

# BULLYING, DISCRIMINATION AND HARASSMENT POLICY

Our 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. Sexual harassment has no place in our service.

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

## RELATED POLICIES

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

Work requirements, My Time, Our Place- Framework for school age care in Australia and our Service statement of philosophy, ensuring a safe workplace and the wellbeing of all staff and educators employed at the Service. This policy has been developed to ensure all educators, staff, families and visitors to our Service are clear about the standards of behaviour that is expected.

## SCOPE

This policy applies to families, staff, educators, approved provider, nominated supervisor, students, volunteers and visitors of the OSHC Service.

## IMPLEMENTATION

Everyone has a right to work in a safe and respectful workplace and not face discrimination, 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:

- o making decisions about poor performance
- o taking disciplinary action
- o 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.

Positive Duty requires organisation and business to take 'reasonable and proportionate measures' to eliminate, as far as possible: discrimination on the ground of sex; sexual harassment in connection with work; sexual harassment in connection with work; conduct creating a workplace environment that is hostile on the ground of sex; related acts of victimisation.

Psychosocial Hazards refer to aspects of work-related conditions or factors that could cause potential psychological or social harm to employees. Stress, fatigue, bullying, violence, aggression, harassment and burnout can be examples of potential psychosocial hazards, which can cause harm to employees physical and mental health, negatively impacting their overall wellbeing.

Sexual Harassment includes unwelcome sexual advance, unwelcome request for sexual favours and engaging in other unwelcome conducts of sexual nature. Our OSHC service implements a zero-tolerance approach to Sexual harassment.

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](#)

[Sex Discrimination Act 1984](#)

[Fair Work Legislation Amendment \(Secure Jobs Better Pay\) Act 2022](#)

Our OSHC 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. Our OSHC Service will ensure that management, educators and staff are aware of the new Right to Disconnect legislation within Fair Work Act 2009, effective from 26 August, 2024. Management will respect the time educators and staff spend away from work including during periods of leave.

#### **THE APPROVED PROVIDER, MANAGEMENT AND THE NOMINATED SUPERVISOR WILL ENSURE:**

- that obligations under the Education and Care Services National Law and National Regulations are met
- educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy

- 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 and Dealing with Complaints Policy.
- the Bullying, Discrimination and Harassment Policy, and all related policies are reviewed annually
- Educators are informed that inappropriate behaviour, including bullying, sexual harassment, 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 in a timely manner.
- a clear process is in place regarding raising complaints and grievances related to bullying, discrimination and harassment
- complaints or grievances are treated seriously and immediate action is taken in a timely manner
- all staff are aware of appropriate interactions through professional development and training
- all 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
- restrict contact to staff or educators outside of working hours, unless the contact is deemed reasonable
- all staff and educators are treated equally
- all staff and educators are encouraged to embrace the uniqueness and diversity of their colleagues
- an understanding and compliance with discrimination law is communicated with all employees
- ensure the OSHC service implements a zero-tolerance approach towards racism
- that proactive measures are taken to identify and manage psychological and psychosocial hazards and risks within the work environment through risk assessments in line with WH&S legislation.

#### 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.
- discuss any contact outside of working hours that they consider as unreasonable or disruptive with 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.
- follow the OHSC Service’s Bullying, Discrimination and Harassment procedure
- evaluate the effectiveness of strategies implemented to discourage and eradicate bullying, discrimination, and/or harassment
- ensure compliance with a zero tolerance of racism within the Service
- assist in identifying and reducing psychological and psychosocial hazards and risks within the work environment.

**RESOURCES**

- Fair Work [Bullying in the Workplace](#)
- Respect@Work <https://www.respectatwork.gov.au/>
- Safe Work Australia [Preventing workplace sexual harassment](#)
- Australian Human Rights Commission [Guidelines for Complying with the Positive Duty under the Sex Discrimination Act 1984 \(cth\)](#)

**CONTINUOUS IMPROVEMENT/REFLECTION**

Our *Bullying, Discrimination and Harassment Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

**CHILDCARE CENTRE DESKTOP- RELATED RESOURCES**

Bullying, Discrimination and Harassment Procedure	Code of Conduct Staff Acknowledgement
Bullying Discrimination Harassment and Sexual Harassment Risk Assessment	

**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 Children's Education & Care Quality Authority. \(2024\). Guide to the National Quality Framework](#)

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 Services National Law Act 2010. (Amended 2023).

[Education and Care Services National Regulations](#). (Amended 2023).

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. Sexual harassment in the workplace. <https://www.fairwork.gov.au/employment-conditions/bullying-sexual-harassment-and-discrimination-at-work/sexual-harassment-in-the-workplace>

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

[Fair Work Ombudsman. Right to disconnect.](#) <https://www.fairwork.gov.au/about-us/workplace-laws/legislation-changes/closing-loopholes/right-to-disconnect>

Guide to the National Quality Framework. (Amended 2023).

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

Safe Work Australia. Workplace Sexual Harassment: <https://www.safeworkaustralia.gov.au/safety-topic/hazards/workplace-sexual-harassment>

[Western Australian Legislation Education and Care Services National Law \(WA\) Act 2012](#)

[Western Australian Education and Care Services National Regulations](#)

Work Health and Safety Act 2011 (Cth).

## REVIEW

POLICY REVIEWED BY:	ANGELA STEVENS	BUSINESS MANAGER	30 AUGUST 2024
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POLICY REVIEWED	AUGUST 2024	NEXT REVIEW DATE	AUGUST 2025
VERSION	V10.08.24		
MODIFICATIONS	<ul style="list-style-type: none"> <li>• policy maintenance - no major changes to policy</li> <li>• definition of Positive Duty added</li> <li>• Right to Disconnect legislation added to policy</li> <li>• hyperlinks checked and repaired as required</li> <li>• updated sources</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
MARCH/AUGUST 2023	<ul style="list-style-type: none"> <li>• AUGUST Psychosocial Hazards description added to policy</li> <li>• Policy reviewed to include information around managing psychosocial hazards within the work environment Information included related to zero tolerance of racism</li> </ul> <p>MARCH</p> <ul style="list-style-type: none"> <li>• Policy reviewed to include Sex Discrimination Act 1984 amendments that come into force from 6 March 2023</li> <li>• Hyperlinks checked and repaired as required</li> <li>• Additional sources added</li> <li>• continuous improvement/reflection section added</li> <li>• Child Care Centre Desktop Resources section added</li> </ul>	AUGUST 2024	
AUGUST 2022	<ul style="list-style-type: none"> <li>• policy maintenance - no major changes to policy</li> <li>• link to Western Australian Education and Care Services National Regulations added in 'Sources'</li> <li>• minor formatting edits within text</li> <li>• hyperlinks checked and repaired as required</li> </ul>	AUGUST 2023	