

YMCA Geelong Policy – Bullying, Harassment and Discrimination Policy



OFFICE USE ONLY

Policy Number	Date Approved	Date Last Amended	Status
YG 143- G		04/04/2014	DRAFT

1. BULLYING, HARASSMENT AND DISCRIMINATION POLICY

2. INTRODUCTION

YMCA Geelong aims to provide a safe and productive work environment in which employees and volunteers are treated with dignity, courtesy and respect.

Bullying, harassment and discrimination can be direct or indirect and carried out verbally, physically or in writing or images. This may occur via email, internet, social media websites, chat rooms, instant messaging and mobile phone technologies such as text messaging.

This Policy is designed to define and describe behaviours that might constitute bullying, harassment and discrimination under this Policy and relevant legislation. The Policy also outlines YMCA Geelong's approach to responding to instances of non-compliance or complaints under this Policy, and monitoring compliance with this Policy.

This Policy and the associated Procedure and Resources should not be interpreted or construed as forming a part of an employee's terms and conditions of employment (including his or her contractual entitlements).

3. POLICY

3.1 Policy Statement

All forms of discrimination, harassment and bullying by or toward employees, contractors, volunteers, suppliers or customers are considered unacceptable and will not be tolerated under any circumstances.

YMCA Geelong encourages the reporting of behaviour that breaches the Bullying, Harassment and Discrimination Policy, and is required to take all reasonable steps to prevent such behaviour, and

provide an effective procedure for resolving complaints, based on the principles of procedural fairness, that ensures complaints are treated in a sensitive, fair, timely and confidential manner.

YMCA Geelong aims to:

- Promote an environment free from bullying, harassment and discrimination for all employees and volunteers;
- Create a culture that encourages respect and welcomes individual differences;
- Accept and act on complaints of bullying, harassment or discrimination and take all reasonable steps to protect employees and volunteers who responsibly exercise their rights under this policy against victimisation;
- Provide an effective procedure for resolving complaints, based on the principles of procedural fairness, that ensures complaints are treated in a sensitive, fair, timely and confidential manner;
- Implement training and awareness raising strategies to ensure that all employees and volunteers are aware of their rights and responsibilities in relation to bullying, harassment and discrimination;
- Implement training and awareness raising strategies to ensure Managers and Supervisors are promoting an environment free from bullying, harassment and discrimination and implementing the policy and procedures to deal with inappropriate behaviour in the workplace including bullying, harassment and discrimination;
- Comply with all relevant legislation and industry standards

3.2 Defining bullying, harassment and discrimination

3.2.1 Bullying

Whilst not having a legal definition, workplace bullying is often characterised as repeated unreasonable behaviour directed toward an employee, or group of employees and / or volunteers, that creates a risk to health and safety.

The following actions are not deemed to be bullying if they are performed in a reasonable way:

- Reasonable management actions
- Single incidents
- Setting performance goals, standards and deadlines
- Allocating work to an employee
- Transferring an employee
- Deciding not to select an employee for promotion
- Informing an employee about unsatisfactory work performance

- Informing an employee about inappropriate behaviour
- Implementing organizational changes
- Performance management processes
- Constructive feedback
- Downsizing
- Discipline

3.2.2 Harassment

Harassment is a form of discrimination if it occurs on the basis of a person's "protected attribute".

Under Federal and State legislation, unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of a person's 'protected attribute', which may include their race, colour, national or ethnic origin, sex, disability, sexual preference and / or some other characteristic specified under anti-discrimination legislation. Harassment can also occur if someone is working in a hostile or intimidating work environment.

Behaviour or conduct can be found to be unlawful harassment whether harassment was intended or unintended.

3.2.3 Sexual Harassment

A person sexually harasses another person if he or she:

- engages in conduct that is unwelcome;
- the conduct is of a sexual nature;
- the conduct caused the person to feel offended, humiliated or intimidated;

in circumstances in which a REASONABLE person (having regard to all the circumstances) would have anticipated that the other person would be offended, humiliated or intimidated. The following actions may be considered sexual harassment:

- Subjecting a person to an act of physical intimacy; or
- Making any remark or statement with sexual connotations to a person or about a person in his or her presence, whether orally or in writing. This may include remarks or statements which are transmitted by phone, fax, video conference or E-Mail; or
- Making any gesture, action or comment of a sexual nature in a person's presence; or
- Subjecting a person to sexually explicit material such as pin-ups and posters, and sexually explicit jokes.

3.2.4 Discrimination

Discrimination can be direct or indirect.

Direct discrimination occurs if a person treats, or proposes to treat, someone with a "protected attribute" less favourably than the person treats or would treat someone without that "protected attribute", or with a different attribute, in the same or similar circumstances. The motive or intention of a person alleged to have committed direct discrimination against another is irrelevant.

Indirect discrimination occurs when an unreasonable requirement, condition or practice which may appear to be neutral, in fact has a disproportionately negative impact on people with particular attributes.

3.2.5 Victimization

Victimization means subjecting or threatening to subject a person to any detriment because that person, or a person associated with that person has, or intends to, exercise their right to make a complaint under anti-discrimination laws or give evidence or information, or produce a document, in connection with a complaint process.

Victimization may occur when a person is threatened or treated in a detrimental way if they:

- consider making / make a claim
- act as a witness or in good faith bring to the attention of a person in authority an issues of concern or make an allegation of unlawful discrimination, sexual harassment as per the legislation
- support a claimant

3.2.6 Vilification

Vilification is generally any act that happens publicly, that could incite others to hate, have serious contempt for, or severely ridicule an individual or group of people because of their religion or race. The motive or intention of a person alleged to have committed an act of vilification against another is irrelevant.

Unlawful conduct may include displaying posters, notices or other materials, damage to property, abusive or offensive comments or using the internet or email to publish or transmit statements or other materials.

3.3 Principles

Behaviour

- 3.3.1** All employees and volunteers will ensure that their behaviour is appropriate, and in accordance with relevant YMCA Geelong policies and procedures.
- 3.3.2** Any person experiencing behaviour which they consider unwelcome has every right to request the behaviour to stop. Where possible, action should be taken to inform the offender in person or in writing that the behaviour is offensive, against YMCA Geelong policy and must cease immediately.

Managers and Supervisors

- 3.3.3** Have a duty of care to prevent inappropriate behaviour occurring and to maintain the organisation's Code of Conduct.
- 3.3.4** Are required to intervene as appropriate when they see or are informed of inappropriate behaviour.

Contact Officers

- 3.3.5** Appropriate Contact Officers will be designated, with their main function to provide information and support to individuals who believe they are being discriminated against, harassed or bullied. It is not the role of a Contact Officer to resolve complaints.

Making a Complaint

- 3.3.6** Bullying, harassment and discrimination complaints should be made to an employee's Supervisor. If the complaint is related to the Supervisor, the matter should be referred to the next level of management.
- 3.3.7** You will not suffer any detriment in your employment from having made a complaint.

Complaints Resolution

- 3.3.8** Whilst not seeking to exclude the right to make a complaint externally, the primary aim of an internal complaints process is to ensure that any offending behaviour stops.
- 3.3.9** There are a number of ways of resolving complaints. The complaints resolution process can be broken down into the following four phases, which do *not* have to be sequential:
- Right to say "stop"
 - Informal – advice from Contact Officer
 - Intervention – mediation and / or conciliation
 - Formal – investigation and determination

The four phases are outlined in further detail in the Bullying, Harassment and Discrimination Procedure and Resources.

- 3.3.10** Whilst the complainant may choose any of the above options outlined in 3.3.9, it is hoped that most complaints can be resolved without recourse to intervention or an investigation.

Confidentiality

- 3.3.11** Confidentiality will be maintained to the extent that it is possible to do so, with complaints and personal information handled in accordance with YMCA Geelong Privacy Policy.
- 3.3.12** Employees who are found to have breached confidentiality will face remedial and / or disciplinary action in accordance with the Disciplinary and Termination Policy.

Disciplinary Action

- 3.3.13** Employees who are found to have breached this policy will face remedial and / or disciplinary action in accordance with the Disciplinary and Termination Policy.
- 3.3.14** If employees are found to have made vexatious complaints, appropriate disciplinary action may be imposed.

Induction and Training

- 3.3.15** During induction, all employees and volunteers will read and understand the Bullying, Harassment and Discrimination Policy.
- 3.3.16** Managers should implement training and awareness raising strategies to ensure that all employees and volunteers are aware of their rights and responsibilities in relation to bullying, harassment and discrimination.
- 3.3.17** Training and awareness raising strategies should be implemented to ensure Managers and Supervisors are promoting an environment free from bullying, harassment and discrimination and implementing the policy and procedures to deal with inappropriate behaviour in the workplace including bullying, harassment and discrimination.
- 3.3.18** All employees, volunteers, supervisors and managers are required to attend mandatory bi-annual refresher training and assessment.

Monitoring

- 3.3.19** This policy and the associated procedure will be a core component of the mandatory bi-annual refresher training and assessment outlined in 3.3.18 above.
- 3.3.20** This policy will be included as a mandatory item for new employees and volunteers to read upon induction, as outlined in 3.3.15 above.
- 3.3.21** YMCA Geelong may audit compliance with undertaking risk assessments and compliance with the induction and training principles of this Policy through the YMCA compliance system.
- 3.3.22** This Policy will be reviewed on a bi-annual basis in consultation with stakeholder groups. Minor changes may be made between formal reviews to ensure compliance with legislation.

4. DEFINITIONS

Please refer to section 3.2 of this Policy for definitions and descriptions of relevant terms.

5. SCOPE

This policy applies to all employees and volunteers of Young Men's Christian Association of Geelong Inc. (YMCA Geelong Inc.) and its clubs. It also applies to the way employees and volunteers of YMCA Geelong interact with clients, contractors and visitors.

6. ROLES AND RESPONSIBILITIES

Department/Area	Role/Responsibility
Human Resources	Responsible for reviewing and updating the Bullying, Harassment and Discrimination policy, procedure and supporting resources. Responsible for providing advice in the application of this Policy in accordance with agreed HR service levels.
Managers and Supervisors	Responsible for addressing any instance of non-compliance with this Policy, and implementing strategies to help prevent non-compliance with this Policy. Responsible for implementing the processes outlined in this Policy, in accordance with this Policy, as required.
All Employees (including Managers and Supervisors)	Responsible for meeting the requirements outlined in this Policy. Responsible for raising concerns or complaints in accordance with this Policy.

7. MONITORING, EVALUATION AND REVIEW

The YMCA Geelong People Services department is responsible for formally reviewing and updating this policy on a bi-annual basis, however, this Policy should also be reviewed on an ongoing basis to reflect changes in the law.

YMCA Geelong may audit compliance with undertaking risk assessments and compliance with the induction and training principles of this Policy through the YMCA compliance system.

8. SUPPORTING DOCUMENTS (LINKS TO PROCEDURES, LEGISLATION, FORMS, WORK PRACTICES)

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This Policy is supported by the Bullying, Harassment and Discrimination Procedure and supporting Resources which are designed to assist Managers in complying with this Policy. Further information can be found on the HR Manual on Ynet. Click [here](#) to access.

Please find a list of related documents below:

- Code of Conduct Policy
- Occupational Health and Safety Policy
- Occupational Violence Procedure
- Digital Device and Usage Policy
- Recruitment and Selection Policy
- Privacy Policy
- Victorian Equal Opportunity Act 1995
- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Occupational Health and Safety Act 2004

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V1	04/04/2014	Shona Eland	Created

As Adopted by the YMCA Geelong on / / 2014

Acting Chief Executive Officer YMCA Geelong Inc.