

Bullying, Harassment and Discrimination Policy

Quick reference: bullying | harassment | sexual harassment | sex-based harassment | discrimination | race discrimination | disability | age discrimination | sex discrimination | carers rights | reasonable adjustments | workplace health and safety | psychosocial hazards | anti-discrimination | respect | rights | safety | fairness | inclusion | diversity | prevention | equality | support | positive duty | workplace culture | complaints | risk management

PURPOSE AND BACKGROUND

- (1) To set out our standards of behaviour and our obligations for eliminating unacceptable behaviour, including bullying, harassment, sexual harassment and unlawful discrimination
- (2) To ensure that our service treats staff, children, families and visitors equitably and with dignity, courtesy, fairness and respect
- (3) This policy helps us to comply with Commonwealth and Victorian anti-discrimination laws, work health and safety laws and the *Model Code of Practice for Managing Psychosocial Hazards at Work*, and the *Fair Work Act 2009* (Cth), under all of which we have obligations concerning equal opportunity, bullying, harassment and discrimination
- (4) It also helps us to comply with the National Quality Standard Area 4.2 (Professionalism), the ECEC Code of Ethics and the *National Regulations* (s 168(2) (l)), which requires us to have policies and procedures related to governance and management

SCOPE

- (5) This policy applies to:
 - 'Staff': including the approved provider, nominated supervisor, paid workers, volunteers, work placement students, and third parties (e.g., contractors, subcontractors, self-employed persons, employees of a labour hire company) who perform work on our behalf
 - Parents, families and care providers
 - Visitors to our service
- (6) This policy applies to all behaviour and conduct that is reasonably related to or connected with work, including our day-to-day operations, service hosted social events, work functions, excursions, training, and the use of technology. It is not limited to behaviour within the physical workplace or during normal business hours
- (7) Requirements set out in this policy only apply to people over 16 years old. Our [Positive Relationships for Children](#) and [Access and Inclusion Policy](#) set out our rules for the fair and respectful treatment of children at our service

- (8) If a person would like to make a report or raise a concern about unacceptable behaviour, they can raise the matter directly with Chabad Youth directors who will investigate the matter according to our [Complaint Handling Policy and Procedure](#)
- (9) Unacceptable behaviour towards children must be managed in line with our [Child Safe Environment Policy](#) and [Child Protection Policy](#)

DEFINITIONS

- (10) The following definitions apply to this policy and related procedures:
- ‘Approved provider’ also means the employer or Person Conducting a Business or Undertaking (PCBU) under the Relevant Laws
 - ‘Parents’ includes guardians and persons who have parental responsibilities for the child under a decision or order of court
 - ‘Psychosocial hazard’ is a hazard that can cause psychological and physical harm that arises from, or in relation to, the design or management of work, the working environment or workplace interactions or behaviour (including bullying, discrimination or harassment)
 - ‘Relevant Laws’ include: *Australian Human Rights Commission Act 1986 (Cth)*; *Fair Work Act 2009 (Cth)*; *Age Discrimination Act 2004 (Cth)*; *Disability Discrimination Act 1992 (Cth)*; *Racial Discrimination Act 1975 (Cth)*; *Sex Discrimination Act 1984 (Cth)*; *Occupational Health and Safety Act 2004 (Vic)*; and *Equal Opportunity Act 2010 (Vic)*
 - ‘Staff’, unless indicated otherwise, refers to the approved provider, the nominated supervisor, paid employees, volunteers, students, and third parties who are covered in the scope of this policy. Note: ‘staff’, ‘employees’ and ‘workers’ etc may have their own, different definitions in legislation covered in this policy
 - ‘Unacceptable behaviour’ includes bullying, harassment, sexual harassment, sex-based harassment, unlawful discrimination, cyber harassment/bullying, vilification, victimisation, violence or aggression

POLICY STATEMENT

Commitment to equal opportunity, respect, health and safety

- (11) We are committed to having a workplace and learning environment that is equitable, respectful, healthy and safe
- (12) We will uphold the dignity and rights of children, families and carers, staff and visitors
- (13) We have zero tolerance for bullying, harassment, sexual and sex-based harassment, unlawful discrimination, victimisation, vilification, violence or aggression

- (14) Staff must understand and uphold their legal responsibilities under the Relevant Laws
- (15) Staff must maintain professional and respectful conduct at all times, following our policies and procedures (including the ECEC Code of Ethics, our Child Safe and Staff Codes of Conduct, Positive Relationships for Children, Family and Community Partnerships, Child Safe Environment, Access and Inclusion Policy, Recruitment, Induction and Training Policy)
- (16) Families and visitors must be respectful and not engage in any unacceptable behaviour towards anyone at our service

Discrimination

- (17) We have zero-tolerance for unlawful discrimination, which is defined as treating (or proposing to treat) a person less favourably than another because they happen to belong to a particular group or have a particular characteristic
- (18) Discrimination may be direct (treating someone less favourably) or indirect (having a rule or requirement that is the same for everyone, but which has an effect of disadvantaging another person)
- (19) The Relevant Laws prohibit both direct and indirect unlawful discrimination based on certain attributes, including:
 - Age
 - Disability (physical and mental)
 - Employment activity
 - Expunged homosexual conviction
 - Gender identity
 - Industrial activity
 - Impairment
 - Lawful sexual activity
 - Marital status
 - Parent, family and carer status
 - Physical features
 - Political belief or activity
 - Pregnancy, potential pregnancy and breastfeeding
 - Profession, trade or occupation
 - Race, colour, descent, nationality, natural extraction, or social, national or ethnic origin
 - Religious belief or activity
 - Sex
 - Sex characteristics, sexual orientation, gender identity and intersex status
 - Spent conviction

- Personal association with someone who has, or is assumed to have, one of these
- (20) We must not treat anyone unfavourably based on these attributes, including in the following circumstances:
- Recruitment, or employment terms and conditions
 - Enrolment of children, or enrolment offers and conditions
 - Access to and participation in programs and activities
 - Our treatment of families
 - Providing reasonable adjustments to accommodate different needs
 - Our policies and procedures
 - Our interpersonal interactions and service culture
- (21) We will be aware that there are some exceptions to discrimination under the Relevant Laws (e.g., to protect the health and safety of others, employment based on religious beliefs, single sex services etc), and seek further advice where appropriate

Vilification

- (22) Vilification is a public act that could incite hatred, serious contempt or severe ridicule towards a person or group their race or religion
- (23) Vilification is against the law in Victoria

Workplace bullying

- (24) We have zero-tolerance for workplace bullying, which is defined as repeatedly behaving unreasonably towards another person or a group of people in a way that creates a risk to health and safety
- (25) Workplace bullying is a breach of work health and safety laws
- (26) If a person is bullied because of a particular attribute (e.g., race, religion, age, disability etc) that is protected by the Relevant Laws, it is a form of discrimination
- (27) Bullying can take many forms, including physical or verbal abuse, teasing, nicknames, social isolation, practical jokes, excluding or ignoring people, unfair work practices, emails, pictures or text messages
- (28) Disagreements, differences of opinion or personality clashes will generally not be considered bullying unless they involve repeated, unreasonable behaviour that creates a risk to health and safety
- (29) Reasonable management actions (e.g., feedback, performance management, policy enforcement) that are carried out in a reasonable way will not be considered workplace bullying

Workplace harassment

- (30) We have zero-tolerance for workplace harassment, which is defined as any unwelcome and unsolicited behaviour that a reasonable person would consider to be offensive, intimidating, humiliating or threatening, or which creates a hostile environment
- (31) Harassment is unlawful under the Relevant Laws when it is discriminatory, sexual or poses a risk to someone's health or safety
- (32) Harassment can be physical, spoken or written. It can take many forms, including: intimidation, verbal abuse, threats, ridicule, unreasonable work expectations, isolation, belittling, spreading rumours, insulting jokes or derogatory comments about racial groups, sexually explicit or suggestive messages, emails, or intrusive personal questions, repeatedly contacting someone who has asked you to stop
- (33) Harassment may be a one-off incident

Sexual harassment

- (34) We have zero-tolerance for sexual harassment, which is defined as any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, where a reasonable person would anticipate that reaction in the circumstances
- (35) Being exposed to or witnessing this kind of behaviour may also constitute sexual harassment
- (36) Sexual harassment is unlawful under the Relevant Laws and may be a criminal offence in some cases (e.g., stalking, indecent acts or assault)
- (37) Examples of sexual harassment include: sexually suggestive comments, repeated unwelcome invitations to go on dates or requests for sex, intrusive questions about someone's private life or physical appearance, inappropriate staring, leering, unwelcome hugging, kissing, cornering or other types of inappropriate physical contact, sexually explicit text messages, images, phone calls or emails

Sex-based harassment

- (38) We have zero-tolerance for sex-based harassment, which is defined as any unwelcome behaviour that is sexist and demeaning in nature, but that is not necessarily sexual
- (39) Sex-based harassment is unlawful under the Relevant Laws if it occurs in circumstances in which a reasonable person, aware of those circumstances, would anticipate that the person being harassed might feel offended, humiliated or intimidated
- (40) Examples of sex-based harassment include: intrusive personal questions about a person's sex (e.g., inappropriate questions about menopause, menstruation or genitalia), inappropriate comments based on a person's sex, displaying images or making comments that are sexist or strongly prejudiced against a particular sex, sexist, misogynistic or misandrist remarks about a person, verbal abuse, bullying, physical threats, attacks or other

hateful conduct motivated by a person's sex, or asking a person to engage in degrading conduct based on their sex

Cyber harassment/bullying

- (41) We have zero-tolerance for cyber harassment/bullying, which is defined as the use of technology to threaten, bully, intimidate, harass or humiliate someone
- (42) Examples of unlawful cyber harassment include: sharing intimate or sexual photos or videos online without consent (known as image-based abuse), personal attacks aimed at ridiculing, insulting, damaging or humiliating a person ('online hate'), posting seriously offensive and shocking material with the intent to upset people, repeatedly sending obscene messages to someone, repeatedly messaging someone who has asked you to stop, stalking a person online or hacking into their accounts (known as 'cyberstalking')

Workplace violence, sexual assault and aggression

- (43) We have zero-tolerance for workplace violence or aggression, which includes any action, incident or behaviour in which a person is assaulted (sexually or otherwise), abused, threatened, harmed or injured in circumstances related to their work
- (44) Workplace violence, aggression and sexual assault create a significant risk to health and safety and may be offences with very serious penalties under the criminal law
- (45) Examples include physical assault such as biting, scratching, hitting, kicking, pushing, grabbing or throwing objects, deliberately coughing or spitting on another person, sexual assault, indecent physical contact, harassment or aggressive behaviour that creates the apprehension of violence (e.g., stalking, sexual harassment, verbal threats and abuse, yelling or swearing), 'hazing' or initiation practices for new or young staff members, gendered violence, violence from a family or domestic relationship spilling over into the workplace
- (46) Staff must report all criminal conduct to the police, following our procedures

Victimisation

- (47) We have zero-tolerance for victimisation, which is defined as subjecting, or threatening to subject, another person to any detriment (that is, treat them badly or unfairly) because the other person has taken, or may take action, in regard to unacceptable behaviour (e.g., make a complaint or assist in investigations)
- (48) Victimisation is unlawful under the Relevant Laws
- (49) Staff, families and visitors should feel safe to make reports or act as witnesses without the fear of reprisal

Duties and obligations

Vicarious liability

- (50) Under the Relevant Laws, the approved provider may be held legally responsible when a staff member behaves in a discriminatory or harassing way
- (51) To minimise liability, the approved provider must take all reasonable steps to prevent discrimination or harassment from occurring and manage any incidents appropriately

Positive duty to make reasonable adjustments

- (52) We have a duty to make reasonable adjustments to accommodate the needs of a person related to their protected attributes (e.g., disability, carer's status, religious conviction, age, pregnancy etc)
- (53) Examples of reasonable adjustments are: support for disability needs, modifying assessments and teaching styles for diverse children, flexibility for families experiencing family violence, modifying non-core duties for staff, flexibility for work and conditions for parents/carers, supported decision making processes and aids for people with disability, easy English and translated materials, interpreter services
- (54) Staff must follow our policies and procedures that relate to making reasonable adjustments (e.g., HR policies, Enrolment Policy, Access and Inclusion Policy, Child Safe Environment, Work Health and Safety Policy, Physical Environment Policy, Positive Relationships for Children Policy, Family and Community Partnerships Policy, Nutrition and Dietary Requirements Policy, Medical Conditions Policy etc)

Positive duties under Victoria equal opportunity laws and the *Sex Discrimination Act 1984*

- (55) Under the *Equal Opportunity Act 2010 (Vic)*, the approved provider has a legal positive duty to take reasonable and proportionate measures to eliminate discrimination, sexual harassment or victimisation as far as possible
- (56) Under the *Sex Discrimination Act 1984 (Cth)*, the approved provider has an additional legal positive duty to eliminate, as far as possible, the following unlawful behaviour from occurring:
- Discrimination on the grounds of sex in a work context
 - Sexual based harassment in connection with work
 - Sex-based harassment in connection with work
 - Conduct creating a workplace environment that is hostile on the grounds of sex
 - Related acts of victimisation
- (57) We must meet certain standards for both of these positive duties: knowledge and understanding; policies and procedures; organisational culture; organisational capability; leadership; risk management; reporting and response; and continuous improvement - monitoring, reviewing, transparency and evaluation (see next section 'How we prevent and respond to unacceptable behaviour')

- (58) In Victoria, the approved provider must also develop and implement an effective written sexual harassment and victimisation prevention plan [\[guide and template is available here\]](#)

Work health and safety duties – psychosocial risks

- (59) The approved provider has a legal duty to ensure, so far as is reasonably practical, that staff and others (e.g., children, families, visitors) are not exposed to health and safety risks in the workplace – including psychosocial risks such as discrimination, harassment, or bullying
- (60) Staff, families and visitors must also take reasonable care that they do not adversely affect the health and safety of others, and comply with our relevant policies and procedures

How we prevent and respond to unacceptable behaviour

Through leadership and organisational capability

- (61) The approved provider, nominated supervisor and other staff in leadership roles will:
- Understand their responsibilities under the Relevant Laws, and the drivers and impacts of unacceptable behaviour
 - Be role models and actively promote a respectful, safe and inclusive environment
 - Make it clear that unacceptable behaviour will not be tolerated at our service
 - Act immediately to instances or reports of unacceptable behaviour and breaches
 - Be accountable for workplace change, prevention and responses to unacceptable behaviour
 - Take reasonable steps to ensure that our policies, procedures, expectations for behaviour (including codes of conduct) are followed

With effective policies and procedures

- (62) We will keep our policies, procedures, risk assessments and prevention plan concerning unacceptable behaviour up to date and readily accessible
- (63) The approved provider and nominated supervisor will consult with staff, children and families to identify gaps in our current policies, procedures, risk assessments and plans

In our organisational culture

- (64) All staff will contribute to a respectful, inclusive environment in which diversity and equality are valued
- (65) The approved provider, nominated supervisor and other staff in leadership roles will monitor the workplace to make sure it is free from unacceptable behaviour, and that everyone is treated with dignity, courtesy and respect
- (66) Our environment will be free of sexist, racist or any other type of stereotyping material, posters, or screen savers

- (67) The approved provider, nominated supervisor and staff in leadership roles will take proactive measures to maintain a positive workplace culture

By equipping staff with knowledge, understanding and training

- (68) The approved provider and nominated supervisor will provide information and training for staff members on their rights and responsibilities, including:
- Legal obligations and up-to-date information about discrimination, harassment, victimisation, bullying
 - Expected standards of behaviour
 - How to identify, prevent, report and manage unacceptable behaviour
 - Conflict resolution and communication skills
- (69) Training will be provided at regular intervals, not just at induction

Through effective risk management

- (70) The approved provider must ensure that we conduct regular work health and safety risk assessments for psychosocial hazards such as bullying, harassment and discrimination
- (71) The approved provider, nominated supervisor and staff in leadership roles will implement and review control measures according to our policies and procedures
- (72) Risk management must be done in consultation with staff
- (73) The approved provider must ensure that our sexual harassment and victimisation prevention plan is in place, and that staff can access and followed the plan

By providing support

- (74) Staff who experience or witness unacceptable behaviour will be offered confidential support, regardless of whether they make a formal report. Support may include:
- Access to support services, such as counselling, mediation, conflict resolution, coaching, training
 - Flexible work arrangements
 - Open communication with their team leaders, the nominated supervisor, approved provider and/or union officials to identify possible solutions
 - Stress management for easing workloads, overtime distribution, leave entitlements and plans for returning to work from stress leave
- (75) Staff should support colleagues who may be experiencing unacceptable behaviour, including by standing up for each other and acting as witness to any observed unacceptable behaviour

With prompt reporting and response

- (76) Concerns or complaints must be dealt with according to our Complaint Handling Policy and Procedure
- (77) Everyone at our service should feel safe and supported to report unacceptable behaviour
- (78) Staff must maintain complete confidentiality if they are privy to information about an investigation or a complaint
- (79) Our responses will be victim survivor-centred, trauma-informed and culturally safe
- (80) Consequences for unacceptable behaviour will be fair, consistent and proportionate
- (81) We will take action to protect the rights and safety of staff, children and families, and visitors
- (82) Depending on the circumstances, our response to unacceptable behaviour may include:
- Disciplinary action, including termination of employment of a staff member
 - Terminating a child's enrolment
 - Denying a person entry to our service
 - Reports to the police and/or other relevant authorities
- (83) If a person is unhappy with the handling of a report, or they would like advice, they may contact the Australian Human Rights Commission, Victorian Equal Opportunity & Human Rights Commission, Fair Work Commission (a staff member who reasonably believes they have been bullied at work may apply to the Fair Work Commission for an order to stop the bullying), WorkSafe Victoria or the police (if criminal behaviour is involved)

Through monitoring, evaluation and transparency

- (84) The approved provider or nominated supervisor will:
- Record and analyse incidents and complaints
 - Ask for feedback from staff and families
 - Consult external experts where needed
 - Be transparent about nature and extent of reports of unacceptable behaviour and how we are addressing them
- (85) Policies, risk assessments and prevention strategies will be regularly updated to incorporate lessons learned

PRINCIPLES

- (86) Everyone at our service is treated fairly, equitably and respectfully
- (87) Our service is safe, inclusive and free from bullying, harassment and discrimination

- (88) Everyone is responsible for maintaining a respectful and supportive environment, free of unacceptable behaviour
- (89) We take proactive measures to identify and eliminate risks to the health, safety and wellbeing of everyone at our service
- (90) We are committed to ensuring complaints are dealt with in a timely, transparent, professional, confidential, thorough and impartial manner
- (91) We regularly review and update our policies and procedures to make sure they still reflect current laws, best practices and address emerging risks

POLICY COMMUNICATION, TRAINING AND MONITORING

- (92) This policy and related documents can be found on our website and in our front office.
- (93) The approved provider and nominated supervisor provide information, training and other resources and support regarding the Bullying, harassment and discrimination Policy and related documents
- (94) All staff (including volunteers and students) are formally inducted. They are given access to, review, understand and formally acknowledge this Bullying, harassment and discrimination Policy and related documents
- (95) The nominated supervisor runs a professional development program for each staff member, which covers this policy
- (96) Roles and responsibilities are clearly defined in this policy and in individual position descriptions. They are communicated during staff inductions and in ongoing training
- (97) The approved provider and nominated supervisor monitor and audit staff practices through supervision and regular performance appraisal and address non-compliance. Breaches to this policy are taken seriously and may result in disciplinary action against a staff member
- (98) At enrolment, families are given access to our Bullying, harassment and discrimination Policy and related documents
- (99) Families are notified in line with our obligations under the *National Regulations* when changes are made to our policies and procedures

LEGISLATION (OVERVIEW)

Education and Care Services National Law and Regulations

| Law | Description |
|------------|---|
| s 166 | Offence to use inappropriate discipline |

| | |
|--------------------|--|
| s 167 | Offence relating to protection of children from harm and hazards |
| Regulations | |
| s 168 | Education and care services must have policies and procedures |
| s 170 | Policies and procedures to be followed |
| s 171 | Policies and procedures to be kept available |
| s 172 | Notification of change to policies or procedures |

Other applicable laws and regulations

| Act / Regulation / Standard | Description |
|--|---|
| <i>Privacy Act 1988</i> | Principal act protecting the handling of personal information |
| <i>Australian Human Rights Commission Act 1986 (Cth)</i> | Establishes the Australian Human Rights Commission and outlines its role in promoting and protecting human rights in Australia |
| <i>Fair Work Act 2009 (Cth)</i> | Regulates workplace relations in Australia, including minimum employment conditions, unfair dismissal, and protections against discrimination in employment |
| <i>Age Discrimination Act 2004 (Cth)</i> | Prohibits discrimination on the basis of age in areas such as employment, education, and the provision of goods and services |
| <i>Disability Discrimination Act 1992 (Cth)</i> | Prohibits discrimination against individuals with disabilities in employment, education, access to premises, and the provision of goods and services |
| <i>Racial Discrimination Act 1975 (Cth)</i> | Prohibits racial discrimination in areas such as employment, education, housing, and access to services, implementing Australia's obligations under international human rights treaties |
| <i>Sex Discrimination Act 1984 (Cth)</i> | Prohibits discrimination on the basis of sex, sexual orientation, gender identity, marital or relationship status, pregnancy, and family responsibilities in areas such as employment and education |
| <i>Occupational Health and Safety Act 2004 (Vic)</i> | Establishes duties and responsibilities for ensuring health and safety in workplaces across Victoria, aligning with the national model WHS laws |
| <i>Equal Opportunity Act 2010 (Vic)</i> | Prohibits discrimination in Victoria on various grounds, including sex, race, disability, age, and political belief, in areas such as employment, education, and service provision |

National Quality Standard

| Standard / Element | Concept | Description |
|--------------------|----------------------------|--|
| 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 |
| 7.1 | Governance | Governance supports the operation of a quality service |
| 7.1.2 | Management systems | Systems are in place to manage risk and enable the effective management and operation of a quality service |
| 7.2 | Leadership | Effective leadership builds and promotes a positive organisational culture and professional learning community |
| 7.2.1 | Continuous improvement | There is an effective self-assessment and quality improvement process in place |

National Principles for Child Safe Organisations

Most relevant principles

Equity is upheld and diverse needs respected in policy and practice

Policies and procedures document how the organisation is safe for children and young people

RELATED DOCUMENTS

| | |
|--------------|--|
| Key Policies | Child Safe Environment Policy Access and Inclusion Policy Child Safe Code of Conduct Child Protection Policy Complaint Handling Policy Governance and Management Policy Enrolment Policy Governance and Management Policy Family and Community Partnerships Policy Positive Relationships for Children Policy Staff Communication Policy Work Health and Safety Policy Recruitment, Induction and Training Policy Staff Code of Conduct Child Safe Code of Conduct |
| Procedures | Roles and Responsibilities – Bullying, Harassment and Discrimination |
| Resources | Sexual harassment prevention plan template Risk management of unacceptable behaviour (attached) Bullying, harassment and discrimination – quick guide (attached) Human Rights Commission resources for complying with Positive Duty Safe Work Australia Model Code of Practice – Managing Psychosocial Hazards at Work |

SOURCES

Education and Care Services National Law and Regulations | National Quality Standard | Australian Human Rights Commission | Victorian Equal Opportunity & Human Rights Commission resources | Fair Work Ombudsman resources on bullying | Attorney General's resources for anti-discrimination | Australian Human Rights Commission resources | Model WHS Codes of Practice – guide to managing psychosocial hazards at work; Sexual and gender-based harassment | Work Safe Australian - Guide for preventing and responding to workplace bullying

POLICY INFORMATION

Approval

Dina Kahn

Review

Reviewed annually and when there are changes that may affect this policy or related procedures. The review will include checks to ensure the document reflects current legislation, continues to be effective, or whether any changes and additional training are required

Last reviewed: 25th March 2026 Date for next review: 25th March 2027

ROLES AND RESPONSIBILITIES – Bullying, harassment and discrimination

Approved provider responsibilities (not limited to)

Ensure our service meets its obligations under the *Education and Care Services National Law and Regulations* and the relevant legislation

Ensure that our service's governance, management, operations, policies, plans, (including risk management/action plans), systems, practices and procedures for unacceptable behaviour (including bullying, harassment and discrimination) are appropriate in practice, up-to-date, best practice, and comply with all relevant legislation, standards and guidelines

Ensure this Bullying, Harassment and Discrimination Policy and related procedures are in place and available for inspection

Take reasonable steps to ensure our Bullying, Harassment and Discrimination Policy and related procedures are followed (e.g. through clear and accessible communication, and systemised inductions, training and monitoring of all staff – including volunteers, students)

Do not engage in any unacceptable behaviour. Promote a safe and respectful workplace, and be a role model for staff

Ensure there are adequate resources for training and awareness to prevent unacceptable behaviour

Respond to any reports of unacceptable behaviour according to relevant policies and procedures. Implement strategies to prevent the behaviour/conduct

Regularly review this Bullying, Harassment and Discrimination Policy and related procedures in consultation with children, families, communities and staff

Notify families at least 14 days before changing this Bullying, Harassment and Discrimination Policy if the changes will: affect the fees charged or the way they are collected; or significantly impact the service's education and care of children; or significantly impact the family's ability to utilise the service

Nominated supervisor / persons in day-to-day charge responsibilities (not limited to)

Ensure our service meets its obligations under the *Education and Care Services National Law and Regulations* and the relevant legislation

Support the approved provider to ensure that our service's management, operations, policies, plans, (including risk management/action plans), systems, practices and procedures unacceptable behaviour (including bullying, harassment and discrimination) are appropriate in practice, up-to-date, best practice, and comply with all relevant legislation, standards and guidelines

Implement this Bullying, Harassment and Discrimination Policy and related procedures

Take reasonable steps to ensure Bullying, Harassment and Discrimination Policy and related procedures are followed (e.g. through clear and accessible communication, and systemised inductions, training and monitoring of all staff – including volunteers, students)

Do not engage in any unacceptable behaviour. Promote a safe and respectful workplace and be a role model to staff

Ensure staff, families and visitors are aware of their rights and responsibilities

Respond to any reports of unacceptable behaviour according to relevant policies and procedures. Implement strategies to prevent the behaviour/conduct

Contribute to policies and procedure reviews and risk assessments and plans in consultation with children, families, communities and staff. Support the approved provider to notify families of reviews and changes according to legislation and our policies and procedures

Educator / other staff responsibilities (not limited to)

Follow this Bullying, Harassment and Discrimination Policy and related procedures. Do not engage in any unacceptable behaviour

Report concerns or incidents of unacceptable behaviour (inc. bullying, harassment or discrimination). If reporting on behalf of another person, make sure to get their consent. Support colleagues, families and visitors to make reports of unacceptable behaviour

Participate in training and awareness activities

Contribute to maintaining a safe, healthy, respectful, inclusive environment in which diversity is valued

Contribute to policy and procedure reviews and risk assessments and plans, and participate in relevant training and professional development opportunities

Families and visitors responsibilities (not limited to)

Treat staff, children, and families with respect. Do not engage in any unacceptable behaviour

Follow service policies on workplace conduct

Raise any concerns with the appropriate person (see Complaint Handling Policy)

Ensure interactions with staff are professional and appropriate

RESOURCE – Risk management of unacceptable behaviour

Discrimination, bullying, harassment, sexual and sex-based harassment, aggressive and violent behaviour can all cause psychological harm to a person (e.g., harm someone's mental health, cause them stress) are known as 'psychosocial hazards'.

The process for risk management of these harms is the same as any other workplace hazard and involves 4 steps. The following gives an overview of these steps and has been adapted from [Safe Work Australia's Code of Practice Guide: Managing psychosocial hazards at work](#).

All of these steps must include consultation with staff and, where appropriate children and families.

The risk management process may be implemented in different ways depending on the size and nature of your service or activities.

You should record your risk management process and outcomes, including consultation, training and communication. This will be evidence that you have discharged your duties and will help when you need to monitor and review the effectiveness of controls.

You should also record the processes used to investigate and resolve any incidents or allegations of unacceptable behaviour.

STEP 1: Identify hazards - find out what could cause harm

- Examples include:
 - Discriminatory behaviour (could include inconsistent, unfair, discriminatory management decisions and applications of policy, including poor procedural justice)
 - Bullying (could include unreasonable job demands, conflict or poor workplace relationships)
 - Harassment, including sexual harassment (could be due to discrimination, occur online)
 - Violence and aggression
- To identify hazards:
 - Consult with staff
 - Use anonymous surveys
 - Observe work and behaviour (e.g., how people interact with each other)
 - Review records and other relevant information such as incidents, workers compensation claims, complaints, HR reports, policies and procedures, staffing and resourcing decisions, absenteeism and high turnover of staff, Health and Safety Committee meeting records, previous risk assessments
 - Look for trends, such as hazards in a particular room or location, associations with particular roles
 - Have a reporting mechanism and encourage reporting (e.g., Complaint Handling Policy, locked box for making confidential reports, book to write up hazards, discussions at team meetings)

STEP 2: Assess risks, if necessary

(This step may not be necessary if the risks and controls are known)

- Understand:
 - The nature of the harm the hazard could cause
 - How serious the harm could be, and
 - The likelihood of it happening
- Identify the people affected and consider the duration, frequency and severity of their exposure
- Consider the hazards collectively, rather than in isolation – several hazards may be present at the same time and can interact and combine (e.g., a staff member will be harmed more if they don't get support after a colleague acts aggressively toward them)
- Risks can increase when exposure to hazards is more severe (e.g., a very traumatic event such as sexual assault), more frequent (e.g., being spoken to disrespectfully by parents every day), or longer in duration (e.g., not receiving the necessary support or reasonable adjustments to accommodate a disability over a period of weeks or months)

STEP 3: Control the risks - implement the most effective control measures that are reasonably practicable in the circumstances and ensure they remain effective over time

- This means:
 - Eliminate risks, if reasonably practicable to do so
 - If it is not reasonably practicable to eliminate the risks, implement the most effective control measures to minimise the risks so far as is reasonably practicable in the circumstances, and
 - Ensure those control measures remain effective over time
- Identify and select control measures:
 - Identify as many as you can in consultation with staff
 - Consider which are the most effective and reliable measures – order these controls from most effective to least effective
 - Select reasonably practical control measures
 - Take into consideration the cost of a particular control measure, but only after assessing the extent of the risk and the ways of eliminating it or minimising it. If the cost is grossly disproportionate to the risk, it might mean that implementing that measure is not reasonably practical. Also, if there are two equally effective measures, you can implement the less expensive one. Note, you cannot provide a lower level of protection simply because you are in a lesser financial position than another service that faces the same risks in similar circumstances
- Implement control measures
 - Test the control measures – allow people enough time to adjust to changes before testing the effectiveness, though
 - Ask for feedback from people at the service
 - Supervise staff to ensure the controls are being implemented properly
 - You must provide appropriate information, training and instruction (e.g., what to do if someone acts unacceptably toward you, how to report it, what to do if you are a witness to unacceptable behaviour, what the consequences for the behaviour might be)

- Maintain control measures over time – check they are still effective, suitable, and used properly at regular, systemised intervals AND when there is an incident or a breakdown in policy or procedures
- Develop appropriate policies and prevention plans that put down in writing what your expectations and standards are, how to prevent and manage incidents

STEP 4: Review control measures to ensure they are working as planned and make changes as required

- Regularly review control measures and when required (e.g., when the control measure isn't working, before a change that might cause a new or different risk, if a new hazard or risk is identified, if an incident occurs)
- Common ways to review your control measures include: workplace inspections, consultation, and analysing records and data
- Questions to consider may include:
 - Are control measures working effectively, without creating new risks?
 - Have staff reported feeling stressed or are they showing signs of harm?
 - Have all hazards been identified?
 - Have risks changed or are they different to what you previously assessed?
 - Are staff actively involved in the risk management process?
 - Are staff openly raising concerns and reporting problems promptly?
 - Has instruction and training been provided to all relevant people?
 - Are there any upcoming changes that are likely to result in a worker being exposed to hazards?
 - Are new control measures available that might better control the risks?
 - Have risks been eliminated or minimised as far as is reasonably practicable?

APPENDIX C

RESOURCE – Bullying, harassment and discrimination – quick guide

[This quick summary guide is optional. It summarises the expected and prohibited behaviour in the Bullying, Harassment and Discrimination Policy. It can be used as a hand-out or to display]

We are committed to a safe, respectful, inclusive and fair environment for everyone. We have zero tolerance for bullying, harassment, sexual and sex-based harassment, discrimination, aggression or violence

Expected behaviour:

- Treat all staff, families and children with courtesy, fairness and respect
- Speak up if you see harmful or disrespectful behaviour, or if you think something is not right
- Make sure that everyone can participate, regardless of their abilities or background
- Take care not to affect the health and safety of others (including their mental wellbeing)
- Don't gossip - maintain confidentiality and support others

Unacceptable behaviour

- Repeated unreasonable treatment that causes stress or harm (bullying)
- Disrespectful, intimidating, humiliating or hostile behaviour (harassment)
- Unwelcome sexual behaviour that could make someone feel offended, humiliated or intimidated (sexual harassment)
- Unwelcome, demeaning conduct based on someone's gender - e.g., sexist remarks or assumptions (sex-based harassment)
- Treating someone adversely based on personal characteristics - e.g., race, sex, gender, disability, carer, sexual orientation, age, religion (discrimination)
- Retaliating against someone for making a complaint or being a witness (victimisation)
- Saying or doing something in public that could incite hatred, serious contempt or severe ridicule towards someone or a particular group (vilification)
- Cyber harassment/bullying
- Excluding, isolating, mocking, name-calling, spreading rumours
- Threats, aggression, yelling, physical violence or intimidation
- Posting harmful content online or misusing service technology

What to do if there's a problem

1. Speak to the <room leader/nominated supervisor/approved provider> <contact details>
2. Use our Complaint Handling Policy and Procedure
3. You can get support even if you're not ready to make a formal report
4. All reports will be taken seriously and handled fairly, safely and confidentially

Everyone is responsible for maintaining an inclusive, safe, healthy and respectful environment.

Our full Bullying, Harassment and Discrimination Policy is available at: <insert location>

