

Enkindle Village School

Anti-Discrimination, Harassment and Bullying Policy



1. Statement

Enkindle Village School (Enkindle) is committed to providing an environment that is free from discrimination, harassment and bullying where staff and students are treated with dignity, courtesy and respect.

All staff and students have a right to work and study in an environment free from discrimination, harassment and bullying.

Enkindle provides procedures by which all staff and students can have a complaint of discrimination, harassment and bullying addressed in a sensitive, fair, timely and confidential manner.

By effectively implementing our Anti-discrimination, harassment and bullying policy we will attract and retain talented staff and create a positive environment for everyone.

2. Purpose

The purpose of this policy is to articulate Enkindle's approach to addressing unlawful discrimination, harassment and bullying within the School Community.

It is also to provide staff at Enkindle with direction, guidance and support in creating a learning and working environment where all students, staff and parents/careers are valued and respected.

3. Scope

This policy applies to:

- Management committee (the board) and association members;
- All staff, including: teachers, managers and other; full-time, part-time or casual, temporary or permanent staff; student placements, contractors, sub-contractors and volunteers;
- All students;
- How Enkindle Village School provides service and how it interacts with other members of the public
- All aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- On-site, off-site or after-hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their Enkindle duties

- Staff treatment of other staff, of students and families, and of other members of the public encountered in the course of their Enkindle duties

4. Principles

Staff rights and responsibilities

All staff are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All staff must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect.

Additional responsibilities of Principal, Managers and the Board

Principal, Managers and the Board must also:

- model appropriate standards of behaviour
- take steps to educate and make staff aware of their obligations under this policy and the law
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards
- making sure relevant parties are heard
- help staff resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure staff who raise an issue or make a complaint are not victimised
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- seriously consider requests for flexible work arrangements.

Unacceptable workplace conduct

Discrimination, bullying and harassment are unacceptable at Enkindle Village School and are unlawful under the following legislation:

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)

- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth).

Staff (including Principal, Managers and the Board) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

*For example, a worker is harassed and humiliated because of their race
or
A worker is refused promotion because they are 'too old'*

Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

Protected personal characteristics under Federal discrimination law include:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is unacceptable in Enkindle Village School and may also be against occupational health and safety law.

Harassment

Unlawful harassment is defined under federal and state legislation, as any form of behaviour where a person is made to feel intimidated or humiliated because of a particular characteristic(s) eg, race, sex as specified under anti-discrimination or human rights legislation.

Unlawful harassment can be verbal, written or physical, and has the intent or effect of creating an intimidating, hostile or offensive work and/or educational environment.

Harassment can be a single incident, or repeated behaviour, and can occur even if the behaviour is not intended to offend. Silence does not mean that the behaviour is acceptable to the other person.

Examples of behaviours that may amount to harassment include:

- Asking intrusive questions about someone's personal life;
- Comments that put down or stereotype people;
- Offensive communications including digital communications (Facebook, twitter, e-mails), written, images and telephone.
- Derogatory or demeaning jokes intended to offend on the basis of stereotyped characteristics.

Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- intentionally brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Enkindle recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Enkindle has a zero tolerance approach to victimisation.

Gossip

It is unacceptable for staff at Enkindle to talk with other staff members, students or families about any complaint of discrimination, harassment or bullying, unless in the context of dealing with the claim.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a Principal, Manager or Board member) is a serious breach of this policy and may lead to formal discipline.

Merit at Enkindle Village School

All recruitment and job selection decisions at Enkindle will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

Resolving issues at Enkindle Village School

Enkindle strongly encourages any staff member who believes they have been discriminated against, bullied, harassed or victimised to take appropriate action as per the Enkindle Village School Complaints Handling Policy and Procedures.

Staff who do not feel safe or confident to take such action may seek assistance from the Principal and/or Business Development Manager for advice and support or action their behalf.

5. Supporting Documents

- Enkindle Code of Conduct
- Enkindle Complaints Handling Policy
- Enkindle Complaints Handling Procedures

6. Version Control

Approval Details

Policy Sponsor	Secretary
Approval authority	Management Committee
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Modification History

Version no.	Approval date	Implementation date	Details
1	November 2018		
2	30.07.2019	31.07.2019	Updated: resolving issues details