

BULLYING, DISCRIMINATION AND HARASSMENT POLICY

Rationale and policy Considerations

Our Service is committed to creating a workplace with vision and meaningful direction, adhering to our code of conduct and practicing ethical behaviour to ensure a productive work environment free from bullying, discrimination, and/or harassment.

Legislation and Government Requirements

- Education and Care Services National Law Act 2010 (SA)
- Education and Care Services National Regulations
- Privacy Act (1988) Commonwealth
- Fair Work Act 2009
- Prospect Early Education and Care's EBA signed May 2016

National Quality Framework

Education and Care Services National Regulations: 168

National Quality Standard for Early Childhood Education and Care (Nov 2010) – Elements 4.2, 4.2.1, 4.2.2

Policy Statement

We are committed to providing a safe and equitable workplace for all staff and educators. Bullying, discrimination, and harassment will not be tolerated under any circumstances. As part of this commitment we aim to prevent workplace bullying by adhering to the Early Childhood Code of Ethics, Fair Work requirements, and the Service philosophy, ensuring a safe workplace and the wellbeing of all staff and Educators employed at the Service.

Strategies for Policy implementation

Everyone has a right not be bullied or harassed at work. Workplace bullying occurs when a person or group of people repeatedly behave unreasonably towards a worker or a group of workers, creating a risk to health, safety, and wellbeing.

Bullying may involve any of the following types of behaviour:

- aggressive or intimidating conduct
- making belittling or humiliating comments
- spreading malicious rumours
- teasing, practical jokes or initiation of, or participation in 'initiation ceremonies'
- exclusion from work-related events
- unreasonable work expectations
- displaying offensive material, and/or
- pressure to behave in an inappropriate manner.

Bullying does not include management action carried out in a reasonable manner including:

- making decisions about poor performance
- taking disciplinary action
- directing and controlling the way work is to be carried out.

Discrimination occurs when someone is treated less favourably than others because of a particular characteristic (such as age, disability or gender), or belong to a particular group within the population (due to, for example, religion, culture, or sexual orientation).

Harassment involves unwelcome behaviour that intimidates, offends or humiliates a person because of particular characteristics as listed above.

There are a number of anti-discrimination, equal employment workplace relations, and human rights laws which make it illegal to discriminate or harass a person in the workplace. Australia's federal anti-discrimination laws are contained in the following legislation:

Age Discrimination Act 2004

Disability Discrimination Act 1992

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Our Service philosophy, code of conduct and the Early Childhood Australia (ACA) Code of Ethics will guide educator behaviours and interactions and adhere to best practice by providing a vision and a purposeful and meaningful direction to ensure a safe working environment for all staff.

Management and Nominated Supervisor will ensure:

- a thorough induction process for new employees is conducted at the commencement of employment.
- all staff have a comprehensive understanding of the Service's code of conduct, *Grievance Policy* and the *Early Childhood Code of Ethics*.
- the *Bullying, Discrimination and Harassment Policy*, and all related policies are reviewed annually.
- educators are informed that inappropriate behaviour, including bullying and harassment will not be tolerated, and will be advised of potential consequences of this behaviour
- educators are aware of the Service's bullying and harassment procedure
- inappropriate behaviour is addressed in a timely manner
- educators are aware of appropriate interactions through professional development and training
- staff and educators are aware of their job roles and responsibilities which will be clarified through job descriptions, team meetings, performance appraisals and clear management expectations
- they are encouraged to embrace the uniqueness and diversity of their colleagues
- constructive feedback is provided to staff and educators
- communication practices are reviewed frequently to ensure best practice
- all staff and educators are treated equally and fairly
- meetings are documented accurately and appropriately
- an understanding and compliance with discrimination law is communicated with all employees.

Educators will:

- be involved in decision making with a clear understanding of their roles and responsibilities, outlined in each individual job description
- embrace the uniqueness and diversity of their colleagues
- respect the skills, strengths and opinions of all educators in order to create team cohesion based on professionalism
- comply with discrimination law
- be responsible for their own actions in the workplace
- raise matters of concern to management at an early stage
- provide management with specific information regarding the perceived bullying and be prepared to have the complaint made known to the person, to allow for fair management and rectification
- maintain confidentiality and not discuss or release information relating to bullying allegations.

Links to other Policies

Code of Conduct Policy
Cyber Safety Policy
Family Communication Policy
Health and Safety Policy
Interactions with Children, Family and Staff Policy
Multicultural Policy
Privacy and Confidentiality Policy
Respect for Children Policy
Staffing Arrangements Policy
Student and Volunteer Workers Policy
Work Health and Safety Policy

Sourced from

Anti-Discrimination Act: See <https://raisingchildren.net.au/disability/disability-rights-the-law/law/anti-discrimination-laws> for Acts for specific Australian states and territories.

Australasian Legal information institute: www.austlii.edu.au

Australian Children's Education & Care Quality Authority. (2014).

Australian Human Rights Commission. (2019). Reform of discrimination law:

<https://www.humanrights.gov.au/>

Early Childhood Australia Code of Ethics. (2016).

Fair Work Act 2009 (Cth).

Fair Work Ombudsman. (2019). Bullying & Harassment: <https://www.fairwork.gov.au/employee-entitlements/bullying-and-harassment>

Fair Work Ombudsman. (2019). Managing performance & warnings:

<https://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings>

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2020).

Guide to the National Quality Standard. (2017).

Law Council of Australia. (2019). Bullying and harassment in the workplace:

<https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/bullying-and-harassment-in-the-workplace>

Revised National Quality Standard. (2018).

Safe Work Australia. (2019). Bullying: <https://www.safeworkaustralia.gov.au/bullying>

Work Health and Safety Act 2011 (Cth).

Workplace Relations Act 1996 (Cth).

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