



## **DISCRIMINATION, HARASSMENT & WORKPLACE BULLYING POLICY** (IN ACCORDANCE WITH h&h REGULATIONS)

### **Scope:**

This policy has been developed to protect the interests and reputation of H&H Accredited Training ('the business') and affirms it is the policy of H&H to maintain a learning environment that is free from discrimination, harassment and bullying. This includes, but is not limited to, any discrimination, harassment or bullying that is based on a person's real or perceived race, colour, sex, religion, creed, political belief, age, national origin, language differences, sexual orientation, gender identity, socioeconomic status, height, weight, physical characteristics, marital status, parental status or disability.

h&h prohibits any and all forms of harassment because of the above differences.

This policy aims to strive for a healthy and safe workplace by applying the values of honesty, fairness, trust, accountability and respect (as outlined in the h&h Student Handbook and Employee Handbook). This policy details the behavioural standards required to provide a work and study environment where all members of the H&H community abide by, and act in accordance with, those values.

h&h is committed to educating all stakeholders as to the nature and effects of harassment, discrimination and bullying and ensuring it does not occur but, in the event that it does, appropriate action is taken quickly.

### **Purpose:**

This policy sets out the standards of behaviour expected of all members of the h&h community to avoid and prevent bullying, discrimination, harassment, including sexual harassment, vilification and victimisation. The policy also sets out the consequences for any breach in accordance with relevant State and Federal legislative requirements.

It is a violation of this policy for any student, trainer-assessor, administrator, other personnel or visitor to discriminate against, harass or bully any person listed above. It is also a violation of this policy for any trainer-assessor, administrator or other h&h personnel to tolerate harassment, bullying or discrimination of any person by a student, teacher, administrator, other college personnel or by any third parties subject to the supervision and control of h&h.

### **Guidelines:**

h&h believes in the dignity of all individuals and in the worth of their labours. To this end, H&H will ensure that all applicants for employment and all employees are employed, assigned, supervised, promoted, compensated and terminated in full compliance with State and Federal equal opportunity statutes. No applicant for employment or current employee will experience discrimination based on race, creed, colour, religion, national origin, sex, age, marital status, physical handicap, sexual orientation or disability.

This policy provides a framework for promoting and supporting appropriate standards of behaviour and managing associated risk in order to avoid and prevent bullying, discrimination, harassment, including sexual harassment, vilification and victimisation.



This policy aims to recognise the unique capabilities, experiences and characteristics of staff and students in their workplaces and study environments. H&H values and celebrates diversity and is committed to providing a safe and respectful environment in which to work and study.

All h&h employees, contractors and students are made responsible for ensuring that breaches of this policy do not occur. The staff of h&h and trainers and assessors have a leadership role and are responsible for preventing incidents and taking prompt action if breaches do occur.

This policy does not cover –

- work related interpersonal conflicts
- occasional differences of opinion or disagreement
- reasonable and appropriate corrective management of an employee's poor workplace performance or behaviour

This policy aims to explain that the teaching, learning, research and creative endeavours of the college / business, along with its management policies and practices, will foster and reflect an inclusive culture free from bullying, harassment and discrimination.

This policy aims to demonstrate h&h's commitment to condemn any unwelcome or unfair treatment. This includes any form of bullying, harassment (including sexual harassment), discrimination, victimisation and vilification by any member of the H&H community in their interactions with other members of the community or whilst involved in h&h related activities.

#### **In the context of this policy:**

**Bullying** means repeated, inappropriate workplace behaviour which offends, humiliates, intimidates, or degrades a person or a group of people and which may be considered unreasonable. Bullying may or may not occur in front of co-workers, clients or customers and can be verbal, physical or psychological behaviour which offends, humiliates or degrades the other person.

**Discrimination** is when a person, or a group of people, are treated unfairly (or less favourably) than another person or group, because they belong to a particular group or have a particular characteristic.

It may be direct, for example when a person is treated unfairly compared to another person in the same (or similar) circumstance. It may also be indirect, for example, where policies, rules or practices that appear neutral or impartial, disadvantage an individual or group, unless that policy, rule or practice is 'reasonable in all the circumstances'.

**Unlawful Discrimination** is when an individual or a group of people, are treated unfairly or less favourably than another person or group on the basis of race, colour, nationality or ethnicity, religion, sex, pregnancy (actual, presumed and/or breastfeeding) or parental responsibilities. Unlawful discrimination also includes marital status, age, disability, homosexuality, transgender status or sexual preference, carer's responsibilities, trade union activity or association, political opinion or irrelevant criminal record or some other characteristic specified under anti-discrimination or human rights legislation.



**Harassment** means any unwelcome behaviour that intimidates, offends, or humiliates, an individual, or group of people, and occurs because of race, colour, nationality or ethnic origin, religion, sex, pregnancy (actual, presumed and/or breastfeeding) marital status, age, disability, transgender status, homosexuality, sexual preference, carer's responsibilities, trade union activity or association, political opinion or irrelevant criminal record or some other characteristic specified under anti-discrimination or human rights legislation.

**h&h community** means all staff, trainers- assessors, students, volunteers and members of advisory and Governing bodies, including affiliates, contractors and consultants, appointed by h&h to perform duties or functions, or those individuals recognised for their contribution to the business.

**Inclusive Practice** means the use of practices that acknowledge and value cultural diversity and respect and serve the needs of individuals in all core activities.

**Sexual Harassment** means any unwelcome sexual advance, or request for sexual favours, or any other unsolicited conduct of a sexual nature, that makes a person feel offended, insulted, humiliated or intimidated, and which a rational person, having regard to all the circumstances, would have predicted that the person would be offended, humiliated or intimidated.

**Unfair treatment** means behaviour that uses practices and actions that, whether or not unlawful, discriminate, harass, victimise and/or bully an individual or group.

**Unwelcome behaviour** means behaviour that is uninvited, unwanted, and unreciprocated by the recipient/s.

Unwelcome behaviour is use of physical force, or harassment or coercion, in connection with the application or enrolment by a student in a course.

**Victimisation** means behaviour that harasses or treats unfairly an individual or a group of people, who has made a complaint to an employer or another person or an external agency, about bullying, discrimination or harassment. Victimisation also includes a person who has supported someone with a bullying, discrimination or harassment complaint; or who has or may act as a witness in a bullying, discrimination or harassment case.

**Vilification** means an act of hatred, or the incitement of others to act in hatred against a person or group of people because of their race, sexual preference, transgender status, religion, HIV/AIDS status or disability.

### **Policy Principles**

At all times while engaged in h&h activities or interaction, all members of the h&h community will act according to the values of honesty, fairness, trust, accountability and respect as set out in the h&h Code of Conduct.

h&h expects all members of its business community to abide by relevant Federal and State legislation and to adhere to standards of behaviour that reflect positively on the business.



H&H does not tolerate any unwelcome or unfair treatment by any person or group of people while engaged in an activity or business on behalf of, or in association with, the business of h&h regardless of the day, time or place.

h&h expects that work performance issues will be identified and dealt with in a constructive and objective manner without resorting to personal insults or derogatory remarks. In situations where a member of the business community is dissatisfied with management practices, those concerns should also be raised in a professional and objective manner through the appropriate process.

h&h commits to the prompt and confidential treatment of complaints of unwelcome (or unfair) treatment, according to the principles of fairness and natural justice.

h&h upholds the right of any person to make a complaint following the Complaints Procedure without fear of retaliation, victimisation or punishment.

Unwelcome or unfair treatment, by any member of staff, may be regarded as misconduct or serious misconduct and may result in disciplinary action.

### **Responsibilities**

Management of h&h will ensure that:

- their own behaviour is proper and in harmony with the business values and relevant policies
- they attempt to stop if possible and/or report any type of bullying, discrimination, harassment, unwelcome or unfair treatment or behaviour, having regard for their own safety
- they refuse to join in with any type of bullying, discrimination, harassment, unwelcome or unfair treatment or behaviour
- they support other members of the h&h community who are experiencing any type of bullying, harassment, discrimination, unwelcome or unfair treatment or behaviour and/or encourage and assist them to raise their concerns through the appropriate complaints processes

### **Consequences for Non-compliance**

Non-compliance within the provisions of this policy is a serious matter. Depending on the severity and implications of the breach, action may be taken under the misconduct provisions of the relevant agreement, or student disciplinary proceedings and sanctions may include a warning, counselling or disciplinary action.

**Further Information: Australian Human Rights Commission** <https://humanrights.gov.au/>

The Australian Human Rights Commission provides information on the types of discrimination and harassment that are against the law, and in what circumstances they are unlawful across Australia.

The Human Rights Commission can also investigate and try to resolve complaints of discrimination, harassment and bullying based on a person's race, colour, national or ethnic origin, religion, sex, pregnancy (actual, presumed and/or breastfeeding), marital status, age, disability, homosexuality, transgender status or sexual preference, trade union activity, political opinion or criminal record. Any complaints have to be made within 12 months of the incident.

**Fair Work Australia Ombudsman** <https://www.fairwork.gov.au/>

An independent statutory office set up to give advice and to help people understand their workplace rights and responsibilities. The role of the Fair Work Ombudsman is to work with staff, employers, contractors and the community to promote harmonious, productive and cooperative workplaces, and to investigate workplace complaints and enforce compliance with Australia's workplace laws.

**NSW Anti-Discrimination Board** <https://www.antidiscrimination.justice.nsw.gov.au/>

Provides information on the types of discrimination and harassment that are against the law and in what circumstances they are against the law in NSW. The NSW Anti-Discrimination Board can also investigate and try to resolve complaints of discrimination, vilification and harassment. Complaints must be made within twelve months of the incident.

**Relevant Legislations:**

- Human Rights & Equal Opportunity Commission Act 1986
- Racial Discrimination Act 1975
- Sex discrimination Act 1984
- Disability Discrimination Act 1992
- Age Discrimination Act 2004
- Workplace Health & Safety Act 2011
- Workplace Relations Act 1996
- Freedom of Information Act 1982
- Privacy Act 1988
- Crimes Act 1900
- Criminal Code 2002
- Smart and Skilled Contract terms and conditions.

Version Dates	Policy Version 1 approved 9 November 2012 / Policy Version 2 approved 29 March 2018 Policy Version 3 approved 19 June 2020
Review Date	Version 3 will be reviewed as policies are updated
Approved by	CEO / General Manager
Relevant to	All staff; trainers and assessors; students

**Risk Rating (Please highlight the appropriate risk level):**

**5 = High Risk**

4 = Medium Risk

3 = Medium to Low Risk

2 = Low Risk

1 = Very Low Risk or N/A