DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

POLICY NUMBER: NDIS STAFF 14

INTENT

The purpose of this policy is to affirm Real Living Option Association Inc's commitment to providing a safe, inclusive, and respectful environment for all employees, Participants, Volunteers and stakeholders. The Service is committed to eliminating all forms of unlawful discrimination, harassment, and victimisation.

DEFINITION

Discrimination *- occurs when someone is treated less favourably than another in similar circumstances because of a personal attribute that has no relevance to the situation.*

The Anti -Discrimination Act 1991 makes it unlawful to discriminate against people in certain public areas such as work or in providing services. Discrimination is defined as treating people in similar circumstances differently because of irrelevant characteristics or assumptions. The Act identifies the following where discrimination is prohibited;

- *Work or work-related areas*
- *Education and*
- *Goods and Services*

The Act prohibits discrimination on the basis of the following attributes:

(a) sex

(b) relationship status

(c) pregnancy

(d) parental status

(e) breastfeeding

(f) age

(g) race

(h) impairment

(i) religious belief or religious activity

(j) political belief or activity

(k) trade union activity

(l) lawful sexual activity

(m) gender identity

(n) sexuality

(o) family responsibilities

(p) association with, or relation to, a person identified on the basis of any of the above attributes.

Harassment - *Workplace Harassment is repeated behaviour by a person including the person's employer or co-worker, that is unwelcome and unsolicited, and the person considers to be offensive, intimidating, humiliating or threatening such that a reasonable person would consider to be offensive, including constant ridicule, offensive messages and emails or sexual harassment.*

Personality clashes between staff do not necessarily constitute harassment.

Definitions of behaviour classed as harassment:

- **Intimidation:** Intimidation is any form of behaviour by a person that inspires fear in another person in order to influence conduct.
- **Hostility:** Hostility is defined as opposition of thought, unfriendly behaviour or active dislike of another person and which consequently affects work performance and satisfaction.
- **Offensiveness:** Offensiveness is an aggressive, physical act in the form of an attack: or insulting language that is intended to cause anger, outrage and feelings of annoyance hurt or humiliation. Behaviour such as making uncalled for remarks about a person's appearance would be classified as offensive behaviour.
- **Sexual Harassment:** Sexual harassment is any form of sexual attention that is unwelcome. It may be unwelcome touching or other physical contact, remarks with sexual connotations in relation to a person's appearance or body, smutty jokes, offensive telephone calls, unwelcome and uncalled-for remarks or insinuations about a person's sex or private life, indecent exposure, demands or request for sexual favours, leering: the display of offensive material. It can be a single incident or a series of repeated events – it depends on the circumstances. Single incidences such as unwanted invitation, compliment, or a trivial joke may not constitute harassment if they are not repeated.
- **Bullying:** Workplace bullying can be defined as the repeated less favourable treatment of a person by another, or others in the workplace. It includes behaviour that intimidates, offends, degrades or humiliates a worker, possibly in front of co-workers, Participants or others.

POLICY STATEMENTS

- Real Living Options association inc. does not tolerate harassment, bullying, or discrimination by or towards any person — including staff, participants, families, or visitors.
- Real Living Options Association Inc. recognises that it is the right of every employee and volunteer to be able to attend work and to perform their duties without being subjected to any form of discrimination or harassment.
- Real Living Options Association Inc. has zero tolerance for any form of unlawful discrimination, harassment, bullying, or victimisation and is fully committed to its obligations to eliminate discrimination and harassment in the workplace and in service delivery.

PROCEDURES

- It is the responsibility of the Management Committee, General Manager, Support Manager and HR and WHS Officer to thoroughly familiarise themselves with the Discrimination and Harassment Policy and the requirements outlined in it.
- The General Manager, and Support Manager are expected to:
  - Model appropriate behaviour at work.
  - Foster a work environment free from discrimination and harassment.
  - Ensure all Staff are familiar with the content of the Discrimination and Harassment Policy and how to report unacceptable behaviour.
  - Investigate any situations of harassment and recommend corrective action.
  - Ensure that any person who lodges a complaint or is a witness to an event is not victimised.
  - Ensure the privacy of all parties involved.

Process if workplace harassment is experienced or witnessed:

- Any individual who believes they have experienced or witnessed discrimination or harassment is encouraged to:
  - Report it to the General Manager or Support Manager.
  - Use the Service's Complaints and Feedback process.
- Submit concerns anonymously if preferred.
  All complaints will be:
  - Taken seriously and responded to promptly.
  - Investigated fairly and confidentially
  - Addressed in line with NDIS STAFF 15 Complaints, Disputes and Appeals Policy.

- If any employee is dissatisfied with the outcome of the internal process, or does not want to follow the suggested process, they may lodge a complaint with the Anti-Discrimination Commission.
- Employees should not be subjected to or engage in discrimination and/or harassment against another employee, a Participant, their Representative/Nominee or community member in a manner which is unwanted, intimidating or offensive. Disciplinary action will be taken against those responsible.
- Whether internal or external processes are followed, potential complainants and witnesses will be assured that they will not be disadvantaged in their employment, conditions and opportunities as a result of lodging a complaint. All investigations will employ the principles of natural justice and ensure that all parties receive a fair hearing.
- All reports of harassment will be recorded and filed securely.
- Breaches of this policy may result in:
  - Formal investigation.

- Disciplinary action, up to and including termination of employment or engagement.
- Reporting to external authorities such as the NDIS Commission or Fair Work Ombudsman.

DELEGATIONS

Management Committee

- Monitor the General Manager's management of all allegations of discrimination and/or harassment.
- Appropriately deal with any allegations of discrimination and/or harassment made against the General Manager.

General Manager

- Investigate any reports of discrimination or harassment.
- Ensure as far as practicable that all incidents of discrimination and/or harassment are dealt with fairly and promptly.
- Keep Management Committee informed of any reports of discrimination and/or harassment.

Support Manager

- Advise the General Manager of any reports of discrimination or harassment received.
- Work closely with the General Manager to investigate and resolve any reports of discrimination or harassment.

All Staff and Volunteers

- It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from discrimination and harassment.

RELATED DOCUMENTION

NDIS Staff Policies

REFERENCES

Anti-Discrimination Act. 1991
Anti-Discrimination Regulation 1991
NDIS Practice Standards and Quality Indicators

AMENDMENTS/REVIEWS

07/06/2012, 02/10/2014, 26/04/2018, 28/07/2022, 06/11/2025