



Preventing Discrimination, Harassment and Bullying Policy

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1. Introduction and Purpose

Catholic Schools Parramatta Diocese (CSPD) is committed to providing a workplace free from discrimination, harassment and bullying. This document seeks to inform staff about workplace discrimination, harassment and bullying and make it clear that such actions or behaviour in the workplace will not be tolerated by CSPD.

As a Catholic organisation, CSPD reserves the right to have regard to a person's suitability to work within the Catholic environment and their ability and willingness to support the teachings of the Catholic Church and Catholic values. It is critical that Catholic organisations are able to attract and retain staff who respect the teachings and practices of the Catholic faith.

2. Scope

This document applies to all staff of CSPD. All staff are responsible for promoting a respectful workplace, free from discrimination, harassment and bullying. It is the responsibility of all staff not to participate in discriminatory, harassing or bullying behaviour within the workplace.

Disciplinary action, which may include termination of employment, may be taken against staff who are found to have acted in a discriminatory, harassing or bullying manner. Also, staff who victimise or retaliate against a person who has made a complaint regarding discrimination, harassment or bullying may be the subject of disciplinary action.

3. Definitions

Staff - includes:

- a paid employee whether employed on a permanent, temporary or casual basis
 - Religious, volunteers, contractors, sub-contractors, consultants and students on tertiary practicum placements.
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4. Legal Framework

Harassment, including sexual harassment, or discrimination on the grounds of race, gender, religion, political opinion, sex, pregnancy or potential pregnancy, marital status, physical or mental disability, sexual preference, national extraction or social origin, age, and/or family responsibilities is unlawful under the following Commonwealth and New South Wales anti-discrimination and workplace legislation:

- Work Health and Safety Act 2011 (NSW)
- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Fair Work Act 2009 (Cth)
- Anti-Discrimination Act 1977 (NSW).

A contravention of any of these laws could result in legal action being taken against staff and also expose CSPD to vicarious liability.

5. Principles and Responsibilities

- 5.1 All staff within CSPD have a right to be treated with respect and to work within a safe workplace. Further, CSPD has a legal responsibility to prevent discrimination and harassment as set out in this policy, otherwise CSPD can be liable for the behaviour of staff.
- 5.2 To assist in preventing discrimination, harassment (including sexual harassment) and bullying all staff are responsible for:
- being aware of, and identifying, discriminatory, harassing or bullying behaviour
 - not acting in a discriminatory, harassing or bullying manner towards others
 - assisting to eliminate such behaviour regardless of whether a complaint is made about that behaviour
 - assisting CSPD investigate complaints of discrimination, harassment or bullying.

- 5.3 All staff are encouraged to report behaviour that appears to be discriminatory, harassing or bullying. All complaints of discrimination, harassment and bullying will be dealt with in a sensitive, fair and confidential manner as soon as practicable.
 - 5.4 Any deliberately false or malicious complaints will be regarded as serious misconduct and if proven, may result in disciplinary action being taken, including termination of employment.
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6. What is workplace discrimination?

- 6.1 Workplace discrimination is when someone is subject to unfair treatment in employment because they belong to a particular group of people or have a particular personal characteristic that has been specified in law as a ground of discrimination. Some grounds for discrimination recognised in State and Federal legislation include:
 - Sex or gender
 - Marital status, pregnancy, potential pregnancy, parental status and family responsibility
 - Sexual preference, sexuality gender identity
 - Disability, impairment or handicap
 - Race, colour, national or ethno-religious origin, nationality, descent or ancestry
 - Age
 - Religious or political belief or activity
 - Trade union activity
 - Victimisation
 - Personal association with or relation to any person who is defined on the basis of any of the above attributes

- 6.2 There are two kinds of discrimination, direct and indirect.

Direct discrimination occurs if a person treats or proposes to treat someone unfavourably due to that person's personal characteristics.

Indirect discrimination can occur when there is a rule or condition that is the same for everyone but in effect disadvantages people from a particular group more

than people from other groups. The rule may seem equitable and unbiased at face value. A rule or condition will not be considered discriminatory if it's reasonable in the circumstances.

Examples of Workplace Discrimination

Direct Discrimination	Indirect Discrimination
Refusing to employ someone because of their age despite being able to undertake the requirements of the position	Prescribing an inflexible working hours policy where such rigidity in hours is not required
Terminating someone's employment because of their family responsibilities	Scheduling meetings or training sessions at times that would disadvantage people with carer's responsibilities e.g. very early or very late in the day
Not promoting someone because of their disability despite being able to undertake the duties of the position	A requirement that all staff speak fluent English when this is not an inherent requirement for all jobs within the company

6.3 When Workplace Discrimination is not Unlawful

In some circumstances, workplace discrimination will not be considered unlawful, such as:

- where the discrimination occurred because the person is unable to perform the inherent requirements of a position and no reasonable adjustments could have been made by the employer
- where an act is taken against a person by an institution run in accordance with its religious beliefs, made in good faith and to avoid injury to the religious susceptibilities of adherents of that religion; and/or
- where there are genuine occupational requirements for a person of a particular sex, race or age to be appointed to a position

7. What is workplace harassment?

- 7.1 Workplace harassment is conduct in the workplace that is -
- Unwelcome, uninvited or unreciprocated
 - Offensive, humiliating and/or intimidating
 - Is based on a ground of discrimination
- 7.2 It can include verbal comments or abuse, physical contact, threats, displaying inappropriate and offensive images or documents, stalking, offensive communication, jokes or ridicule, propositions, and inappropriate initiation rites.
- 7.3 Sexual harassment is a form of harassment and is outlined in further detail in section 8 of this policy.
- 7.4 Workplace harassment usually consists of a pattern of unwelcome behaviour. However, it can consist of just one act where this is of a serious nature. There is no requirement that the harasser intended to offend or harm in order for an action to be considered harassment or for the person harassed to inform the harasser that the conduct is unwelcome. Workplace harassment, and in particular sexual harassment, does not include behaviour which is consensual, welcome and reciprocated.
- 7.5 Workplace harassment can be facilitated through technology and social media, for example, via phone, texts, visual images, direct messaging, videos or social media platforms. This can occur at the workplace or outside the workplace; during or outside of work hours; on work or personal devices; and where there is a connection between the person's conduct and their employment.

Examples of Workplace Harassment

Imitating someone's accent;
Telling insulting jokes about particular racial or religious groups;
Displaying racially offensive posters or screensavers; and
Making derogatory comments or taunts about a person's physical or mental disability.

8. What is workplace sexual harassment?

8.1 Sexual harassment is defined as, when a person in relation to another:

- Makes an unwelcome sexual advance
- An unwelcome request for sexual favours or
- Engages in other unwelcome conduct of a sexual nature;

where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated by the behaviour.

8.2 Sexual harassment in the workplace may be physical, spoken, non-verbal, written or image-based and may include, but is not limited to the following examples:

Unwelcome physical contact of a sexual nature, e.g. brushing up against someone, touching, fondling or hugging, invasion of personal space or blocking someone's path;
Sexually suggestive behaviour, e.g. leering, staring, offensive gestures, winking, licking lips, throwing kisses;
Sexually suggestive comments or jokes;
Comments or questions of a sexual nature about a person's private life or appearance;
Repeated invitations to go out on dates;
Unwanted declarations of affection;
Personal gifts;
Displaying offensive screensavers, photos, calendars or objects;
Sending/sharing sexually explicit emails, text messages or posts on social networking sites;
Requests for sex;
Sexual assault;
Indecent exposure and
Physical assault and stalking (which are also criminal offences).

8.3 Sex-based harassment in the workplace is any unwelcome conduct of a demeaning nature because of a person's sex, in circumstances which a

reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Examples of sex-based harassment include, but are not limited to:

Asking intrusive personal questions based on a person's sex;
Making inappropriate comments and jokes to a person based on their sex;
Displaying images or materials that are sexist, misogynistic or misandrist;
Making sexist, misogynistic or misandrist remarks about a specific person; and
Requesting a person to engage in degrading conduct based on their sex

- 8.4 A workplace that is hostile on the grounds of sex. Examples of a hostile workplace on the grounds of sex include, but are not limited to:
- Displays obscene or pornographic materials;
 - General sexual banter;
 - Crude conversation or sexual innuendo; and
 - Offensive jokes.
- 8.5 Sexual harassment can be a one-off incident or a broader pattern of behaviour; the intention of the harasser is not relevant, and a person going along with, or not objecting at the time, does not make the behaviour consensual or acceptable.
- 8.6 Sexual harassment may constitute serious misconduct as defined under the *Fair Work Act 2009 (Cth)*. Staff found by CSPD to have engaged in serious misconduct may be subject to disciplinary action up to and including summary dismissal. Religious, volunteers, contractors, sub-contractors, consultants and students on tertiary practicum placements, may have their engagement terminated.

9. What is workplace bullying?

- 9.1 Workplace bullying is harassment that is not expressly linked to a ground of discrimination.
- 9.2 A person is bullied at work if an individual or individuals repeatedly behaves unreasonably towards the person, or a group of people of which the person is a member and that behaviour creates a risk to health and safety.

9.3 Unwarranted or invalid criticisms, exclusion or isolation are examples of workplace bullying. It usually takes the form of less favourable treatment of a person by another or others in the workplace in the form of repeated conduct or a pattern that:

- Insults
- Intimidates
- Threatens
- Undermines
- Offends
- Degrades, or
- Humiliates.

9.4 Instances of workplace bullying are intended to cause physical and psychological distress to others. Bullying can occur at all levels in the workplace, eg, upwards, downwards or lateral and is identified if a reasonable person (an objective third party) would consider the behaviour to be bullying.

9.5 Bullying does not include:

- Occasional differences of opinion or problems in working relationships
- Reasonable management action carried out in a reasonable manner; or
- Reasonable disciplinary procedures.

Examples of Workplace Bullying

Physical	Psychological
Loud, abusive, threatening language	Silent treatment
Subjected to practical jokes	Assigning unpleasant or meaningless tasks unrelated to the position
Offensive phone messages, SMS and/or email	Deliberately withholding information that is vital to effective work performance
Constant ridicule or put downs in front of others	Exclusion or isolation

10. Reporting workplace discrimination, harassment or bullying

Staff wishing to raise a complaint about workplace discrimination, harassment or bullying should do so by following the procedures outlined in the *Managing Complaints Policy*. As outlined in that policy, all complaints will be treated seriously, dealt with as soon as practicable and conducted in a fair, impartial and professional manner.

11. Managing workplace complaints

Complaints against CPSD staff of workplace discrimination, harassment or bullying will be managed in accordance with the *Managing Performance and Conduct Policy* found on [Policy Central](#).

12. Further information

Further information on this policy can be directed to the People & Culture - Employment Relations Team via the Enterprise Service Desk (ESD) email esd@parra.catholic.edu.au or the ESD [Self Service Portal](#).

Staff may wish to seek additional support through CSPD's free and confidential Employee Assistance Program - Converge International, by contacting 1300 687 327 (1300 OUR EAP).
