



APPROPRIATE WORKPLACE BEHAVIOUR POLICY

<p>College Statement</p>	<p><i>Brigidine College Indooroopilly is a Kildare Ministries Independent Catholic Girls Secondary College for students from Year 7 to Year 12. The College is committed to the Brigidine vision of transformation of society through faith and education. It has a proven record of providing quality and affordable education for the empowerment of young women. The College strives, in the spirit of Brigid, to build a true community of students, parents and teachers, reflecting gospel values. The College motto, Fortiter et Suaviter (Strength and Gentleness) is lived daily in all interactions. There is emphasis on the individual and the common good in all aspects of College life.</i></p>		
<p>Date Approved</p>	<p>May 2020</p>	<p>Policy Owner</p>	<p>Principal</p>
<p>Next Review Due</p>	<p>May 2023</p>	<p>Author</p>	<p>HR Officer</p>
<p>Scope</p>	<p>Applies to all employees (including volunteers), Board members, contractors and people undertaking work experience and/or vocational placement, collectively referred to in this Policy as workers.</p> <p>This Policy replaces and supersedes any prior Brigidine policies and procedures on this subject matter, including:</p> <ul style="list-style-type: none"> • Sexual Harassment Policy and Guidelines • Anti-Harassment (Anti-Bullying) Policy and Guidelines • Workplace Bullying Prevention Policy 2014 		
<p>References</p>	<ul style="list-style-type: none"> • Code of Conduct • Grievance Policy • Digital Usage Cyber-Safety Policy • Privacy Policy • Whistleblowers Policy • Enterprise Bargaining Agreement (as amended) • Queensland legislation (eg <i>Anti-Discrimination Act</i>) • Commonwealth legislation (eg <i>Sex Discrimination Act</i>) 		
<p>Contact</p>	<p>office@brigidine.qld.edu.au</p>		



POLICY OVERVIEW

Brigidine College is committed to providing a work environment which values diversity, respects differences and provides an environment that is safe, healthy, positive, supportive and free from all forms of discrimination, harassment and bullying.

Harassment, discrimination and bullying behaviour is inconsistent with College values and commitments and will not be tolerated or condoned in any circumstances.

All workers have an obligation to ensure their personal conduct and behaviour is at all times professional and lawful and does not reflect adversely on the reputation of Brigidine College. A worker who does not comply with the requirements of this policy and related procedures will be subject to disciplinary action, up to and including termination of employment

1. PURPOSE

This policy is intended to operate in conjunction with Brigidine College's Code of Conduct, Enterprise Agreement (as amended), related policies, procedures and the relevant legislation.

The College will:

- ensure that the policy and related procedures are accessible and effectively communicated;
- clearly define unacceptable workplace behaviour;
- provide a formal and informal complaints system that gives advice and support and a mechanism for reporting, investigating and resolving complaints; and
- ensure all reports of inappropriate workplace behaviour are treated seriously and investigated promptly, confidentially and impartially.

2. PHILOSOPHY

The College seeks to provide a work environment where workers and others in the workplace are treated fairly and with respect. The College aims to ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess.

The College also endeavours to create a work environment which promotes good working relationships and where people are not subjected to unacceptable behaviour that makes them feel uncomfortable.

The College recognises that employees should work in an environment that is free from discrimination, harassment and bullying and expressly prohibits any unlawful conduct contrary to Equal Employment Opportunity (EEO) laws, as outlined in this Policy.



3. SCOPE

This Policy is not limited to the workplace or work hours and extends to all activities, functions and places that are work related, including work lunches, conferences, meetings and Christmas parties.

EEO laws apply to all areas of employment, including recruitment, terms and conditions of employment, promotion, transfer, training, leave and termination of employment. EEO laws also apply to the provision of goods and services which means that workplace participants must not engage in any unlawful conduct towards any member of the Brigidine College community.

4. UNLAWFUL CONDUCT

The College takes all reasonable steps to ensure that employees and other members of the College community are not subjected to unlawful conduct. In some circumstances, workers can be held legally responsible for their own behaviour. In circumstances where a worker's conduct may involve a breach of any Australian law, the College may notify the police or other relevant government authority.

Under EEO laws and this Policy, the following types of conduct are unlawful and strictly prohibited:

- Discrimination
- Harassment
- Sexual Harassment
- Bullying
- Vilification
- Victimisation

4.1 Discrimination

Discrimination occurs when a person or group of people is treated less favourably than another person or group, based on an attribute under the Anti-Discrimination Act 1991 (the Act).

Under the Act and this Policy, it is unlawful to discriminate against or harass a person based on any of the following grounds of discrimination:

- Sex
- Parental status
- Race
- Status as a legal sex worker
- Gender identity
- Association with, or relation to, a person identified on the basis of any of the above attributes.
- Relationship status
- Breastfeeding
- Impairment
- Trade union activity
- Sexuality
- Pregnancy
- Age
- Religious belief or activity
- Political belief or activity
- Family responsibilities



Examples of Discrimination

- Making offensive 'jokes' about another worker's racial or ethnic background, sex, sexual preference, age or disability.
- Expressing negative stereotypes about particular groups e.g. "married women shouldn't be working".
- Judging someone on their political beliefs rather than their work performance.
- Using selection processes based on irrelevant attributes such as age, race or disability rather than on skills and merit.
- Not offering training to an older worker because you assume they will retire soon.

4.2 Harassment

Harassment is where a person is subjected to behaviour, other than sexual harassment, that:

- is repeated, unwelcome and unsolicited;
- the person considers to be offensive, intimidating, humiliating or threatening; and
- a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

Examples of Harassment

- Leaving offensive messages on electronic communication systems.
- Excluding and isolating an individual from workplace activities.
- Sabotaging work processes or outcomes.
- Tampering with work or personal effects.

4.3 Sexual Harassment

Sexual Harassment is any form of unwelcome sexual attention that makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. One act is sufficient to constitute sexual harassment in some circumstances. Sexual harassment can be verbal, physical, written or visual.

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the behaviour is consensual, welcome and reciprocated it is not sexual harassment.

Examples of Sexual Harassment

- The distribution or display of offensive pictures or written material.
- Repeated unwelcome requests for social outings or dates.
- Offensive comments about a person's physical appearance, dress or private life.
- Jokes, intrusive questioning, messages or telephone calls of a sexual nature.
- Direct propositioning or subtle pressure for sexual favours.
- Leering, patting, pinching, touching or unnecessary familiarity.

Sexual harassment may be a criminal offence, such as obscene phone calls, indecent exposure or sexual assault.



4.4 Workplace Bullying

Bullying is repeated, unreasonable behaviour directed towards an individual or group that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

Bullying behaviour does not need to be based on a ground of discrimination, such as sex, race, age, etc. A person can be bullied for any reason. It may be that someone just does not like them.

Generally, for conduct to constitute bullying it must be repeated. A one-off incident would not normally constitute bullying. There is no requirement that the person deliberately or intentionally bully the person, however intention may be relevant in assessing the severity of the conduct.

Examples of Bullying

- Physical assault or threats
- Initiation rites
- Verbal abuse or name calling
- Practical jokes
- Teasing or inappropriate comments
- Withholding information that is essential to perform a task properly
- Intimidating actions
- Excluding or isolating workplace participants

What is Not Bullying

Reasonable managerial actions such as disciplinary action, work directions and orders, and allocation of work in compliance with business needs and systems does not constitute bullying. It is not bullying for a Manager to counsel a worker about their performance. Performance counselling is a necessary part of ensuring that workers meet College standards of work and behaviour.

4.5 Vilification

Vilification is behaviour that:

- is a public act; and
- incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity.

A public act can include:

- Writing letters to the public;
- Speaking in a public place;
- Putting up notices;
- Posts on the internet or social networking sites; or
- Publicly wearing or displaying clothing, signs, emblems or insignias in order to vilify.



Examples of Vilification

- Sending a group email containing a highly offensive racial joke.
- A worker abusing a person because of their race, religion, sexuality or gender identity which encourages others to hate people of that race, religion, sexuality or gender identity.

4.6 Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint, or they are involved in a complaint of unlawful conduct.

The College will not treat a worker less favourably in their employment because they have made a complaint. Workers must not retaliate against a person who raises a complaint or subject them to any detriment. However, where a person lodges a false complaint in bad faith, that person may be subjected to disciplinary action, up to and including termination of employment.

Examples of Victimisation

- Excluding or isolating a person because they have lodged a complaint.
- Failing to promote a person because they have lodged a complaint.

5. RIGHTS AND RESPONSIBILITIES

All workers must:

- ensure they do not engage in any unlawful conduct towards other workplace participants, students or others with whom they come into contact through work;
- ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- follow the Grievance Policy if they experience any unlawful conduct;
- report any unlawful conduct they see occurring to others in the workplace in accordance with the Grievance Policy;
- maintain confidentiality if they are involved in the complaint procedure. If a worker breaches confidentiality, they may be subjected to disciplinary action. Spreading rumours or gossip may also expose workers to a defamation claim.

Workers may, in some circumstances, be held legally responsible for their unlawful conduct. Workers who aid, abet or encourage other persons to engage in unlawful conduct can also be legally liable.

6. GRIEVANCE PROCEDURE

If you feel that you have been subjected to any form of unlawful conduct contrary to legislation or this Policy, you should not ignore it. The Grievance Procedure has numerous options available to suit the circumstances of each individual situation. Choose the course of action you feel most comfortable with.

Any reports of inappropriate workplace behaviour will be treated seriously and investigated promptly, confidentially and impartially.



7. CONFIDENTIALITY

All complaints, investigations and documentation will be kept strictly confidential. Information will be released to properly authorised officers only on a "need to know" basis in line with normal legal requirements and due regard to the requirements of the investigations.

8. BREACH OF THIS POLICY

If an employee breaches this Policy, they will be subject to disciplinary action. In serious cases this may include termination of employment. Depending on the circumstances of the case, disciplinary action which may be taken include:

- A formal warning
- Counselling
- Transfer to another area
- Suspension
- Demotion
- Termination of employment

The College may take a range of other non-disciplinary measures to resolve a complaint, depending on the circumstances. Examples include:

- Training to assist in addressing the problems underpinning the complaint
- Monitoring to ensure that there are no further problems
- Implementing a new policy
- Requiring an apology
- Requiring an undertaking that certain behaviour stop
- Changing work arrangements.

Contractors who are found to have breached this Policy may have their contracts with Brigidine College terminated or not renewed.

9. ADDITIONAL INFORMATION AND SUPPORT

If you are unsure about any matter covered by this Policy, you should seek the assistance of your Manager, Human Resources or the College Leadership Team.

All employees have access to the College Counsellor and/or Employee Assistance Program (EAP). The EAP program is an external, professional, confidential counselling service offering support with any personal or work-related issue. Full details of the EAP program can be obtained on the College's website, from your manager, College Leadership Team or Human Resources.

Revision History

Document Number	Date	Revision Description	Approval
Version 1	May 2020	Original Version	

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END OF POLICY