

# BULLYING, DISCRIMINATION AND HARASSMENT POLICY

Our Out of School Hours Care (OSHC) Service is committed to creating a workplace with vision and meaningful direction, adhering to our code of conduct and practicing ethical behaviour to ensure a productive work environment free from bullying, discrimination, and/or harassment.

## NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.

## EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

168	Education and care services must have policies and procedures
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## RELATED POLICIES

Code of Conduct Policy	Multi-Cultural Policy
Cyber Safety Policy	Privacy and Confidentiality Policy
Family Communication Policy	Respect for Children Policy
Health and Safety Policy	Staffing Arrangements Policy
Interactions with Children, Family and Staff Policy	Student and Volunteer Workers Policy
	Work Health and Safety Policy

## PURPOSE

We are committed to providing a safe and equitable workplace for all staff and educators. Bullying, discrimination and harassment will not be tolerated under any circumstances. As part of this commitment, we aim to prevent workplace bullying by adhering to the National Quality Standard, My Time, Our Place and Framework for school age care in Australia, ensuring a safe workplace and the wellbeing of all staff and educators employed at the Service.

## SCOPE

This policy applies to management, staff, and educators, of the OSHC Service.

## IMPLEMENTATION

Everyone has a right not be bullied or harassed at work. Workplace bullying occurs when a person or group of people repeatedly behave unreasonably towards a worker or a group of workers, creating a risk to health, safety, and wellbeing. Bullying may involve any of the following types of behaviour:

- aggressive or intimidating conduct
- making belittling or humiliating comments
- spreading malicious rumours
- teasing, practical jokes or initiation of, or participation in 'initiation ceremonies'
- exclusion from work-related events
- unreasonable work expectations
- displaying offensive material, and/or
- pressure to behave in an inappropriate manner.

Bullying does not include management action carried out in a reasonable manner including:

- making decisions about poor performance
- taking disciplinary action
- directing and controlling the way work is to be carried out.

**Discrimination** occurs when someone is treated less favourably than others because of a particular characteristic (such as age, disability, or gender), or belong to a particular group within the population (due to, for example, religion, culture, or sexual orientation).

**Harassment** involves unwelcome behaviour that intimidates, offends or humiliates a person because of particular characteristics as listed above.

There are a number of anti-discrimination, equal employment, workplace relations, and human rights laws which make it illegal to discriminate or harass a person in the workplace. Australia's federal anti-discrimination laws are contained in the following legislation:

[Age Discrimination Act 2004](#)

[Disability Discrimination Act 1992](#)

[Racial Discrimination Act 1975](#)

Our Service philosophy, code of conduct and the [Early Childhood Australia \(ACA\) Code of Ethics](#) will guide educator behaviours and interactions and adhere to best practice by providing a vision and a purposeful and meaningful direction to ensure a safe working environment for all staff.

#### MANAGEMENT AND THE NOMINATED SUPERVISOR WILL ENSURE:

- a thorough induction process for new employees is conducted at the commencement of employment
- an understanding and compliance with discrimination law is communicated with all employees
- all staff have a comprehensive understanding of the Service's code of conduct, *Grievance Policy* and *Code of Ethics*.
- educators are informed that inappropriate behaviour, including bullying, discrimination, and harassment will not be tolerated and will be advised of potential consequences of this behaviour.
- educators are aware of the *Bullying, Discrimination, and Harassment Policy*.
- inappropriate behaviour is addressed immediately.
- educators are aware of appropriate interactions
- staff and educators are aware of their job roles and responsibilities which are clarified through job descriptions, team meetings, performance appraisals, and service expectations
- constructive feedback is provided to staff and educators
- communication practices are reviewed frequently to ensure best practice
- all staff and educators are treated equally
- all staff and educators are encouraged to embrace the uniqueness and diversity of their colleagues.

#### EDUCATORS WILL:

- be involved in decision making with a clear understanding of their roles and responsibilities, outlined in each individual job description
- respect the skills, strengths and opinions of all educators in order to create a professional, cohesive team

- comply with all discrimination laws
- be responsible for their own actions in the workplace
- raise matters of concern at an early stage to management
- provide management with specific information regarding the perceived bullying, discrimination, and/or harassment, and be prepared to have the complaint made known to the person to allow for fair management and rectification
- maintain confidentiality and not discuss or release information relating to a bullying, discrimination, or harassment allegation.
- take bullying seriously
- evaluate the effectiveness of strategies implemented to discourage and eradicate bullying, discrimination, and/or harassment.

## SOURCE

*Anti-Discrimination Act*: See <https://raisingchildren.net.au/disability/disability-rights-the-law/law/anti-discrimination-laws> for Acts for specific Australian states and territories.

Australasian Legal information institute: [www.austlii.edu.au](http://www.austlii.edu.au)

Australian Human Rights Commission: <https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/quick-guide-australian-discrimination-laws>

Australian Human Rights Commission. (2019). Reform of discrimination law: <https://www.humanrights.gov.au/>

Australian Children's Education & Care Quality Authority. (2014).

Early Childhood Australia Code of Ethics. (2016).

Education and Care National Regulations. (2011).

*Fair Work Act 2009* (Cth).

Fair Work Ombudsman. (2019). Managing performance & warnings: <https://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings>

Fair Work Ombudsman. Rights and obligations: <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/factsheets/rights-and-obligations/workplace-discrimination>

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2020).

Guide to the National Quality Standard. (2017).

OSHC Code of Professional Standards: [http://networkofcommunityactivities.org.au/wp-content/uploads/2013/03/OSHC\\_Code\\_Standards.pdf](http://networkofcommunityactivities.org.au/wp-content/uploads/2013/03/OSHC_Code_Standards.pdf)

Safe Work Australia. (2019). Bullying: <https://www.safeworkaustralia.gov.au/bullying>

*Work Health and Safety Act 2011* (Cth).

*Workplace Relations Act 1996* (Cth).

## REVIEW

POLICY REVIEWED	AUGUST 2020	NEXT REVIEW DATE	AUGUST 2021
MODIFICATIONS	<ul style="list-style-type: none"> <li>related legislation acts linked for ease of reference</li> <li>minor editing</li> <li>sources checked for currency</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
AUGUST 2019	Minor wording/grammatical modifications New sources added	AUGUST 2020	
AUGUST 2018	Minor terminology amendments made plus some guidance on how to deal with a situation involving bullying	AUGUST 2019	
DECEMBER 2018	Additional information added to points. Sources checked for currency. Sources/references corrected, updated, and alphabetised. Current sources added. Minor formatting (line spacing & paragraph spacing) for consistency throughout policy.	DECEMBER 2019	
DECEMBER 2017	Updated the references to comply with the revised National Quality Standard	MAY 2018	