



# Bullying, Harassment & Discrimination Policy

## Overview

This policy sets a standard for all employees and creates a positive environment for both staff and participants. All services and supports are delivered within a safe, flexible, and respectful environment that is free from bullying, harassment, and discrimination for both staff and participants. All staff must treat others, especially participants and other colleagues, with dignity, courtesy, and respect.

### **Bullying, Harassment & Discrimination**

Bullying is defined as repeated and deliberate mistreatment or harassment of someone through verbal, physical, or social behaviour that is intended to harm, intimidate, or demean the person.

Bullying can take various forms, behaviours that may constitute bullying include:

- Physical violence or abuse
- Sarcasm or other demeaning language
- Persistent yelling, threats, or using offensive language
- Threatening behaviour or gestures intended to frighten or coerce someone
- Deliberately excluding someone from work-related activities or social interactions
- Intentionally withholding information, resources, or tools necessary for someone to perform their job effectively
- Spreading malicious rumours or gossip to damage their reputation and/or group intimidation
- Excessively monitoring and criticizing someone's work, creating unnecessary stress and pressure.
- Using emails/social media to harass, threaten, or intimidate
- Applying policies or procedures unfairly or inconsistently to target a specific individual.
- Unreasonable refusal of requests for leave, training or other workplace entitlements

Harassment in the workplace refers to unwelcome and offensive behaviour directed towards an individual or group based on their characteristics such as race, ethnicity, religion, gender, sexual orientation, disability, etc. It involves actions or behaviours that create a hostile, intimidating, or offensive work environment for the targeted individual(s).

Harassment can take various forms, behaviours that may constitute harassment include:

- Asking intrusive questions about someone's personal life, including their disability or other private information
- Making offensive jokes or derogatory comments
- Threatening or intimidating behavior towards someone
- Creating a hostile working environment where crude conversations, innuendos, or offensive jokes are tolerated or encouraged.



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Sexual Harassment is a specific form of harassment that involves unwelcome and offensive behaviour of a sexual nature. Workplace Sexual Harassment is when sexual harassment occurs at work, during work-related events, between people sharing the same workplace, or between colleagues outside of work, directed towards an individual or group based on their characteristics such as race, ethnicity, religion, gender, sexual orientation, disability, etc. It involves actions or behaviours that create a hostile, intimidating, or offensive work environment for the targeted individual(s).

Sexual harassment can take various forms, behaviours that may constitute sexual harassment include:

- Making offensive, derogatory or sexual jokes or comments towards an individual or about someone's gender identity or sexual orientation.
- Asking intrusive, sexually driven questions about someone's personal life
- Making unwanted sexual advances, propositions, or requests for sexual favors.
- Unwanted physical contact such as touching, hugging, kissing, or groping
- Sending sexually explicit emails, messages, or texts.
- Displaying sexually explicit images, posters, or objects
- Conditioning employment, promotion, or benefits on sexual favors
- Creating a workplace atmosphere filled with sexual jokes, pornographic materials, crude conversations, innuendos, offensive comments, or images that make others uncomfortable or feel threatened.
- Sexual assault, indecent exposure, stalking or obscene communications

Discrimination refers to the unjust or prejudicial treatment of individuals or groups based on certain characteristics or attributes. It involves treating someone less favourably because of their race, ethnicity, gender, age, disability, religion, sexual orientation, or other characteristics.

Discrimination can take various forms, behaviours that may constitute discrimination include:

- Treating someone less favorably because of their race, such as denying them a job opportunity or promotion based on stereotypes.
- Applying a policy or practice that appears neutral but disproportionately affects individuals of a particular race or gender, such as requiring unnecessary qualifications that certain groups are less likely to possess.
- Subjecting someone to offensive jokes, comments, or behavior because of their gender identity or sexual orientation.
- Allowing practices or behaviors to persist within an organization that perpetuate unequal treatment based on race or disability, such as inequitable hiring practices or unequal pay for similar work.

Victimisation refers to mistreatment or retaliation against an individual who has made a complaint, raised concerns, or participated in a process related to discrimination, harassment, or other unlawful behavior. It involves subjecting someone to adverse treatment because they have exercised their rights or sought to assert their rights under the law. Victimisation can include:

- Retaliation
- Exclusion
- Intimidation
- Gossip
- Unfair treatment

**Bullying, harassment, sexual harassment, discrimination and victimisation is unacceptable and unlawful conduct.**



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## Our Commitment

Every Human Disability Services is committed to operating in compliance with applicable legislation to safeguard the human and legal rights of our staff and participants. Maintaining an environment that is respectful, safe, and free from bullying, harassment and discrimination is paramount. We uphold the principle that everyone has the right to live free from such harm.

The objectives of this policy are:

- To prevent bullying and harassment from occurring in the workplace by establishing clear guidelines and expectations for acceptable behavior.
- To educate employees about what constitutes bullying and harassment, the negative impact these behaviors can have, and how to recognise and report incidents.
- To promote a workplace culture that values respect, inclusivity, and fairness for all employees.
- To protect employees from the harmful effects of bullying and harassment
- To ensure compliance with legal requirements and anti-discrimination legislation related to bullying and harassment.
- To provide mechanisms for employees to report incidents of bullying and harassment confidentially and to ensure prompt and thorough investigation and resolution of complaints.
- To support employees who have experienced bullying or harassment by offering appropriate support services, such as counseling or mediation.
- To hold individuals accountable for engaging in bullying or harassment through disciplinary actions and to deter future occurrences.

## Staff Responsibilities

Every Human strives to ensure a unified approach across the organisation in addressing and preventing incidents of bullying, harassment and discrimination of colleagues or participants. Our expectation of staff is as follows:

- All Staff Members
  - Accountable for delivering supports and services that align with the Code of Conduct, consistently treating participants with respect and dignity.
  - Responsible for treating colleagues with respect, reporting all incidents of bullying and harassment promptly, and cooperating with investigations
  - To avoid gossip and respect the confidentiality of complaint procedures
  - To fully cooperate with investigations conducted by police or any other external agency.
- Key Management Personnel
  - Model appropriate standards of behaviour
  - Avoid prying for personal details irrelevant to the position and ensure all recruitment decisions are based solely on merit
  - Ensuring all staff are informed, trained, compliant with, and actively implement policies and procedures aimed at preventing and addressing bullying, harassment and discrimination.
  - Intervene quickly and appropriately when they become aware of inappropriate behaviour
  - Help staff resolve complaints, act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are acknowledged
  - Ensure staff that raise concerns or make a complaint are protected from victimisation
  - Responsible for promptly informing appropriate authorities, such as the police, and notifying the victim's family/guardian, or substitute decision maker of alleged or suspected incidents of bullying, harassment and discrimination, unless the guardian or decision maker is implicated as the alleged or suspected perpetrator.



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## Resolving Issues

We strongly encourage any employee who believes they have experienced discrimination, bullying, sexual harassment, or victimization to take action by speaking with key management personnel or submitting a formal complaint. Reports will be treated confidentially and investigated impartially.

Any allegation that breaches this policy is an incident, please refer to the *Incident Management Policy & Incident Reporting Process* for resolution.

## Breach of Policy

Employees found to engage, condone or participate in any form of bullying, harassment and discrimination will face disciplinary action, up to and including termination of employment. Additionally, any attempt to conceal or failure to report suspected or actual incidents of bullying, harassment and discrimination will result in disciplinary action, up to and including termination of employment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role is a serious breach of this policy and may lead to formal disciplinary action, up to and including termination of employment.

## Relevant Items

Regulations relevant to this policy include:

- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992*
- *Age Discrimination Act 2004*
- *NDIS (Quality Indicators) Guidelines 2018 (Cth)*

Internal Documents relevant to this policy include:

- Code Of Conduct Policy
- Complaints Management Policy
- Human Resources Policy
- Incident Management Policy
- Incident Reporting Process
- Whistle Blower Policy