

WORKPLACE BULLYING, DISCRIMINATION AND HARASSMENT POLICY

INTRODUCTION

The South Australian Science Teachers Association (SASTA) believes that all people should work in an environment free from bullying, discrimination, and harassment.

SASTA understands that workplace bullying, discrimination and harassment is a threat to the health and wellbeing of its staff, volunteers, and customers.

Accordingly, SASTA is committed to eliminating, so far as is reasonably practicable, all forms of workplace bullying, discrimination, and harassment by maintaining a culture of openness, support, and accountability.

PURPOSE

The purpose of this document is to communicate that SASTA does not tolerate any form of workplace bullying, discrimination, and harassment and to set out the process which is to be followed should any instances of workplace bullying be reported.

SCOPE

This policy applies to:

- board and committee members
- all staff, including full-time, part-time, or casual, temporary or permanent staff;
- job candidates; student placements, apprentices, contractors, sub-contractors, and volunteers
- how SASTA 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 staff may be as a result of their SASTA duties
- staff treatment of other staff, of clients, and of other members of the public encountered in the course of their SASTA duties.

DEFINITIONS AND EXAMPLES

Discrimination, bullying and sexual harassment are unacceptable at SASTA and are unlawful under the following Commonwealth (Cth) 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).

Those referred to in the Scope of this policy, found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal for staff.

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 merit.

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
- 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.

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 SASTA and may also be against occupational health and safety law.

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 staff 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.

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

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.

SASTA has a zero tolerance approach to victimisation.

CONFIDENTIALITY

It is unacceptable for staff and volunteers at SASTA to talk with other staff members and volunteers, 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 is a serious breach of this policy and may lead to formal discipline.

POLICY

SASTA has a duty of care to provide a safe workplace, and ensure, so far as is reasonably practicable, that workers and other people are not exposed to health and safety risks.

SASTA accepts and acts on its duty of care. Any reported allegations of workplace bullying discrimination, and harassment will be promptly, thoroughly, and fairly investigated.

Bullying, discrimination, and harassment complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

AUTHORISATION



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SASTA President

6th September 2021

South Australian Science Teachers Association

WORKPLACE BULLYING, DISCRIMINATION AND HARASSMENT PROCEDURES

RESPONSIBILITIES

It is the obligation and responsibility of every person to ensure that the workplace is free from bullying. The responsibility lies with every Board member, employee, volunteer and contractor to ensure that bullying, discrimination, and harassment does not occur in the workplace.

All workers have:

- an entitlement to work in a safe and healthy workplace and to be treated with dignity and respect
- an entitlement to make a complaint in respect of any bullying behaviour
- a responsibility to take reasonable care for their own health and safety
- a responsibility to ensure they do not promote or engage in bullying, discrimination, or harassment and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
- a responsibility to co-operate and comply with this policy and any other relevant policy

It is the responsibility of the Executive Officer and the board to ensure that:

- they understand, and are committed to, the right of all employees and volunteers to attend work and perform their duties without fear of being bullied in any form
- all reasonable steps to eliminate bullying are made so far as is reasonably practicable
- all applicable occupational health and safety legislation is observed
- all employees and volunteers are regularly educated and made aware of their obligations and responsibilities in relation to providing a workplace free from bullying
- they provide an environment which discourages bullying, and set an example by their own behaviour
- all complaints are treated seriously and confidentially
- they are as far as practicable aware of whether bullying is occurring, whether complaints are received or not, relying on such indices as:
 - sudden increases in absenteeism
 - unexplained requests for transfers
 - behavioural changes such as depression
 - sudden deterioration in work performance
- they take immediate and appropriate action if they become aware of any bullying or offensive behaviour
- any reported allegations of workplace bullying are promptly, thoroughly, and fairly investigated
- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying
- ongoing support and guidance is provided to management, employees and volunteers in relation to the prevention of bullying
- this policy is displayed in the workplace and easily accessible to all workers and volunteers

PROCESSES

Complaints Procedures

If an employee or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact the Executive Officer or a board member with whom they feel comfortable. The Executive Officer or board member will provide support and ascertain the nature of the complaint.

Informal Intervention

The Executive Officer or board member will explain the rights and responsibilities of the employee or volunteer under the relevant policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the association's formal procedure should be followed.

Formal Complaints Procedure

If the above informal options are not appropriate or do not successfully resolve the concerns, the employee or volunteer should seek assistance in resolving the matter.

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally or by an external investigator.

An employee or volunteer may formally report a complaint by:

- lodging a WHS Online Incident Report
- providing a written statement detailing the situation, to the Executive Officer or a board member.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings as to whether bullying has occurred will be determined on the basis of the evidence, and on the balance of probabilities.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling
- Disciplinary action (including an up to termination of employment)
- Official warning
- Formal apology and/or an undertaking that the behaviour will cease
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a bullying complaint (irrespective of the findings), the manager concerned will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all employees and volunteers of their obligations and responsibilities in relation to providing a workplace free from bullying

Procedures for Dealing with Criminal Conduct

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While SASTA is committed to treat most complaints about bullying at an association 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. Employees or volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the association to report such matters to the police on behalf of the complainant.

AUTHORISATION



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