3.5.1 Discrimination, Harassment and Workplace Bullying

1. Policy
Discrimination in relation to employment and/or treatment of staff and/or treatment of students at Navitas College of Public Safety (NCPS) is unacceptable. This includes matters such as recruitment, career and developmental opportunities, and the day-to-day treatment of employees, students and visitors to NCPS.

Harassment in any form, including sexual harassment, workplace bullying and violence, is unlawful and totally unacceptable at NCPS. It will not be tolerated in any circumstances.

2. Scope
This policy is applicable to all staff members, contractors, service providers, clients, customers, students and visitors when they are engaged in activities at, or associated with, NCPS. While the policy below fairly specifically refers to NCPS employees, it is also applicable to any of the categories of people mentioned in the previous sentence.

3. Purpose
The objective of the Discrimination, Harassment and Workplace Bullying Policy is to ensure that:

• all NCPS employees operate in a workplace that comprises an environment free from discrimination, harassment and bullying;
• any complaint of discrimination, harassment or bullying is dealt with quickly and confidentially; and
• appropriate disciplinary action is taken whenever an act involving discrimination, harassment and/or bullying is found to have occurred.

These policies are applicable to all areas of Navitas College of Public Safety. They apply when an employee is at work, or at a work-related activity such as a training course or conference, or at a work function such as a Christmas party. They also apply to NCPS suppliers, contractors, students, service providers and customers.

4. Responsibility
Every manager and employee at Navitas College of Public Safety is responsible for ensuring that the workplace remains free from discrimination, harassment and bullying.

NCPS expects all employees to treat each other, and all students, contractors and visitors etc., equally, fairly and with respect.

NCPS aims to integrate a strong awareness regarding discrimination, harassment and bullying and the promotion of a diverse community into all levels of training, including induction, during supervisor and management training programs, and to integrate information and training into key student activities during orientation, enrolment and at other times of the academic year.

5. Guidelines

Rationale
NCPS is committed to the principles and practices of equal opportunity in employment for all its employees. This means that the College’s management and staff will do their best to ensure that no employee is subjected to discrimination, harassment and bullying in connection with his or her employment at NCPS.

Navitas Values provide the foundation for this policy. The following key values also underpin this policy:

• Honesty and integrity in all our relationships;
• Respect for the dignity and self-esteem of all individuals; and
• Earned Leadership: recruitment decisions based on merit, skill and leadership qualities.

Additionally, NCPS values—and its culture encourages—employees to engage in process, feedback and dialogue to deal with conflict and issues that may arise in the workplace.

Discrimination
The legal obligations of Navitas College of Public Safety and its employees in relation to discrimination, harassment and workplace bullying are found in Federal and State legislation, including the Fair Work Act 2009.
Federal and State legislation makes it illegal to discriminate on the grounds of:

- gender;
- marital status;
- pregnancy;
- race;
- age;
- impairment;
- sexual orientation;
- personal characteristics;
- physical attributes;
- parental status or status as a carer;
- political belief or activity;
- religious belief or activity;
- trade union membership;
- breastfeeding;
- gender identification.

There are two types of discrimination: direct and indirect discrimination.

**Direct Discrimination**
Direct discrimination happens when an individual or group is disadvantaged or treated less favourably than someone else because of a particular personal characteristic or attribute which also is a prohibited ground under State and Federal and State legislation. For example, not employing or promoting a person because of their sex, ethnic background or sexual preference.

**Indirect Discrimination**
Indirect discrimination can occur when policies and practices are applied to all groups alike with the assumption that all groups are the same. While they appear to treat people equally, it is the assumption of likeness that is discriminatory. For example, a requirement that only employees who don't have children are eligible for overtime. This restriction would have the effect of excluding those employees who have family responsibilities but nevertheless may wish to be offered overtime.

**Sexual Harassment**
Sexual harassment is defined as any unwanted, unwelcome or uninvited behaviour of a sexual nature, which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include inappropriate or unnecessary physical contact, spoken or written comments, jokes, propositions, the display of offensive material, or other behaviour which creates a sexually-hostile environment.

Examples of sexual harassment include:
- unwelcome sexual advances;
- unwelcome physical contact or gestures;
- sexual comments, jokes or innuendo;
- intrusive questions or insinuations about a person's private life;
- displays of offensive or pornographic material such as posters, screen-savers or calendars;
- sex-based insults, taunts or banter; and
- offensive communications (letters, phone calls, faxes, email messages etc.).

A single incident of unwelcome behaviour may amount to sexual harassment.

Sexual harassment can occur even if a person doesn't intend their conduct to be offensive or upsetting to the other person.

**Workplace Bullying**
Workplace bullying involves the persistent ill treatment of an individual at work that is harmful, intimidating, humiliating or embarrassing, or which is considered unreasonable behaviour, an inappropriate workplace practice or a risk to health and safety.

Common forms of workplace bullying include:
- spreading gossip or false rumours about a person;
- yelling; screaming; abuse; offensive language; insults; inappropriate comments about appearance, personal life or lifestyle; slandering a person or their family;
- persistent and unjustified criticisms;
- sabotaging a person’s work, such as hiding documents or equipment, withholding
important messages, damaging or altering completed work, etc.;
• humiliating a person through sarcasm, criticism and insults in front of others;
• excessive scrutiny of an employee's work or whereabouts;
• regularly denying opportunities for training needs, promotion or interesting work;
• deliberately withholding relevant information from a person;
• ignoring and/or not speaking to a person;
• socially isolating a person by limiting social and professional contact at work;
• dangerous 'practical jokes';
• threats of dismissal or severe punishment for minimal incidents outside disciplinary procedures;
• teasing or regularly being made the brunt of pranks;
• displaying written or pictorial material which degrades or offends;
• intimidation.

What is NOT Bullying?
Reasonable management actions in relation to managing an employee, or employees, that are carried out in a fair way in the workplace are not bullying. For example:
• setting performance goals, standards and deadlines for an employee;
• deciding not to select an employee for promotion or for a professional development activity;
• informing and/or counselling an employee about his/her unsatisfactory work performance;
• informing and/or counselling an employee about inappropriate behaviour, actions or activities;
• implementing organisational and/or supervisory changes.

6. Complaint procedure
What a person can do if he/she has a grievance about discrimination, harassment or bullying.

Stage 1:
Anyone who feels discriminated, harassed or bullied (hereafter called 'the complainant') should, in the first instance—and provided that they feel comfortable doing so—directly raise the issue with the person concerned, with a view to resolving the issue through feedback, process and/or effective dialogue. If the person approached rejects this approach and/or his/her behaviour or attitude does not change and/or if the complainant does not feel comfortable raising the issue with this person, proceed to Stage 2.

Stage 2:
The complainant should raise the matter with his/her immediate manager or supervisor. They will provide advice, guidance and support and will attempt to resolve the complaint through mediation. If the complainant does not feel comfortable raising the issue with this person or if the issue is still not resolved, proceed to Stage 3.

Stage 3:
The complainant should detail the issue in writing, including the history of the alleged discrimination, harassment or bullying and any attempts made to resolve the issue, then forward this to the Dean/Head of College. The Dean/Head of College, together with the complainant's immediate manager or with another person appointed by the Dean/Head of College, will carry out an investigation and try to resolve the issue with all parties.

If the issue is still not resolved, the Dean/Head of College may appoint an independent mediator to seek to resolve a complaint.

What if a person makes a complaint?
Anyone experiencing discrimination, harassment or bullying is encouraged to inform NCPS management or staff of any such conduct or behaviour that may breach this policy. This can be done by the individual concerned or on his/her behalf where someone has witnessed such conduct directed at another person in the NCPS workplace.

If a person makes a complaint, Navitas College of Public Safety will deal with it quickly and confidentially. Ideally, a complaint should be investigated and resolved within twenty working days.

NCPS guarantees that the complainant won't be treated any differently because he/she has made a complaint, whether directly to NCPS or to an external forum or body.

Consequences for breaches of this policy
Navitas College of Public Safety will treat all allegations seriously and impartially. The consequences for breaching this policy will depend on the seriousness of the case.
Outcomes may include, but are not restricted to, the following:

- gaining a commitment from one or more persons to cease, and not to repeat, the improper or unacceptable behavior;
- making an apology to the affected person or persons;
- providing mediation between the parties, if both parties agree to the mediation process and to the nominated mediator;
- providing targeted training regarding prevention of unacceptable workplace behaviours;
- offering support to the person making the complaint;
- offering support to the person against whom the complaint is made;
- referral of the matter to the Victoria Police;
- disciplinary action up to and including suspension, expulsion or dismissal, against the person found responsible in cases of serious misconduct;
- disciplinary action up to and including suspension or dismissal against the person making a complaint if, after investigation, the complaint is found to have been malicious or vexatious.

Both the complainant and the person against whom the complaint was made will be notified in writing by the Dean/Head of College of the outcome of any investigation and/or of any associated decision.

7. **Right of Appeal**

If the complainant is dissatisfied with any proceedings and/or decision, he/she has the right to approach the manager next removed from the manager who investigated the initial complaint and ask for a review of the proceedings and/or decision.

Similarly, the person against whom a person has complained has the right to approach the manager next removed from the manager who investigated the initial complaint and ask for a review of any proceedings and/or decision.

Any such appeal must be made in writing within four weeks of the initial proceedings and/or decision being undertaken and/or determined.

A final avenue of appeal is to lodge a formal complaint in writing with the Director, Human Resources, Navitas Workforce Division (of which NCPS is a part).

8. **Further Information**

Any staff member can contact his/her manager or the Dean/Head of College at any time to discuss this policy or to ask questions or seek clarifications about it. Any enquiry will be handled on a confidential basis.

9. **Authority**

Authorised by the Dean/Head of College, Navitas College of Public Safety.

### Amendments

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<thead>
<tr>
<th>Date</th>
<th>Modified by</th>
<th>Sections amended/added</th>
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<tr>
<td>20/06/07</td>
<td>Christine Ashton?</td>
<td>AIPS’s original policy</td>
<td>Unknown</td>
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<tr>
<td>18/07/11</td>
<td>Christopher Snedden, Cameron Ingram</td>
<td>Full review; change of name and logo; addition of ‘Right of Appeal’ section</td>
<td>01/08/2011</td>
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<tr>
<td>04/08/11</td>
<td>Cameron Ingram</td>
<td>Added section ‘What is NOT Bullying?’</td>
<td>11/08/2011</td>
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<tr>
<td>13/12/11</td>
<td>Christopher Snedden</td>
<td>Changes to stages 2, 3 re if ‘complainant does not feel comfortable ...’, sentence added in Stage 3 re independent mediator; added to resolve complaint in 20 working days.</td>
<td>19/12/11</td>
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