



HR Harassment, Sexual Harassment, Victimisation and Bullying Strategy

(Forms part of Human Resources Management Policy)

1. Purpose and Scope:

This policy should be read in conjunction with the Human Resources Management Policy 3. Equal Opportunity and also Equal Opportunity Procedures and provides guidelines to the board and staff of Taillem Bend Community Centre Inc (TBCC) to ensure that adequate measures are in place to both prevent workplace harassment, sexual harassment, victimisation or bullying from occurring and to provide guidelines for the effective management of any grievances or complaints. All categories of employee including full/part time, contract, casual, unpaid, agent and voluntary are covered by Federal and South Australian Equal Opportunity legislation and by this document.

2. Definitions:

2.1. Workplace Harassment – usually refers to behaviour that is unwelcome, results in the person feeling offended, intimidated or humiliated, is related to any of the grounds in the Equal Opportunity Act, and is reasonable in the circumstances to feel that way.

2.2 Sexual Harassment – Sexual harassment covers unwelcome behaviours of a sexual nature which cause a person to feel intimidated, humiliated or offended and where it might be determined reasonable for them to feel that way. In the case of sexual harassment, what is important is how the behaviour was perceived, not necessarily how it was intended. These are some of the forms that sexual harassment can take:

- unwelcome touching or kissing in a sexual way
- repeated comments or jokes, leering or staring, that are sexually suggestive
- sexually explicit pictures, objects or reading matter
- direct or implied sexual propositions, or unwelcome requests for dates
- intrusive questions about sexual activity
- abusing a position of power to try to obtain sexual favours

Sexual harassment can also include the general climate of a workplace. A poor workplace atmosphere can create an uneasy, intimidating, hostile environment. This can have a bad effect on health, work performance, job satisfaction and productivity.

Sexual harassment can occur between:

- employer and employee (or potential employee)
- employee and employee
- or employer/employee and client.

2.3 What is not Sexual Harassment - Sexual harassment should not be confused with sexual attraction. It has nothing to do with mutual attraction or friendship. Humour, friendship and relationships based on mutual consent are not sexual harassment.

2.4 Workplace Bullying – usually refers to the persistent ill treatment of an individual at work by one or more other persons which causes risks to the health, safety and welfare of paid and unpaid staff. If an employee is intimidated, put down or humiliated (sometimes in front of others) on a regular basis, this may constitute workplace bullying. It need not involve physical ill treatment, such as punching and kicking. Most cases of bullying involve such treatment as verbal abuse, 'nit-picking', threats, sarcasm, ostracism, constant criticism, gossip (i.e. bad mouthing to others in Centre) or sabotage of a person's work.

It is important to separate a manager or employer's genuine right to control and monitor work from abuse or bullying. All employers have a right to direct and control how work is done, and managers have a responsibility to monitor workflow and comment on performance.

Where the workplace bullying does not relate to grounds covered by equal opportunity legislation, it still constitutes a serious workplace problem and can be considered as a breach of the Occupational Health, Safety and Welfare Act (1986), Workers Rehabilitation and Compensation Act (1986) or other criminal laws relating to assault or threatening behaviour. Penalties apply to managers made aware of workplace bullying without taking appropriate action.

2.5 Victimization - treating someone unfairly because they have acted on the rights given them by equal opportunity law, or because they have supported someone else who acted upon those rights—for instance, if a person's job is threatened because they have made a complaint to the Equal Opportunity Commissioner. Victimization is unlawful, and may attract severe financial penalties.

2.6 Employee – paid staff, volunteers and tutors can all be considered as employees under this policy

3. Background:

3.1 It is against organisational policy and a breach of equal opportunity laws to harass/victimize/bully any employee under any circumstances including their sex, race, pregnancy, marital status, disability, age, or sexual preferences. Harassment will also occur if it is based on a perception that a person has one of those attributes, even if they don't, in fact, have that attribute.

3.2 TBCC values the diversity of its workforce and respects the differences between employees, recognising that each person has individual talents and skills to bring to their job. TBCC believes that all employees are entitled to work in an environment in which they can enjoy their work and their relationships with their colleagues, free from unwanted harassment of any kind.

3.3 Harassment will usually be repeated behaviour, but can also consist of a single act.

Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the work environment unpleasant and sometimes even hostile. If a person is being harassed then their ability to do their work is affected. They often become stressed and suffer health problems as a result. There are many types of harassment. These can range from direct forms, such as abuse, threats, name calling and sexual advances; to less direct forms, such as where a hostile work environment is created, but no direct attacks are made on an individual.

Harassment can often be the result of behaviour which is not intended to offend or harm, such as jokes or unwanted attention. The fact that harassment is not intended does not mean that it is not unlawful. The differences between people should be acknowledged and respected - never ridiculed.

4. Strategy:

4.1 Harassment of any kind will not be tolerated at TBCC

- 4.2 It is TBCC legal responsibility to ensure that harassment does not happen in the workplace. If it should occur, complaints of harassment will be taken seriously by the organisation.
- 4.3 The Coordinator will accept day-to-day responsibility for implementing this strategy.
- 4.3 The complaint will be investigated in a sympathetic, fair and confidential manner. Action will be taken to make sure that the harassment stops. Appropriate warnings or disciplinary action will be taken where harassment is found to have occurred. (See HR Harassment, Sexual Harassment, Victimisation and Bullying Procedures)
- 4.4 Employees will not be victimised or treated unfairly for making a harassment complaint.

Date first formulated	December 2015 (previously Harassment, Sexual Harassment, Victimisation and Bullying Policy V1 24 August 2007)	
Dates approved by Board	V1 (Incorporated into Human Resources Management Policy as HR Harassment, Sexual Harassment, Victimisation and Bullying Strategy)	June 2016
Next Review Date	June 2019	
Related Documents	Board of Management Kit Disability Action Plan Diversity and Social Inclusion Policy Feedback and Complaints Policy HR Harassment, Sexual Harassment, Victimisation and Bullying Procedures Human Resources Management Policy Privacy and Confidentiality Policy Risk Management Policy Work Health and Safety Policy Volunteer Pack	
Signed on behalf of TBCC Board of Management by:		
Name: Lorraine Cresp		
Position held: Chairperson		Signature: 

