activity
- trade union activity
- family/carer responsibilities
- parental status
- marital or relationship status
- pregnancy or potential pregnancy
- breastfeeding
- physical features
- medical record
- criminal record
- disability (including physical, sensory and intellectual disability, work related injury, medical conditions, and mental, psychological and learning disabilities), and
- personal association with someone who has, or is assumed to have, one of these personal characteristics

- Indirect discrimination occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have one of the above attributes. Examples could include:
- An employer has a policy of not letting any staff work part-time (People with children or family responsibilities could be disadvantaged.)
- A minimum height requirement for a job where height is not relevant to carry out the role. Such a requirement would likely discriminate disproportionately against women (and some ethnic groups) as they are generally shorter than men.

Harassment (including sexual harassment)

Harassment is conduct of a nature where:

- a worker engages in conduct with a set intention of offending, humiliating or intimidating the other person or
- Regardless of intention, a reasonable person would have anticipated that the conduct would offend, humiliate or intimidate the other person.

Harassment may or may not be of a sexual nature. Sexual harassment includes, but is not limited to:

- Subjecting another person to an unsolicited act of physical intimacy
- Making a remark with sexual connotations relating to, or in front of, the other person
- Making unsolicited demands or requests (whether directly or by implication) for sexual favours from the other person
- Any other unwelcome conduct of a sexual nature in relation to the other person

Some common examples of sexual harassment are:

- Patting, pinching, touching in a sexual way, standing too close to or deliberately brushing up against a person
- Unwanted flirting
- Repeatedly asking someone to go on a date or meet in a private or social capacity when the person has made it clear that the invitation is unwelcome
- Indecent exposure and sexual assault
- Telling sexual jokes (verbally and through email or other communication means)
- Making comments about a person's body, clothing or appearance (in some circumstances this could even include comments that are intended as compliments)
- Offensive telephone calls, emails, text messages, voicemails or comments on social media
- Asking questions about a person's sexual activities or talking about your own sexual activities
- Leering or staring at a person or parts of their body
- Sending, viewing or displaying pornographic, rude or obscene magazines, pictures, emails, screensavers or internet sites in the workplace

Bullying

Bullying is repeated, unreasonable behaviour directed towards an employee(s) that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to the circumstances, would see as victimising, humiliating, distressing, undermining or threatening. Bullying takes many different shapes and forms

- It can be Intentional or unintentional; occur face-to-face, over the telephone, via email, text messaging or social media; and in direct or indirect forms.

Some examples of bullying behavior include:

- imposing unrealistic or unreasonable deadlines
- deliberately excluding, isolating or marginalising a person from normal work activities
- using abusive, insulting or offensive language toward a person
- unreasonably overloading a person with work or not providing enough work (meaningful duties)
- harmful, humiliating or offensive practical jokes or initiation practices
- criticism delivered in a humiliating or belittling manner
- yelling or screaming at a person; and
- deliberately withholding information or resources that are vital for effective work performance

Not all conduct or behaviour in the workplace that makes a person feel uncomfortable is regarded as bullying. A single incident of unreasonable behaviour is not bullying, however a single incident may still be regarded as inappropriate or harassing conduct in the workplace, depending on the circumstances. Reasonable management action carried out in a fair and reasonable way (for example fair and reasonable criticism of performance or a reasonable performance management process or reasonable work distribution) is also not bullying or harassment.

Vilification

Vilification is the use or acts or words in public (which includes the workplace) that provoke hatred, ridicule, or contempt of a person because of their race, religion, sexuality or gender identity.

Victimisation

Victimisation is punishing or threatening to punish an individual because they have:

- made a complaint
- helped someone else make a complaint
- asserted their rights under equal opportunity law, and/or
- refused to do something because it would be discrimination, sexual harassment or victimisation.

Examples of victimisation include, but are not limited to: disadvantaging an employee during the course of their employment; exclusion from College activities, withholding promotions and benefits or other opportunities.

Procedure

Highview College strongly encourages employees who believe that they have been discriminated against, bullied, harassed, victimised or vilified to immediately make it clear to the person engaging in the inappropriate behaviour that such behaviour is unwelcome and offensive.

The Director of Professional Practice can provide support in discussing the issue and providing coaching in relation to raising the issue and having a constructive conversation.

In addition, or in circumstances where the employee does not feel comfortable discussing the matter directly with the alleged perpetrator, employees can report and/or make a complaint about the behaviour by following the process set out in the Highview College Grievance Resolution Policy.

Employees are encouraged to report Issues of concern in a timely way, and all matters will be treated in a sensitive, fair, timely and confidential manner. Highview College supports the right of any employee to consult a Line Manager at any time on any issue of concern to them.

It is important to note that an observed incident of workplace bullying, discrimination, harassment, sexual harassment or inappropriate conduct observed by any employee of Highview College or member of the public may result in action being taken by the College without a need for a formal complaint to be made. Furthermore, Highview College may consider a range of steps in response to a complaint, even though the complainant may not want this to occur. If this is considered necessary, the College management may discuss this with the complainant.

Employees will not be victimised for making a complaint or assisting with a complaint. Intimidation or victimisation of an employee who has made a complaint or is involved in the complaint process is itself a contravention of anti-discrimination legislation and may result in disciplinary action being taken by Highview College.

In circumstances where an employee observes behaviour in breach of this Policy, that employee has an obligation to report their observations to their Line Manager or a member of Executive.

Support

Highview College offers free, confidential counselling to its employees with the School-based counsellor.

External bodies

Nothing in this policy/ procedure is intended to affect the right of a person to approach an external agency in relation to their complaint or interfere with the rights of an Employee and/or Highview College to seek remedies under:

- the Fair Work Act 2009
- the Occupational Health and Safety Act 2004
- the Equal Opportunity Act 1995, or
- Highview College Enterprise Agreement.

Complaints of discrimination, bullying and harassment can be made with the Fair Work Commission, Victorian Equal Opportunity and Human Rights Commission or WorkSafe Victoria.

Accountabilities

List all positions who have accountability for enacting this policy, be it through learning, implementation, or compliance; and clearly define each position's responsibilities in relation to the policy.

Employees must

- comply with the requirements of this policy
- undertake training in relation to this policy as directed by the School Executive
- not assist or encourage other workers to breach this policy
- report any breaches of this policy to their Line Manager or any member of the College Executive, and
- not make false, frivolous or vexatious complaints

Middle Managers, College Executive and Board Members

Middle Managers, College Executive and Board members have the same responsibilities as other employees, but, in addition they must also:

- lead by example
- ensure that the staff they Line Manage understand this policy and their obligations
- intervene quickly and appropriately where they become aware of inappropriate behaviour
- take all complaints regarding **alleged** breaches of this policy seriously
- deal with such complaints in a timely, sensitive, fair and confidential manner in accordance with Highview College's Grievance Resolution Policy
- ensure that recruitment decisions are based on merit and that no discriminatory enquiries are made
- seriously consider requests for flexible work arrangements
- ensure that employees are not victimised or otherwise treated adversely as a result of making a genuine complaint, and
- maintain appropriate confidentiality where applicable.

Principal

The Principal has a responsibility to take reasonable steps to prevent behaviour in breach of this policy. To meet those responsibilities the Principal will:

- implement this Policy
- educate workers in relation to their obligations under this Policy
- monitor compliance with this Policy, and
- provide an avenue for complaints to be made and addressed in respect of alleged breaches of this Policy

The Board Secretary will

- provide assistance and specialist advice where required
- ensure that Board Members are kept up-to-date on general discrimination, harassment and bullying legislation as they affect the workplace
- keep Board Members informed of any complaints lodged except where the complaint relates to Board Members; and
- maintain appropriate confidentiality where applicable.

The Board

- has the discretion to approve in writing a specific exemption or variation to the application of this policy giving consideration to any recommendation by the Principal or relevant member of Executive with regard to the particular circumstances and where applicable complying with relevant legislation.

Review

The Board Chair co-ordinates the implementation, maintenance and review of this policy; ensuring stakeholders are aware of their accountabilities.

Human Rights Consideration

The implications of this Policy have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

Policy adopted from CGSC document by Gillian Tattersall – 2017

Updated by Gillian Tattersall – 2018

Due for Review – March 2020