

# Anti-Discrimination and the Prevention of Harassment, Vilification and Bullying Policy - Australia

**Navitas Limited**  
ACN 109 613 309

## Document

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1 May 2012	New policy	May 2014
16 October 2012	Policy updated based on legal advice	October 2014

## 1. PURPOSE AND SCOPE

- 1.1.** This document sets out Navitas' position in relation to behaviour which constitutes discrimination, harassment, vilification and bullying in the workplace and the framework for Navitas' response to such behaviour.
- 1.2.** This policy applies to all employees, contractors, service providers, customers, students, visitors and volunteers engaged by or associated with Navitas. The following Divisions, business units and Colleges are covered by this policy: Navitas Corporate, MIBT and all business units within Navitas English and Navitas Workforce. This policy will supersede other anti-discrimination and (prevention of) harassment and bullying policies for the abovementioned business units.
- 1.3.** A number of Federal and State laws apply to the area of anti-discrimination and the prevention of harassment, vilification and bullying and the underlying governing principles all relevant legislation will be referred to in executing this policy.
- 1.4.** This policy is not limited to the work place or work hours and extends to all functions and places that are work-related, for example work lunches, Christmas parties and client functions.

## 2. DEFINITIONS

- 2.1. Harassment** is behaviour that is either verbal or physical conduct which is unwelcome and which occurs in circumstances where a reasonable person would possibly be offended, humiliated or intimidated by that behaviour. Harassing conduct includes, without limitation:
  - a)** offensive, threatening, intimidating or demeaning behaviour directed at an individual or a group of people;
  - b)** any requirement that a person accept or engage in any form of sexual behaviour to gain an employment benefit or avoid some employment detriment;
  - c)** communication of a spoken or written nature and computer mediated material that shows hostility or aversion to individuals or groups in the community.
- 2.2. Sexual harassment** is unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate.
- 2.3. Discrimination** may be direct or indirect. Direct discrimination occurs when a person treats, or proposes to treat, a person with a protected characteristic unfavourably because of that characteristic. Protected characteristics include marital status, pregnancy, race or ethnic origin, political or religious belief or activity, age, disability or impairment, sex, gender identity, physical features, parental status or status as a carer, family responsibilities, breastfeeding and trade union membership.

**Indirect discrimination** occurs when a person imposes, or proposes to impose, an unreasonable condition, requirement or practice which has or is likely to have the effect of disadvantaging a person because of their race, sex, age, disability or other characteristic protected by law.

**2.4. Vilification** is a public act which incites hatred, severe contempt or ridicule of a person or a group based on their race, sexual orientation and sex or gender identity or HIV/AIDS.

**2.5. Bullying** is repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. "Unreasonable Behaviour" is behaviour that a reasonable person, having regard to all the circumstances, would expect to humiliate, undermine or threaten. Bullying behaviour may occur in one-on-one interactions or it may take place in front of others. Bullying may be direct or indirect and may include, without limitation:

- a) yelling, screaming, abusive or offensive language, insults, inappropriate comments about a person's appearance, personal life or lifestyle;
- b) constant belittling opinions or unreasonable criticism of others;
- c) isolating individuals from normal work interaction without justification;
- d) impossible demands within the framework of existing work unit standards
- e) abusive emails.

Reasonable management actions in relation to managing an employee that are carried out in a fair way in the workplace are not bullying. These actions can include but are not limited to:

- a) setting performance goals, standards and deadlines for an employee;
- b) deciding not to select an employee for promotion;
- c) informing or counselling an employee about his/her unsatisfactory work performance or inappropriate behaviours;
- d) implementing organisational and/or supervisory changes.

### 3. POLICY

**3.1.** Discrimination, harassment, vilification and bullying are unacceptable behaviours and will not be tolerated.

**3.2.** Navitas is committed to:

- a) creating a safe and productive working environment in which employees are free from harassment, discrimination and bullying and are treated with dignity and respect;
- b) implementing training and awareness raising strategies to ensure that all employees know their rights and responsibilities;
- c) treating all complaints in a sensitive, fair, timely and confidential manner;
- d) supporting staff who report behaviour which breaches this policy; and
- e) promoting appropriate standards of conduct at all times.

- 3.3.** Navitas regards harassment, discrimination, vilification and bullying as serious misconduct. Where it is established that harassment, discrimination and/or bullying have occurred, Navitas may take action against the person who engaged in that behaviour, up to and including summary dismissal, in accordance with Navitas Grievance Management and Disciplinary policies, as amended from time to time.

## **4. RESPONSIBILITIES**

- 4.1. All managers, employees and contractors** are responsible for ensuring that they are aware of and comply with this policy to ensure that the workplace remains free from discrimination, harassment, vilification and bullying.
- 4.2. All employees, contractors and volunteers** must ensure that they do not engage in any unlawful conduct towards other employees, contractors, volunteers, students or other customers and clients with whom they come into contact through work.
- 4.3. All managers** are expected to monitor the workplace, be seen as a role model and to actively contribute to a work environment that is free from discrimination, harassment and bullying.
- 4.4. Group Leadership Team Managers** are responsible for ensuring that all Business Unit Managers are aware of this Policy and their responsibilities defined herein.
- 4.5. Business Unit Managers, General Managers and College Directors/Principals** are responsible for ensuring that all employees are aware of this Policy and their responsibilities defined herein.

## **5. PROCEDURES**

- 5.1.** Navitas' procedures for handling staff grievances are based on confidentiality, impartiality, procedural fairness, protection from victimisation and prompt resolution. Any complaints of harassment, discrimination or bullying will be dealt with promptly, taken seriously and responded to without victimisation of those involved.
- 5.2.** A staff member who believes harassment, discrimination, bullying or vilification has occurred is encouraged to report their complaint in accordance with the Navitas Grievance Management policy and procedures.
- 5.3.** Navitas will not retaliate against any staff member/contractor for filing a complaint or for participating in any investigation nor will it tolerate or permit retaliation by any manager or staff member or other work place participant. Such victimisation is also prohibited under anti-discrimination laws and this behaviour can also result in disciplinary action for the staff member(s) or work place participants involved.
- 5.4.** Where a grievance or claim can be substantiated, appropriate action will be taken, as per the Navitas Disciplinary Policy.

## 6. REVIEW

- 6.1.** This Policy is reviewed biennially by the relevant manager to ensure alignment to appropriate strategic direction and its continued relevance to Navitas' current and planned operations.

## 7. RECORDS

- 7.1.** If a grievance has been substantiated, records of the investigation, findings and actions taken in relation to a reported grievance shall be kept on the relevant employee's personnel file(s).
- 7.2.** If a grievance cannot be substantiated, records of the investigation, findings and actions taken in relation to a reported grievance shall be kept in a generic file with Group Human Resources.

## 8. RELATED DOCUMENTS

*Navitas Grievance Management Policy and Procedures*  
*Navitas Disciplinary Policy*  
*Navitas Privacy Policy and Procedure*

## 9. REFERENCES

*Anti-Discrimination Act 1977 (NSW)*  
*Anti-Discrimination Act 1996 (NT)*  
*Anti-Discrimination Act 1991 (QLD)*  
*Equal Opportunity Act 1984 (SA)*  
*Equal Opportunity Act 2010 (VIC)*  
*Equal Opportunity Act 1984 (WA)*  
*Australian Human Rights Commission Act 1986*  
*Age Discrimination Act 2004*  
*Disability Discrimination Act 1992*  
*Racial Discrimination Act 1975*  
*Sex Discrimination Act 1984*  
*Equal Opportunity for Women in the Workplace Act 1999*  
*Model Work Health and Safety Act 2011*  
*Work Health and Safety Act 2011 (NSW)*  
*Work Health and Safety (National Uniform Legislation) Bill 2011 (NT)*  
*Queensland Work Health and Safety Act 2011 (WHS Act)*  
*Work Health and Safety Bill 2011 (SA)*  
*Model Work Health and Safety Act (SA)*  
*Occupational Health and Safety Act 2004 (Vic)*  
*Occupational Safety and Health Act 1984 (WA)*