

BULLYING, DISCRIMINATION AND HARASSMENT POLICY

Our 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.

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
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RELATED POLICIES

Code of Conduct Policy Cyber Safety Policy Family Communication Policy Health and Safety Policy Interactions with Children, Family and Staff Policy Multicultural 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 Early Childhood Code of Ethics, Fair Work requirements, and the Service statement of philosophy, ensuring a safe workplace and the wellbeing of all staff and educators employed at the Service.

SCOPE

This policy applies to staff, management, and educators of the Service.

IMPLEMENTATION

Everyone has a right not to 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.

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](#)

Our 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.

Management and Nominated Supervisor/Responsible Person will ensure:

- a thorough induction process for new employees is conducted at the commencement of employment
- all staff have a comprehensive understanding of the Service's code of conduct, *Grievance (Complaints) Policy* and the *Early Childhood Code of Ethics*
- the *Bullying, Discrimination and Harassment Policy*, and all related policies are reviewed annually.
- educators are informed that inappropriate behaviour, including bullying and harassment will not be tolerated, and will be advised of potential consequences of this behaviour
- all staff and educators are aware of the Service's Bullying, Discrimination and Harassment procedure
- inappropriate behaviour is addressed in a timely manner
- all staff and educators are aware of appropriate interactions through professional development and training
- staff and educators are aware of their job roles and responsibilities which will be clarified through job descriptions, team meetings, performance appraisals and clear management expectations
- all staff and educators are encouraged to embrace the uniqueness and diversity of their colleagues
- constructive feedback is provided to staff and educators
- communication practices are reviewed frequently to ensure best practice
- all staff and educators are treated equally and fairly
- meetings are documented accurately and appropriately
- an understanding and compliance with discrimination law is communicated with all employees.

Educators will:

- be involved in decision making with a clear understanding of their roles and responsibilities, outlined in each individual job description
- embrace the uniqueness and diversity of their colleagues
- respect the skills, strengths and opinions of all educators in order to create team cohesion based on professionalism

- comply with all discrimination laws
- be responsible for their own actions in the workplace
- raise matters of concern to management at an early stage
- 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 bullying, discrimination, or harassment allegations
- follow the Service's *Bullying, Discrimination and Harassment procedure*
- evaluate the effectiveness of strategies implemented to discourage and eradicate bullying, discrimination, and/or harassment.

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 Children's Education & Care Quality Authority. (2014).

Australian Human Rights Commission. (2019). Reform of discrimination law: <https://www.humanrights.gov.au/>

Early Childhood Australia Code of Ethics. (2016).

Fair Work Act 2009 (Cth).

Fair Work Ombudsman. (2019). Bullying & Harassment: <https://www.fairwork.gov.au/employee-entitlements/bullying-and-harassment>

Fair Work Ombudsman. (2019). Managing performance & warnings: <https://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings>

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2020).

Guide to the National Quality Standard. (2017).

Law Council of Australia. (2019). Bullying and harassment in the workplace: <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/bullying-and-harassment-in-the-workplace>

Revised National Quality Standard. (2018).

Safe Work Australia. (2019). Bullying: <https://www.safeworkaustralia.gov.au/bullying>

Work Health and Safety Act 2011 (Cth).

Workplace Relations Act 1996 (Cth).

REVIEW

POLICY REVIEWED BY:	Cherie Graham	Childcare Director	15/04/2022
POLICY REVIEWED	AUGUST 2021	NEXT REVIEW DATE	AUGUST 2022
MODIFICATIONS	<ul style="list-style-type: none"> • addition of related procedure 		

	<ul style="list-style-type: none"> • sources checked for currency • related policy name change- <i>Grievance (Complaints) Policy</i> 	
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE
AUGUST 2020	<ul style="list-style-type: none"> • related legislation acts linked for ease of reference • minor editing • sources checked for currency 	AUGUST 2021
AUGUST 2019	<p>Sentences reworded/refined. Additional information added to points. Sources checked for currency. Related policies alphabetised. Unnecessary/unrelated references deleted. Relevant sources (websites & acts) added. Sources/references alphabetised.</p>	AUGUST 2020
AUGUST 2018	Minor modifications made to comply with Fair Work requirements and law	AUGUST 2019
OCTOBER 2017	Updated the references to comply with the revised National Quality Standard	MAY 2018
MAY 2017	Research and created bullying and harassment policy and procedure	MAY 2018