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Discrimination, Bullying, and Harassment Policy

Policy name	Discrimination, Bullying, and Harassment Policy
Policy number	FSP002
Date approved	18 February 2015
Approving body	The Cairnmillar Institute Council
Responsible officer	Executive Director
Implementation officer	Head of Administration Head of School Head of Clinic
Next review date	June 2017
Linked policies	Occupational Health and Safety Policy Staff Grievance Policy
Linked forms	

Purpose of this Policy

The Cairnmillar Institute (the Institute) attests to an intellectual and learning environment where academic and clinical integrity is highly valued and carefully upheld. The Institute has policies and procedures to promote a safe, harmonious, discrimination/bullying/harassment-free environment for all employees, clients and students. Individuals who engage in such behaviour not only contribute to an unpleasant and potentially damaging work environment for their colleagues, but also put the Institute at risk of liability and expose themselves to possible legal action.

The Institute is committed to

- An environment free from all forms of discrimination, bullying and harassment.
- Clearly conveying to all staff and students that behaviour which constitutes discrimination, bullying or harassment is not tolerated at the Institute.

- Having procedures in place to deal with complaints of discrimination, bullying and/or harassment which:
 - Are accessible;
 - Observe the principles of natural justice;
 - Provide support for those staff who make a report;
 - Provide clear links to staff disciplinary procedures to deal with identified breaches and vexatious complainants; and
 - Protect against victimisation of a complainant or a person associated with a complainant.

Scope

The policy applies to:

- Employees or prospective employees;
- Contractors employed by the Institute and their employees;
- Members of associate organisations and qualifying bodies;
- Students, prospective students, clients, and customers of the School;
- Visitors to the Institute or individuals engaged in an official/formal relationship with the Institute.

All persons covered by the scope of this policy are required to:

- Comply with this policy;
- Behave appropriately; and
- Promote appropriate standards of conduct at all times.

Principles

The Institute is committed to providing all staff and students with an equitable and inclusive learning and work environment, free from discrimination, bullying and harassment. In this way the staff and students are ensured that they are able to work effectively and fully participate in all aspects of their work and student life. Individuals who engage in behaviour which constitutes discrimination, bullying or harassment, not only put the Institute at risk of liability, but also expose themselves to possible legal action. The Institute respects the differences in cultural norms, expectations and values practiced by students and staff from diverse backgrounds.

Definitions

Discrimination, bullying and harassment involve the repeated mistreatment of a person at work by another individual or group of individuals. It does not necessarily involve physical contact, as the most common form of discrimination, bullying and harassment involve verbal abuse.

Discrimination and bullying may include:

- Constant and unjust criticism;
- Unjustified threats of dismissal or other punishment;

- Unfairly giving a person the most unpleasant and menial tasks in comparison to co-workers;
- Using sarcasm, insults and criticism in front of clients, the public or co-workers to humiliate a co-worker;
- Unjustified denial of training and advancement opportunities;
- Unjustified nit-picking and checking a person's work;
- Deliberately withholding information that is important to the person's capacity to perform his/her work;
- Unfairly overloading a person and not allowing them sufficient time to complete the task(s);
- Intentionally excluding a person from social events or social groups within the workplace;
- Spreading gossip or false rumours.
- Unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, religion or gender.

Harassment may be a single incident or a series of incidents and may include:

- Sexual propositions or persistent requests for dates;
- Making promises or threats in return for sexual favours;
- Sexual jokes, offensive telephone calls and e-mail messages, displays of obscene or pornographic photographs, pictures, posters, screen savers and internet sites, reading materials or objects;
- Physical contact such as patting, pinching, fiddling with a person's clothing or touching in a sexual way, familiarity such as brushing against a person or putting an arm around another person's body;
- Unwelcome or improper remarks or insinuations about a person's sex life or private life;
- Suggestive comments about a person's appearance or body;
- Leering, wolf whistles, catcalls, obscene gestures;
- Indecent exposure;
- Requests for sex;
- Sexually explicit conversations, insults, taunting or comments.

Forms of behaviour which may initially appear mild or trivial may constitute as discrimination, bullying or harassment, particularly where there is a relationship of power or formal inequality of personal status between individuals.

Vicarious liability

The Institute recognises that it is vicariously liable for the actions of its employees (in the course of their employment) unless the Institute can demonstrate that it has taken reasonable precautions to prevent unlawful discrimination, bullying and harassment.

The Institute reserves the right to decide whether to support complainants and respondents on a case by case basis and may seek to defend itself against vicarious liability at any time.

Process

All staff are to be made aware that victimising behaviour is totally unacceptable in the Institute workplaces, classrooms, conferences and work functions, and all staff have a responsibility to encourage any employee who feels victimised to report the matter to their supervisor.

Authorising and Assisting

A person must not request, instruct, induce, encourage, authorise or assist another person to discriminate, bully or harass. To comply with such a request could result in a complaint being lodged against either or both parties.

Investigating & Recording Reports

The Institute takes seriously its responsibilities to handle complaints of victimisation promptly and impartially. The Institute undertakes to train individuals involved in the resolution of complaints and to have available staff with relevant expertise to provide advice.

Staff members and students who believe that they are being victimised in contravention of this policy may take action as follows:

1. Where a person believes they are being victimised, they must:
 - Identify who is causing the victimisation;
 - Keep a diary and make notes about each incident eg: when, where, what occurred, how, why, who witnessed the incident? This will help them establish a pattern of events to support their case;
 - Discuss the problem and concern with their supervisor;
 - Avoid retaliating;
 - Formally report their concern to their supervisor and the Head of Administration.
2. Complaints will be treated in a confidential, sensitive, fair and timely manner in a way that protects the rights of all parties and ensures natural justice is upheld.
3. All reports of alleged victimisation are to be documented and investigated by the direct supervisor and the Institute's Head of Administration.
4. Once the reports are prepared, they must be made available to the person who is alleged by the victim to be the perpetrator and they be given an opportunity to respond in a reasonable time.
5. Reports of stalking, assault, rape, physical harm or false imprisonment are to be reported directly to the Executive Director and the police.
6. Staff who require counselling should contact the Head of Administration who will refer them to the appropriate person for assistance.
7. If the internal investigation proves the victim was affected but the nature of the incident was not serious enough for the perpetrator to be dismissed, then the perpetrator is to be formally counselled and warned that such behaviour is not acceptable at the Institute.

8. If a staff member is charged with assaulting a co-worker or any other offence against a co-worker, then they will be stood down without pay until the outcome of the investigation is determined.
9. The Executive Director is responsible for the application and ongoing development of this procedure.

Legislation

The Institute meets its obligations under the following Victorian and Commonwealth legislation through the implementation of their policies and associated procedures:

The Equal Opportunity Act 2010 (Vic)

The Racial and Religious Tolerance Act 2001 (Vic)

The Human Rights and Equal Opportunity Commission Act 1986 (Cth)

The Racial Discrimination Act 1975 (Cth)

The Sex Discrimination Act 1984 (Cth)

The Disability Discrimination Act 1992 (Cth)

The Racial Hatred Act 1995 (Cth)