

BULLYING, DISCRIMINATION AND HARASSMENT POLICY

Our Out of School Hours Care (OSHC) 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. Sexual harassment has no place in our Service.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
168	Education and care services must have policies and procedures

RELATED POLICIES

Code of Conduct Policy Cyber Safety Policy Dealing with Complaints Policy Family Communication Policy Health and Safety Policy Interactions with Children, Family and Staff Policy	Multi-Cultural Policy Privacy and Confidentiality Policy Respect for Children Policy Staffing Arrangements Policy Student and Volunteer Workers Policy Work Health and Safety Policy
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PURPOSE

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 National Quality Standard, Fair Work requirements, *My Time, Our Place*- Framework for school age care in Australia and our 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.

SCOPE

This policy applies to management, the approved provider, nominated supervisor, students, staff, families and visitors (including contractors) of the OSHC Service.

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.

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 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.

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](#)

[Fair Work Legislation Amendment \(Secure Jobs Better Pay\) Act 2022](#)

Our OSHC 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.

THE APPROVED PROVIDER, MANAGEMENT AND THE NOMINATED SUPERVISOR WILL ENSURE:

- a thorough induction process for new employees is conducted at the commencement of employment
- an understanding and compliance with discrimination law is communicated with all employees
- all staff have a comprehensive understanding of the OSHC Service's code of conduct, *Dealing with Complaints Policy* and *Code of Ethics*
- the *Bullying, Discrimination and Harassment Policy*, and all related policies are reviewed annually
- educators are informed that inappropriate behaviour, including bullying, sexual harassment, discrimination, and harassment will not be tolerated and will be advised of potential consequences of this behaviour
- all staff are aware of the *Bullying, Discrimination, and Harassment Policy* and procedure
- inappropriate behaviour is addressed ~~immediately~~ in a timely manner
- a clear process is in place regarding raising complaints and grievances related to bullying, discrimination and harassment

- complaints or grievances are treated seriously and immediate action is taken in a timely manner
- all staff are aware of appropriate interactions through professional development and training
- all staff and educators are aware of their job roles and responsibilities which are clarified through job descriptions, team meetings, performance appraisals, and service expectations
- constructive feedback is provided to staff and educators
- communication practices are reviewed frequently to ensure best practice
- all staff and educators are treated equally
- all staff and educators are encouraged to embrace the uniqueness and diversity of their colleagues
- an understanding and compliance with discrimination law is communicated with all employees
- ensure the service implements a zero-tolerance approach towards racism
- that proactive measures are taken to identify and manage psychological and psychosocial hazards and risks within the work environment through risk assessments in line with WH&S legislation.

EDUCATORS WILL:

- be involved in decision making with a clear understanding of their roles and responsibilities, outlined in each individual job description
- respect the skills, strengths and opinions of all educators in order to create a professional, cohesive team
- comply with all discrimination laws
- be responsible for their own actions in the workplace
- raise matters of concern at an early stage to management
- 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
- maintain confidentiality and not discuss or release information relating to a bullying, discrimination, or harassment allegations
- take bullying seriously
- follow the OHSC Service's *Bullying, Discrimination and Harassment procedure*
- evaluate the effectiveness of strategies implemented to discourage and eradicate bullying, discrimination, and/or harassment
- ensure compliance with a zero tolerance of racism within the Service
- assist in identifying and reducing psychological and psychosocial hazards and risks within the work environment.



RESOURCES

- Fair Work [Bullying in the Workplace](#)
- Respect@Work <https://www.respectatwork.gov.au/>
- Safe Work Australia [Preventing workplace sexual harassment](#)

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Bullying, Discrimination and Harassment Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

CHILDCARE CENTRE DESKTOP- RELATED RESOURCES

Bullying, Discrimination and Harassment Procedure	Code of Conduct Staff Acknowledgement
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SOURCE

- 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 Human Rights Commission: <https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/quick-guide-australian-discrimination-laws>
- Australian Human Rights Commission. (2019). Reform of discrimination law: <https://www.humanrights.gov.au/>
- Australian Children’s Education & Care Quality Authority. (2014).
- Early Childhood Australia Code of Ethics. (2016).
- Education and Care Services National Law Act 2010. (Amended 2023).
- [Education and Care Services National Regulations](#). (Amended 2023).
- Fair Work Act 2009 (Cth).
- Fair Work Ombudsman. (2019). Managing performance & warnings: <https://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings>
- Fair Work Ombudsman. Sexual harassment in the workplace. <https://www.fairwork.gov.au/employment-conditions/bullying-sexual-harassment-and-discrimination-at-work/sexual-harassment-in-the-workplace>
- Fair Work Ombudsman. Rights and obligations: <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/workplace-discrimination>
- Guide to the National Quality Framework. (Amended 2023).
- Safe Work Australia. (2019). Bullying:-<https://www.safeworkaustralia.gov.au/safety-topic/hazards/bullying>
- Safe Work Australia. Workplace Sexual Harassment: <https://www.safeworkaustralia.gov.au/safety-topic/hazards/workplace-sexual-harassment>
- [Western Australian Education and Care Services National Regulations](#)
- Work Health and Safety Act 2011 (Cth).

REVIEW

POLICY REVIEWED BY:	Libby Haines	Director	August 2023
POLICY REVIEWED	MARCH/AUGUST 2023	NEXT REVIEW DATE	AUGUST 2024
VERSION	V8.03.23		
MODIFICATIONS	<ul style="list-style-type: none"> AUGUST Psychosocial Hazards description added to policy Policy reviewed to include information around managing psychosocial hazards within the work environment Information included related to zero tolerance of racism <p>MARCH</p> <ul style="list-style-type: none"> Policy reviewed to include Sex Discrimination Act 1984 amendments that come into force from 6 March 2023 Hyperlinks checked and repaired as required Additional sources added continuous improvement/reflection section added Child Care Centre Desktop Resources section added 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
AUGUST 2022	<ul style="list-style-type: none"> policy maintenance - no major changes to policy link to Western Australian Education and Care Services National Regulations added in 'Sources' minor formatting edits within text hyperlinks checked and repaired as required 	AUGUST 2023	
AUGUST 2021	<p>minor editing (typo)</p> <p>addition of related procedure</p> <p>sources checked for currency</p> <p>related policy name change- <i>Grievance (Complaints) Policy</i></p>	AUGUST 2021	
AUGUST 2020	<p>related legislation acts linked for ease of reference</p> <p>minor editing</p> <p>sources checked for currency</p>	AUGUST 2021	
AUGUST 2019	<p>Minor wording/grammatical modifications</p> <p>New sources added</p>	AUGUST 2020	
AUGUST 2018	<p>Minor terminology amendments made plus some guidance on how to deal with a situation involving bullying</p>	AUGUST 2019	



DECEMBER 2018	Additional information added to points. Sources checked for currency. Sources/references corrected, updated, and alphabetised. Current sources added. Minor formatting (line spacing & paragraph spacing) for consistency throughout policy.	DECEMBER 2019
DECEMBER 2017	Updated the references to comply with the revised National Quality Standard	MAY 2018