

## **Policy**

### **Bullying, Harassment and Discrimination**

**Southern Cross Housing Ltd**

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<b>Document owner</b>	Head of Retirement Villages and Community Housing
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## 1. Purpose

The purpose of this policy is to provide a working environment which provides opportunity and equality to all employees and ensures that the workplace is free from any form of discrimination, bullying or harassment.

## 2. Scope

- a. This policy applies to all Southern Cross Housing Ltd (SCH) employees and contractors employed by SCH.
- b. This policy applies in any organisational context, including conferences, seminars or work functions including staff Christmas parties.

## 3. Policy Statement

### Definitions:

**Workplace bullying** is the less favourable treatment of an employee by one or more employees, which bans, intimidates, threatens, victimises, undermines, offends, degrades, ridicules, insults or humiliates an employee or employees, whether in front of co-workers, Tenants, visitors, customers or alone. Bullying can also occur through more subtle means such as withholding information, isolating a person within the workplace, or excluding them from decision making processes or activities in which they would normally or should be involved.

**Harassment** consists of behaviour that is perceived to be offensive, abusive, belittling or threatening. It can be indirect, unintentional or deliberately directed at an individual

employee or group of workers. The behaviour is unwelcome, unsolicited, unreciprocated . It may be a once-off or repeated behaviour.

**Sexual Harassment** is any behaviour of a sexual nature, which is unwelcome. Sexual harassment may include (but is not limited to) the following:

- physical contact - touching; patting; pinching ; kissing or embracing someone; sexual assault and rape;
- verbal comments - e.g. innuendo; smutty jokes; suggestive comments about someone's appearance or body; persistently inviting someone out; questions about a person's private life; requests for sexual favours;
- non-verbal actions - e.g. leers; stares; displays of sexually explicit material; offensive hand or body movements; suggestive letters or drawings, including email; indecent exposure; stalking.

When identifying sexual harassment, the intent of the person whose behaviour caused offense is largely immaterial. It is the effect of the behaviour that is relevant. If the behaviour is unwelcome and sexually oriented and occurs in circumstances where a reasonable person would have anticipated the possibility that a person would have been offended, humiliated or intimidated by the conduct, then it is sexual harassment.

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

**Discrimination** includes any distinction, restriction, termination, exclusion or preference made on the basis of a particular attribute that has the effect of nullifying or impairing equality of opportunity and also includes harassment on the basis of an attribute. Attributes include (but are not restricted to) race, gender, age, sex, sexual preference, marital status, pregnancy, physical or mental disability, union or employer association, political affiliation, religious beliefs, national extraction, social origin and the right to or not to exercise a *workplace right*.

**Workplace Right** includes a person's right to access or not to access an entitlement contained in an award, agreement, or law, including the National Employment Standards. For example a person cannot be discriminated against (receive adverse treatment) for accessing parental leave, or for making a complaint in accordance with the internal grievance procedures.

### **Confronting Workplace Bullying, Harassment and Discrimination**

SCH is committed to promoting and maintaining a workplace culture where all employees are treated with respect, fairness, equality and dignity. Discrimination, harassment and bullying are unacceptable behaviours which have a detrimental impact on employees. These behaviours must be actively discouraged and eliminated from our workplace.

All employees are expected to engage in appropriate behaviour by exhibiting a professional manner and treating each other fairly and with dignity and respect when at work and work related social activities.

### **Making a complaint**

Employees who experience inappropriate behaviour are encouraged to report this to their direct manager, or Head of Retirement Villages and Community Housing.

Any report of inappropriate behaviours will be treated seriously and investigated promptly, confidentially and impartially in accordance with SCH's grievance policy and procedures. SCH recognises that the complainant may choose at any time, the option of lodging a complaint with an external agency and/or taking legal action in the case of a criminal act.

Managers and supervisors have a responsibility to ensure employees are not treated inappropriately or victimised for reporting inappropriate behaviours. If managers become aware of harassment, discrimination or bullying taking place, they are obliged to resolve the issue, even if an employee does not raise it directly. Managers and supervisors must also ensure that their own conduct in relation to appropriate workplace behaviour is above reproach and ensure employees do not receive adverse treatment for choosing to exercise or not to exercise a workplace right.

SCH will discipline, suspend or dismiss any employee found guilty of bullying, harassment or discrimination.

Harassment or discrimination should not be confused with legitimate comments and advice by managers, supervisors, etc. relating to standards of work, workplace behaviour or feedback on performance.

## **4. Roles & responsibilities**

All personnel employed by SCH, including any contractors (including labour hire), volunteers, and key personnel.

## **5. Related legislation & standards**

<b>Legislation / Standard</b>	
Fair Work Act	2009
Western Australia Equal Opportunity Act	1984 (WA)
Racial Discrimination Act	1975 (Cth)
Occupational Safety and Health Act	1984 (WA)
Sex Discrimination Act	1984 (Cth)

## 6. Supporting SCH policies, procedures & other documents

Document ID	Document Title
	SCH - Complaints, Comment and Feedback Procedure
	SCH – Continuous Improvement Policy
	SCH – Code of Conduct Policy for SCH (Staff)
	HR SCH – Whistleblowing Policy
	SCH – Privacy Policy
	HR SCH – Employee Grievance Policy and Procedure
	HR SCH – Confidentiality Policy
	HR SCH – Discipline Policy

## 7. Feedback

Feedback on this policy must be directed to the Document Owner outlined in the cover of this policy.