

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	
168	Education and care services must have policies and procedures

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 and Volunteer 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 Early Childhood Code of Ethics, Fair Work requirements, and the 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 management, the approved provider, nominated supervisor, students, staff, families, visitors (including contractors) and children of the 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.

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 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 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.

THE APPROVED PROVIDER, MANAGEMENT AND NOMINATED SUPERVISOR WILL ENSURE:

- a thorough induction process for new employees is conducted at the commencement of employment
- all staff have a comprehensive understanding of the Service's code of conduct, *Dealing with Complaints Policy* and the *Early Childhood Code of Ethics*
- 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
- all staff and educators are aware of the Service's *Bullying, Discrimination and Harassment Policy* and Procedure
- 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 and educators are aware of appropriate interactions through professional development and training
- staff and educators are aware of their job roles and responsibilities which will be clarified through job descriptions, team meetings, performance appraisals and clear management expectations
- all staff and educators are encouraged to embrace the uniqueness and diversity of their colleagues
- constructive feedback is provided to staff and educators
- communication practices are reviewed frequently to ensure best practice
- all staff and educators are treated equally and fairly
- meetings are documented accurately and appropriately
- an understanding and compliance with discrimination law is communicated with all employees
- ensure the 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
- embrace the uniqueness and diversity of their colleagues
- respect the skills, strengths and opinions of all educators in order to create team cohesion based on professionalism
- comply with all discrimination laws
- be responsible for their own actions in the workplace
- raise matters of concern to management at an early stage
- report any incidents or bullying, discrimination or harassment, including sexual harassment they have experienced or witnessed
- 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 bullying, discrimination, or harassment allegations
- follow the 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

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.

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

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

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

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). Bullying & Harassment: <https://www.fairwork.gov.au/employee-entitlements/bullying-and-harassment>

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>

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

Law Council of Australia. (2019). Bullying and harassment in the workplace: <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/bullying-and-harassment-in-the-workplace>

Revised National Quality Standard. (2018).

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 Education and Care Services National Regulations](#)

Work Health and Safety Act 2011 (Cth).

Workplace Relations Act 1996 (Cth).

REVIEW

POLICY REVIEWED BY:	Peter Colliver	Approved Provider	May 2024
POLICY REVIEWED	AUGUST 2023	NEXT REVIEW DATE	AUGUST 2024
VERSION NUMBER	V8.08.23		
MODIFICATIONS	<ul style="list-style-type: none"> • Psychosocial Hazards description added to policy • Policy reviewed to include information around managing psychosocial hazards within the work environment • Information included related to zero tolerance of racism 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
MARCH 2023	<ul style="list-style-type: none"> • Policy reviewed to include Sex Discrimination Act 1984 amendments that come into force from 6 March 2023 • Hyperlinks checked and repaired as required • Additional sources added • continuous improvement/reflection section added • Child Care Centre Desktop Resources section added 	AUGUST 2023	
AUGUST 2022	<ul style="list-style-type: none"> • policy maintenance - no major changes to policy • link to Western Australian Education and Care Services National Regulations added in 'Sources' • minor formatting edits within text • hyperlinks checked and repaired as required 	AUGUST 2023	
AUGUST 2021	addition of related procedure sources checked for currency related policy name change- <i>Grievance (Complaints) Policy</i>	AUGUST 2022	
AUGUST 2020	related legislation acts linked for ease of reference minor editing sources checked for currency	AUGUST 2021	
AUGUST 2019	Sentences reworded/refined. Additional information added to points. Sources checked for currency. Related policies alphabetised. Unnecessary/unrelated references deleted. Relevant sources (websites & acts) added. Sources/references alphabetised.	AUGUST 2020	
AUGUST 2018	Minor modifications made to comply with Fair Work requirements and law	AUGUST 2019	

OCTOBER 2017	Updated the references to comply with the revised National Quality Standard	MAY 2018
MAY 2017	Research and created bullying and harassment policy and procedure	MAY 2018

BULLYING, DISCRIMINATION AND HARASSMENT PROCEDURE

Bullying, discrimination and harassment claims will be addressed confidentially and promptly, working in accordance with Service policies and the Fair Work Ombudsman. To ensure best practice, employees should be provided with information, instructions, and training to enable them to work in a way that is safe and without risks to their health.

Working in conjunction with the *Bullying, Discrimination and Harassment Policy*, this procedure provides detailed steps for educators to ensure a productive work environment free from bullying, discrimination, and/or harassment at our Service.

Education and Care Services National Law or Regulations (R.168) NQS QA4: Element 4.2.1 and 4.2.2 Staffing practices and procedures.

Related Policies: Bullying, Discrimination and Harassment Policy, Grievance (Complaints) Policy

BULLYING, DISCRIMINATION AND HARASSMENT PROCEDURE		
1	The Approved Provider, Nominated Supervisor and educators will review and update the Service's <i>Bullying, Discrimination & Harassment Policy</i> each year	
2	Early intervention is encouraged as a way of solving the issue without a formal report, investigation or discipline being taken against an individual. Early intervention can be achieved through an individual self-managing a situation or seeking help from someone else to raise the issue. Self-management is encouraged as a first step to resolve an issue.	
3	Self-management is an informal approach to address workplace bullying. It involves the individual who experiences the negative behaviour directly telling the other person that the behaviour is not welcome, and it should not happen again. It should be done in a calm and professional way (e.g., telling the person about the impact of the behaviour and asking them not to do it again). If the behaviour continues or gets worse, a formal report should be made.	
4	If an individual does not feel comfortable or confident to manage a situation themselves, the issue should be raised with management	
5	The Nominated Supervisor or responsible person will manage the complaint process (unless the complaint is about them)	
6	Where a serious allegation has been made, an investigation will be the first step taken	
7	Fairness and impartiality will prevail throughout the investigation process	

8	When management approach an individual directly about their behaviour they will record the action/s taken	
9	Management will interview all parties involved, and if required witnesses	
10	Management will notify the parties of the investigation	
11	Management will seek sufficient evidence and documentation to ensure the concern can be investigated appropriately	
12	Management will then review all documents and evidence	
13	Management will provide the respondent with a summary of allegations	
14	Management will prepare a report outlining the complaint, how the investigation was conducted, relevant facts and findings	
15	Management will provide the respondent with the opportunity to respond to the complaint/concern	
16	Management will then make a decision based on the investigation report as to whether the claim has been proven, proven in part or not proven	
17	The decision along with a summary of the reason for making the decision, including what actions will follow will be provided to the complainant and respondent	
18	Management will take all reasonable steps to implement and monitor the actions required to resolve the issue raised	
19	Management will keep records of all steps completed within this procedure	

DISCRIMINATION PROCEDURE

Our Service adheres to Australian federal anti-discrimination laws and is aware of responsibilities to ensure people are not discriminated against on the basis of their:

- race, including colour, national or ethnic origin or immigrant status
- sex, pregnancy or marital status and breastfeeding
- age
- disability, or
- sexual orientation, gender identity and intersex status.

1	The name and telephone number of the person to whom complaints can be made is clearly visible at the front of the service, information about our <i>Dealing with Complaints Policy</i> will be easily accessible to all families, visitors and volunteers	
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2	The Director/ Nominated Supervisor will intervene in issues they directly observe in the workplace or if they are requested to intervene by a staff member	
3	The Director/ Nominated Supervisor and educators will review the recruitment process to prevent discrimination at the Service	
4	The Director/ Nominated Supervisor and educators will review the enrolment process to prevent discrimination at the Service	
5	Any allegations relating to indirect or direct discrimination should be reported to the Director/ Nominated Supervisor who will document and record the incident confidentially before beginning an internal investigation if required	
6	The Director/Nominated Supervisor will follow the Grievance <i>Grievance Dealing with Complaints Policy</i> and Procedure regarding indirect or direct complaints or feedback regarding discrimination.	

REVIEW OF PROCEDURE			
Date procedure created		To be reviewed	August 2024
Approved by	Peter Colliver	Signature	
Procedure Reviewed Date	Modifications/Changes		
March 2022	Procedure reviewed: update of Dealing with Complaints Policy (from Grievance Policy). Additional information regarding review of policy		