

GRIEVANCES, HARASSMENT & DISCRIMINATION POLICY

Overview:

Our company is committed to continuously improving the management of grievances, harassment and discrimination in the workplace.

Definitions:

Accountable Person:

An individual, who assumes responsibility for the welfare of any other person in a workplace by providing instruction, direction, assistance, advice or service is deemed an accountable person. All management and supervisory staff are therefore considered "accountable persons".

Employee:

For the purpose of this Policy, employee refers to any staff member, contractors or visitors.

Harassment:

Harassment includes intrusive or inappropriate questions or comments about a person's private life; unwanted written, telephone or electronic message; promises or threats relating to a person's status in the workplace; physical violence or the threat of physical violence. Harassment may occur as a single incident or a series of incidents.

Some forms of harassment are:

- Displaying or distributing of pictures, posters, poems, publications, computer images or programs or other audio-visual material that are offensive and or obscene
- Stereotyping, that is assumptions about an individual's group behaviour, values, culture or abilities
- Asking questions about a person's private life or teasing about a person's alleged political or religious activities or other aspects of private life
- Making repeated and unnecessary reference to a person's racial or cultural background
- Making practical and or verbal jokes based on race/ sex/ gender / disability
- Making unjustified and unnecessary comments about a person's work or capacity for work
- Using terms of endearment that the recipient finds objectionable
- Humiliating a person
- Making derogatory reference.
- Sexual advances, unwelcome requests and conduct.

Discrimination:

Discrimination is any practice which makes distinctions between individuals or groups on grounds other than merit so as to disadvantage some and to advantage others. Discrimination may be on the basis of sex, disability or race or private life. Direct discrimination involves treating a person less favourably than someone else because of particular characteristics, attributes or status.

Mediation / Conciliation:

Mediation / Conciliation is a process used where an impartial third party assists two disputing parties to settle a complaint by mutual agreement. Conciliation can be used as a method for grievance / complaint resolution.

Disability:

Total or partial loss of the person's bodily or mental functions; disease, illness, malfunction, malformation or disfigurement of a part of the person's body. A disorder or malfunction which results in the person learning differently.

Hostile Working Environment:

A hostile working environment is one in which there is ongoing unwelcome hostile conduct in the workplace that interferes with work performance or affects and employee's enjoyment of the working environment. The behaviour does not need to be directly or consciously targeted at an individual.

Policy Framework

Harassment and Discrimination are offensive and are against the objects and purpose of our business. Our business aims to create a working and learning environment that is free from harassment and discrimination and where all staff are treated with dignity, courtesy and respect. Harassment or improper discrimination by any member of staff will not be tolerated by our business.

Confidentiality:

It is of paramount importance and in the best interest of complainant and respondent that confidentiality is maintained during resolution procedures. Communication about the complaint must be limited to persons to who disclosure is consistent with their position and responsibilities under this policy.

An accusation of harassment or discrimination potentially involved defamation. It is essential that the following shall be observed:

- Parties to a complaint must act honestly and in good faith in using these procedures
- A person wishing to communicate with another person about a matter coming under these procedures must do so in private

Resolution:

Where possible, complaints should be resolved by discussion, cooperation, mediation and or conciliation which aim to assist the parties to reach an agreement on acceptable outcomes. A process for investigation of a formal complaint is available where discussion and or conciliation is inappropriate or has proved unsatisfactory.

Procedures:

Grievances, harassment and discrimination complaints should be dealt with initially by seeking information and advice from their direct supervisor / manager.

Thereafter, the complaint may be dealt with by one or more of the following:

- A direct approach by complainant to respondent(s)
- Mediation / conciliation conference
- A formal grievance process
- Direct legal action under relevant State and / or commonwealth legislation.

Grievances, harassment and discrimination offences can range in seriousness can result in:

- An apology
- Counselling
- Professional development training
- Disciplinary action or misconduct proceedings
- Termination of employment
- Agree resolutions or formal determination of grievances
- Penalties as prescribed under relevant legislation.

Roles and Responsibilities:

The supervisors / managers have a responsibility to:

- Promote awareness
- Provide advice and information on relevant aspects of this policy
- Treating all complaints seriously
- Explaining this policy and the procedures available to resolve a complaint
- Explaining that some forms of harassment may also be offences under the criminal law
- Refer complainants to appropriate agencies
- Give appropriate support to complainants or respondents to the complaint resolution
- Document the procedure adopted and outcome
- Maintain confidentiality at all times