

Purpose

The purpose of this policy is to:

- define discrimination, bullying and harassment;
- describe the responsibilities of key stakeholders in the prevention and elimination of bullying and harassment and conflict resolution in the workplace;

Commencement of Procedure

This policy will commence from the date of approval. It replaces all other conflict resolution procedures of Catholic Education NT.

Application of the Procedure

This policy applies to all persons at Catholic Education including employees, visitors, volunteers, contractors and the organisations community. This procedure is not limited to the work place or work hours and extends to all functions and places that are work related. Examples include work lunches, conferences, Christmas parties, work and client functions.

This procedure is mandatory schools and colleges, unless an alternate procedure is developed by a school or college and is approved by the Director of Catholic Education.

Discrimination

Under legislation, unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin; sex; age; disability; trade union activity; or some other characteristic specified under anti-discrimination or human rights legislation.

Workplace discrimination can occur in:

- recruiting and selecting staff;
- terms, conditions and benefits offered as part of employment;
- who receives training and what sort of training is offered;
- who is considered and selected for transfer, promotion, retrenchment or dismissal.

Harassment

Under legislation, unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability or some other characteristic specified under anti-discrimination

or human rights legislation. It can also happen if someone is working in a 'hostile' – or intimidating – environment.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails;
- displaying offensive or pornographic posters or screen savers;
- making derogatory comments or taunts about someone's race or religion;
- any unwanted behaviour of a sexual nature;
- asking intrusive questions about someone's personal life.

The nature of harassment/discrimination

Harassing behaviour can range from serious to less serious levels, however one-off incidents can still constitute harassment. Also, where continued, such behaviour can undermine the standard of conduct within a work area, which may erode the well being of the individual or group being targeted and lead to lower overall staff performance.

The absence of complaints is not necessarily an indication that no harassment or discrimination is occurring. The person subjected to harassing or discriminating behaviour does not always complain. This is not necessarily because the act is trivial, but because the person may lack the confidence to speak up on their own behalf or feel too intimidated or embarrassed to complain.

What harassment or discrimination is not

Workplace harassment or discrimination must not be confused with legitimate comment and advice (including relevant negative comment or feedback) from Leaders on the work performance or work related behaviour of an individual or group.

The process of providing feedback to staff during a formal performance appraisal, or counselling staff regarding their work performance, will not always be free of stress. Leaders should manage these processes with sensitivity, but they should not avoid their responsibility to provide full and frank feedback to staff.

Workplace Bullying

Workplace bullying is the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades or humiliates a worker.

Bullies usually utilise power attributed to their status, skills or position in the workplace, and anyone can be the target and/or the perpetrator. Workplace bullying can occur between a worker and a Leader, or between co-workers.

Bullying behaviour can range from very obvious verbal or physical assault to very subtle psychological abuse. This behaviour may include:

- physical or verbal abuse;

- yelling, screaming or offensive language;
- excluding or isolating employees;
- psychological harassment;
- intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible jobs;
- deliberately changed work rosters to inconvenience particular employees;
- undermining work performance by deliberately withholding information vital for effective work performance.

Roles and Responsibilities

Everyone has the right to work in an environment free from bullying, harassment, discrimination and violence. Under Work Health and Safety legislation, employers and employees have a legal responsibility to comply with any measures that promote health and safety in the workplace. Because of this duty, employers need to eliminate or reduce the risks to employees' health and safety caused by workplace bullying. Leaders can also be classified as employees.

Executive

The Executive of CE is responsible for ensuring that this procedure is implemented and maintained within CE.

Leadership

Leadership includes members of Catholic Education leadership Catholic Education Office and in Catholic schools and colleges.

Leadership are the key in preventing discrimination, bullying and harassment. Leadership responsibility includes ensuring employees understand that discrimination, bullying and harassment will not be tolerated in the workplace. It is the responsibility of Leaders to identify and manage any issues. Therefore Leaders are responsible for:

- ensuring that proper standards of conduct are maintained in accordance with Sharers of the Vision at all times;
- providing leadership and role modelling in relation to appropriate and professional behaviour in the workplace;
- ensuring their staff understand this procedure;
- responding to complaints and or observations promptly in accordance with CE 2003 Conflict Resolution Procedure.

Employees

Employees are responsible for:

- ensuring that their behaviour is in accordance with Sharers of the Vision at all times;
- displaying professional behaviour in the workplace;
- following the CE 2003 Conflict Resolution Procedure for incidents of discrimination, bullying and harassment.

Induction

This procedure shall form part of the induction process for all employees.

Legislation

This procedure is based on the following legislation:

- Age Discrimination Act (Cth) 2004;
- Anti-Discrimination Act (NT) 2011;
- Australian Human Rights Commission Act (Cth) 1986;
- Disability Discrimination Act (Cth) 1992;
- Racial Discrimination Act (Cth) 1975;
- Sex Discrimination Act (Cth) 1984;
- Workplace Health & Safety Act and Regulations (NT) 2011.

Associated Documents

These documents should be read in conjunction with this procedure:

- Catholic Education Office, Sharers of the Vision;
- OHS 1 OH&S Policy;
- CE 1000 Human Resources Policy Statement;
- CE 2001 Investigating Complaints Procedure;
- CE 2002 Conflict Resolution Procedure.

Links

Australian Human Rights Commission

<http://www.hreoc.gov.au>

Sharers of the Vision

http://www.ceo.nt.catholic.edu.au/CEO/main/index.php?ch_table=link8&PID=31&SID=ZbZORgLYtaWjfuKL&st=9

NT WorkSafe

<http://www.worksafe.nt.gov.au>

Anti-Discrimination Commission

<http://www.adc.nt.gov.au>

Informal resolution of complaints by managers and supervisors

http://www.hreoc.gov.au/info_for_employers/pdf/15_informal_complaint_resolution.pdf

References

Australian Human Rights Commission (n.d.) retrieved from <http://www.hreoc.gov.au> on 6 December 2011;

Australian Human Rights Commission (2004), *Information for Employers*, retrieved from http://www.humanrights.gov.au/info_for_employers/fact/workplace.html on 6 December 2011;

Anti-Discrimination Commission (n.d.), retrieved from <http://www.adc.nt.gov.au> on 6 December 2011;

Catholic Education Office (n.d.) *Sharers of the Vision*, retrieved from http://www.ceo.nt.catholic.edu.au/CEO/main/index.php?ch_table=link8&PID=31&SID=onVJaqcsXwMQakiT&st=9 on 6 December 2011.

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