

# DISCRIMINATION AND HARASSMENT PREVENTION AND MANAGEMENT POLICY

## Policy Summary

Glenroy Neighbourhood Learning Centre is committed to providing a work and study environment that promotes respect and is free of unlawful discrimination and harassment.

GNLC is committed to protecting clients, volunteers, students and staff from behaviours which may threaten, intimidate or lead to injury. The Centre acknowledges its legal responsibilities to do as much as is practicable to eliminate or reduce risks to health and safety.

This Policy:

- a) Explains unlawful discrimination and harassment.
- b) Clearly states expectations of all members of GNLC community.
- c) Provides structure for addressing allegations of unlawful discrimination and harassment

At GNLC all Staff, Students and Centre Users have the right to:

- Work and study in an environment free from unlawful discrimination and harassment;
- Be respected and valued regardless of your personal characteristics or background.

At GNLC all Staff, Students and Centre Users have a responsibility to:

- Avoid any behaviour that may be unlawfully discriminatory or harassing;
- Treat all students and staff with dignity and respect;
- Report any disclosures of discrimination or harassment, made by a person aged under 18 years. Such matters should be reported using the Child Safety Reporting Process under the Child Safe Standards and Mandatory Reporting Policy. **This is mandatory.**

## Scope

This Policy applies to all Staff, Students, Committee of Management and Centre Users.

People who perform work on site but are not GNLC staff or students must also abide by this Policy when on site. The relevant GNLC staff responsible for engaging the services of external personnel will ensure all people working on site are informed of their responsibilities under this Policy or they will be fully supervised during their onsite engagement.

This Policy applies to Direct and Indirect Discrimination and Harassment.

This Policy applies to Cyber Bullying and Harassment.

This Policy addresses Anti-Bullying Policy and Prevention of Workplace Harassment & Occupational Violence.

Sexual Harassment is addressed in the Sexual Harassment Policy.

## Guiding Principles

### Impact

All GNLC Staff, Students, Committee of Management and Centre Users have the right to equal and effective protection against discrimination and harassment.

Discrimination and harassment can have a physical and emotion impact and can have an impact on and individual's, or groups' wellbeing.

Workplace bullying and occupational violence can affect employees and organisations in a number of ways. The effects can range from actual psychological and physical injuries to reductions in employee productivity.

## Policy Statement

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### Part A – What is Discrimination?

**Discrimination** – Discrimination on the basis of protected characteristics is unlawful under the Equal Opportunity Act (Vic) 2010. If you engage in behaviour that constitutes discrimination, you not only put GNLC at risk of liability but also expose yourself to possible legal action. Discrimination can be direct or indirect.

**Direct Discrimination** – occurs when you treat, or propose to treat, someone with a protected personal characteristic unfavourably because of that personal characteristic.

**Indirect Discrimination** – occurs when you impose an unreasonable requirement, condition or practice that disadvantages a person or group because of a protected characteristic.

Not all discrimination is unlawful. Discrimination on the basis of reasonable difference that is not a personal protected characteristic may be both lawful and necessary. For example, you may reasonably discriminate:

- a) Between employment applicants, on the basis of skills, experience, employment background, in making hiring decisions; or

Between potential students, on the basis of demonstrated education aptitude, in making offers of admission.

### Part B – What is Harassment?

**Harassment** – occurs when a person or group engages in systematic and/or continued unwanted and annoying actions, including threats and demands.

Harassment may be sexual or non-sexual in nature. Sexual harassment is dealt with under the GNLC Sexual Harassment Policy.

Harassment includes Cyber Harassment and Cyber Bullying and may include sending (or posting) intimidating, offensive messages, images, photos or posts via email, text or on Social Media.

Harassment may take multiple forms and have a variety of motivations. Common forms of harassment seen within, or associated with, a workplace and study environment include:

- Stalking;
- Badgering;
- Use of belittling, aggressive or threatening language;
- 'Hazing' (this may also be bullying if the behaviour is repeated);
- Threats to a person's employment, enrolment or status at work or study, or professional reputation.
- Cyber Bullying

Harassment may or may not have a discriminatory basis. It is possible for a person to engage in harassment which is not connected with a protected attribute, and is therefore not unlawfully discriminatory, but this behaviour is nonetheless not tolerated.

### **Part C – Protected Attributes**

Discrimination is unlawful if it is based on one of the following protected personal attributes:

- a. Age;
- b. Breastfeeding;
- c. Employment activity;
- d. Gender identity;
- e. Disability;
- f. Industrial activity;
- g. Lawful sexual activity;
- h. Marital status;
- i. Parental status or status as a carer;
- j. Physical features;
- k. Political belief or activity;
- l. Pregnancy;
- m. Race;
- n. Religious belief or activity;
- o. Sex;
- p. Sexual orientation;
- q. An expunged homosexual conviction;

Personal association (whether as a relative or otherwise) with a person who has identified by reference to any of the above attributes.

### **Part D – GNLC Commitment**

GNLC recognises its duty to ensure that people in positions of responsibility make themselves aware of the potential for unlawful discrimination, harassment, vilification and victimization to occur and to put controls in place to prevent them.

For this reason, GNLC reserves the right to act to address any potential incidents of unlawful discrimination or harassment, including by conducting an investigation, even if no complaint has been made.

### **Part E- Breaches of this Policy**

GNLC treats all allegations of unlawful discrimination and harassment as serious matters.

In addressing allegations of unlawful discrimination and harassment:

- a. GNLC will exercise procedural fairness. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially. The complainant should be assisted to access and understand GNLC policies and procedures;

- b. Confidentiality will be maintained wherever possible in the handling of complaints of discrimination.

People making complaints should not suffer adverse consequences or reprisals from GNLC or any of its staff as the result of making a complaint. GNLC will take steps to address any victimisation as per the Student Complaints and Resolution Policy and/or Student Disciplinary Policy and Procedure and/or the Disciplinary Action (Centre Users) Procedure and/or Grievance Policy (staff)

**If you have been discriminated against or harassed at GNLC** , you are strongly encouraged to report the matter. The process for reporting or lodging a complaint and the resolution process are detailed in the Discrimination, Harassment and Bullying Prevention and Management Procedure.

## Relevant Policies and Procedures

- Discrimination, Harassment and Bullying Prevention and Management Procedure
- Child Safe Standards and Mandatory Reporting Policy
- Child Safe Standards and Mandatory Reporting Procedure
- Student Complaints and Resolution Policy
- Student Complaints and Resolution Procedure
- Code of Ethical Practice
- Sexual Harassment Response Policy
- Sexual Harassment Response Procedure
- Grievance Policy (staff)
- Disciplinary Action (Centre Users) Policy and Procedure

## Legislation and Regulations

Equal Opportunity Act (Vic) 2010

Working with Children Act 2005

Racial and Religious Tolerance Act 2001

Disability Act 2006

Racial Discrimination Act 1975

Sex Discrimination Act 1992

Disability Discrimination Act 1992

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