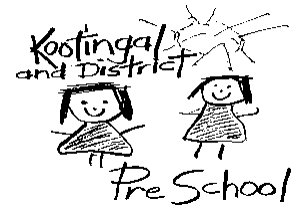


## Quality Area 4: Staffing Arrangements

# Harassment Free Workplace



### Introduction

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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 statement of philosophy, ensuring a safe workplace and the wellbeing of all staff and educators employed at the Service. This policy has been developed to ensure all educators, staff, families and visitors to our Service are clear about the standards of behaviour that is expected.

This policy applies to

- Committee members
- All staff, including approved providers, managers, and supervisors; educators full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, contractors, sub-contractors and volunteers
- How the service provides care and education to children and families and how it interacts with other professionals and communities
- All aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- On-site, off-site or after-hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their work commitments and duties.
- Staff treatment of other staff, families and children and of other members of the public encountered in the course of their duties.

### Goals – What are we going to do?

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Kootingal and District Preschool will foster an environment of mutual respect equity and recognition of educator skills and strengths. This will be facilitated through the service philosophy and by adhering to the Early Childhood Code of Ethics and the Code of Conduct Policy. Kootingal and District Preschool endeavors to define clear expectations and guidelines for educators through clear job descriptions, policies, and procedures. Our service will encourage feedback and open communication to create understanding between educators and management.

We are committed to providing a safe and equitable workplace for all staff and educators. Harassment, bullying and discrimination will not be tolerated under any circumstances.

All staff are required to treat others with dignity, courtesy and respect.

By effectively implementing our Workplace discrimination and harassment policy we will attract and retain talented staff and create a positive environment for staff.

## Strategies – To achieve our goals

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Everyone has a right not to 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.

There are a number of anti-discrimination, equal employment opportunities, workplace relations, and human rights laws which make it illegal to discriminate or harass a person in the workplace.

### **Bullying**

Bullying may involve any of the following types of behaviour

- Aggressive or intimidating conduct
- Sarcasm and other forms of demeaning language
- Coercion
- Isolation
- Threats, abuse or shouting
- Inappropriate blaming
- Ganging up
- Constant unconstructive criticism
- Deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- Unreasonable refusal of requests for leave, training or other workplace benefits
- Belittling or humiliating comments
- Spreading malicious rumours
- Teasing, practical jokes or 'initiation ceremonies'
- Exclusion from work-related events
- Unreasonable work expectations
- Displaying offensive material
- Pressure to behave in an inappropriate manner

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

- Making decisions about poor performance
- Taking disciplinary action
- Directing and controlling the way work is to be carried out

### **Discrimination**

Discrimination occurs when someone is treated less favourable than others because they have a particular characteristic or belong to a group within the population, such as age, race or gender.

### **Harassment**

Harassment involves unwelcome behaviour that intimidates, offends or humiliates a person because of particular characteristics as listed above and including; disability, religion, or sexuality.

## **Psychological Hazards**

Psychosocial Hazards refer to aspects of work-related conditions or factors that could cause potential psychological or social harm to employees. Stress, fatigue, bullying, violence, aggression, harassment and burnout can be examples of potential psychosocial hazards, which can cause harm to employees physical and mental health, negatively impacting their overall wellbeing.

## **Sexual Harassment**

Sexual Harassment includes unwelcome sexual advance, unwelcome request for sexual favours and engaging in other unwelcome conducts of sexual nature. Our service implements a zero-tolerance approach to Sexual harassment.

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

We recognise that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

## **Victimisation**

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

## **Gossip**

The purpose behind gossip is to harm, disparage, and ruin reputations behind people's backs. Although talking about work is common, workplace gossip can damage careers and reputations when it develops into rumour-mongering or lying.

Breaching the confidentiality of a colleague or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

## Roles and Responsibilities

Role	Authority/Responsibility For
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> <li>➤ Carry out an induction process for new employees at the commencement of employment. At this time, appropriate behaviours will be reinforced and discussed.</li> <li>➤ Familiarise new employees with the Code of Conduct for Staff Members policy, the Complaints and Feedback policy and the Early Childhood Code of Ethics.</li> <li>➤ Inform educators that inappropriate behaviours such as harassment and bullying will not be tolerated.</li> <li>➤ Encourage educators to report inappropriate behaviours using the Complaints and Feedback policy.</li> <li>➤ Address all inappropriate behaviours in a timely manner</li> <li>➤ Increase educator awareness of appropriate interactions through professional development and training.</li> <li>➤ Encourage open discussions through educator team meetings, informal conversations and at performance appraisals to clarify each educator’s role within our Education and Care service.</li> <li>➤ Welcome constructive feedback. Educators will be encouraged to express opinions and work collaboratively with the Nominated Supervisor and the management of the Education and Care service to contribute to the success of the service and to facilitate continual improvement.</li> <li>➤ Regularly review communication practices within the education and care service to ensure all educators are supported, empowered, and acknowledged for their contributions to the team and the service.</li> <li>➤ Treat all educators equitably</li> </ul>
Early Childhood Educators	<ul style="list-style-type: none"> <li>➤ Be involved in decision making with a clear understanding of their roles and responsibilities as defined in their job descriptions, duty lists, rosters, and service policies.</li> <li>➤ Be valued for their contributions to the education and care service program and routines.</li> <li>➤ Be encouraged to embrace the uniqueness and diversity of their colleagues. Skills, strengths, and opinions of team members will be respected and supported by all educators to create team cohesion based on respect and professionalism.</li> <li>➤ Comply with all discrimination laws</li> <li>➤ Be responsible for their own actions in the workplace</li> <li>➤ Raise matters of concern to management at an early stage</li> <li>➤ Report any incidents or bullying, discrimination or harassment, including sexual harassment they have experienced or witnessed</li> <li>➤ Provide management with specific information regarding the perceived bullying, discrimination, and/or harassment, and be prepared to have the complaint made known to the person to allow for fair management and rectification</li> </ul>

	<ul style="list-style-type: none"> <li>➤ Maintain confidentiality and not discuss or release information relating to bullying, discrimination, or harassment allegations</li> <li>➤ Follow the Service’s Bullying, Discrimination and Harassment procedure</li> <li>➤ Evaluate the effectiveness of strategies implemented to discourage and eradicate bullying, discrimination, and/or harassment</li> <li>➤ Ensure compliance with a zero tolerance of racism within the service</li> <li>➤ Assist in identifying and reducing psychological and psychosocial hazards and risks within the work environment.</li> </ul>
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## Monitoring, Review and Evaluation

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Management and staff will monitor and review the effectiveness of this Harassment Free Workplace Policy regularly. Updated information will be incorporated as needed.

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every 12 months.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family’s ability to utilise the service; the fees charged or the way in which fees are collected.

## Links to other policies:

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Complaints and Feedback

Code of Conduct for Staff Members

Workplace Health and Safety

Interactions with Children

Privacy and Confidentiality

Participation of Volunteers and Students

Grievance Procedure

## Related Legislation:

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## NQS

<b>Quality Area 4</b>		<b>Staffing arrangements</b>
<i>Standard</i>	4.2	<i>Professionalism</i>
<i>Element</i>	4.2.1	Professional collaboration
<i>Element</i>	4.2.2	Professional standards
<b>Quality Area 7</b>		<b>Governance and leadership</b>
<i>Standard</i>	7.1	<i>Governance</i>
<i>Standard</i>	7.2	<i>Leadership</i>

# National Law

Section	168	Education and care services must have policies and procedures
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## Sources:

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- Early Childhood Australia's Code of Ethics 2016
- Human Rights and Equal Opportunity Commission Act 1986
- Fair Work Act 2009
- Respect@Work - <https://www.respectatwork.gov.au/>
- NSW Anti-Discrimination Act 1977
- Fair Work Ombudsman - [www.fairwork.gov.au/employment-conditions/bullying-sexual-harassment-and-discrimination-at-work](http://www.fairwork.gov.au/employment-conditions/bullying-sexual-harassment-and-discrimination-at-work)
- Guide to the National Quality Standard
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Early Years Learning Framework for Australia: Belonging, Being and Becoming V2.0
- Early Childhood Australia - [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)
- Australasian Legal information Institute - [www.austlii.edu.au](http://www.austlii.edu.au)
- Preventing and Managing Bullying at Work: A Guide for Employers
- Australian Government: Comcare – Bullying Risk Management Tool [https://www.comcare.gov.au/\\_data/assets/pdf\\_file/0015/70422/Bullying\\_risk\\_management\\_tool\\_OHS\\_74.pdf](https://www.comcare.gov.au/_data/assets/pdf_file/0015/70422/Bullying_risk_management_tool_OHS_74.pdf)

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