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POLICY AND PROCEDURE

DISCRIMINATION, HARASSMENT AND BULLYING POLICY

Date Approved:	4/04/2018
Policy Category:	People & Culture
Policy Owner:	GM People & Culture

1 Purpose

The purpose of this policy is to support all employees, students and others at SEDA Group to work in an environment that is free from unlawful discrimination, sexual harassment, victimisation and bullying.

2 Application

This policy applies to all employees, students, contractors and volunteers of SEDA Group.

3 Policy

SEDA Group aims to provide its employees and students with a work and school environment that is free from unlawful discrimination, sexual harassment, victimisation and bullying.

Discrimination

SEDA Group will not tolerate unlawful discrimination in the workplace.

"Unlawful discrimination" occurs when someone is treated, or it is proposed they be treated, unfavourably because of a personal characteristic protected by Commonwealth, state or territory law.

In Victoria, it is unlawful to discriminate on the basis of the following characteristics:

- Age
- Breastfeeding
- Disability
- Employment Activity
- Status as a Parent or Carer
- Physical Features
- Pregnancy
- Race

- Gender Identity
- Industrial Activity
- Lawful Sexual Activity
- Marital Status
- Sex
- Sexual Orientation
- Political or Religious Beliefs or Activities
- Association with someone with above attributes

Unlawful discrimination includes both direct and indirect discrimination:

“**Direct discrimination**” is when someone is treated, or it is proposed they be treated, unfavourably because of the above characteristics protected by law.

“**Indirect discrimination**” occurs when an unreasonable condition is imposed that disadvantages a person with a personal characteristic listed above and protect by law.

Sexual Harassment

SEDA Group will not tolerate unlawful sexual harassment in the workplace.

“Unlawful Sexual harassment” is unwelcome sexual behaviour which could be expected to make a person feel offended, humiliated or intimidated in breach of Commonwealth, state or territory law.

Unlawful sexual harassment can include, but is not limited to:

- comments about a person’s private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated requests to go out
- requests for sex
- sexually explicit emails, text messages or posts on social networking sites.

Unlawful sexual harassment occurs in the workplace when it happens:

- At work
- At work-related events
- Between people sharing the same workplace
- Between colleagues outside of work

Victimisation

SEDA Group will not tolerate unlawful victimisation in the workplace.

“Unlawful victimisation” occurs when someone subjects, or threatens to subject, another person to some form of detriment or harm, in breach of state or territory law, because they have:

- Made a complaint of discrimination or sexual harassment
- Helped someone else make a complaint a complaint of discrimination or sexual harassment
- Refused to do something because it would be discrimination, sexual harassment or victimisation

Bullying

SEDA Group will not tolerate bullying in the workplace.

“Bullying” is the repeated and unreasonable behaviour by an individual or group directed towards an individual or group where that behaviour creates a risk to health and safety. Reasonable management action that is carried out in a reasonable way is not bullying.

“Unreasonable behaviour” means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the other person.

“Risk to health and safety” includes risk to the mental or physical health of the employee.

In determining whether the behaviour of an employee constitutes bullying it is irrelevant whether or not the employee is aware of the bullying, and whether or not it is intentional.

Bullying can include, but is not limited to:

- Physical or verbal abuse
- Spreading malicious rumours or gossip
- Intimidation
- Psychological harassment
- Unjustified criticism or complaints
- Excluding or isolating people from workplace activities
- Cyber bullying

Refer to the SEDA Social Media Policy – Students and Cyber Safety Use Agreement for Students for further information located on My SEDA.

4 Complaint Procedure

All employees and students who feel they have experienced unlawful discrimination, bullying, victimisation and/or harassment at work are strongly encouraged to raise their concerns to an appropriate person within SEDA Group as per the Complaints and Concerns Policy. An appropriate person may be a manager or supervisor for a staff member or the Wellbeing Coordinator for a student.

All complaints will be treated seriously by SEDA Group.

Where a complaint may involve offences under the criminal law (such as sexual assault, indecent exposure or stalking) the matter may be referred to police.

5 Breaches Of This Policy

The consequences of breaching this policy will depend on the seriousness of the matter, but may include disciplinary action up to and including termination of employment.

6 Relevant Legislation

SEDA Group has a responsibility to prevent unlawful discrimination, sexual harassment, victimisation and bullying in the workplace under both Commonwealth and state and territory legislation.

The Commonwealth legislation includes:

- *Fair Work Act 2009* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Age Discrimination Act 2004* (Cth)

7 Policy Review

SEDA Group may make changes to this policy from time to time. Please contact People & Culture for further information.