


GRACE LUTHERAN COLLEGE POLICY

 <p>GRACE LUTHERAN COLLEGE EST. 1978</p>	Anti-Harassment, Victimisation, Anti-Discrimination and Workplace Bullying Policy - Staff		
Policy contact:	Head of College	Policy Number:	A.10.003

Policy Summary: What is this policy?	The College is implementing this policy to ensure that all staff and volunteers understand the nature of harassment, victimisation, discrimination and workplace bullying and to use safe practices to prevent and address the same.
Purpose	The purpose of this policy is to make Grace Lutheran College (the College) employees and volunteers aware of what constitutes harassment, victimisation, discrimination, vilification and workplace bullying, and their responsibility in preventing and managing such incidents.
Preamble	<p>Part of the Christian Ethos at Grace Lutheran College is the commitment to encourage a climate of love and care for each other according to Biblical principle enunciated by our Lord Himself to Love One Another. This includes the condemnation of any attitudes or behaviours which result in bullying, harassment, victimisation, vilification, or discrimination of other people. It also involves the provision of an orderly and secure environment in which all people are encouraged to realise their full positive potential without interference from others.</p> <p>Grace Lutheran College has a legal and moral responsibility to take reasonable steps to best ensure that staff, students, volunteers and visitors are not subject to behaviours, practices or processes that may constitute bullying, harassment, discrimination, vilification, or victimisation and is therefore committed to developing an environment which promotes respect for persons, integrity, equitable treatment and natural justice.</p> <p>Bullying, harassment, victimisation, vilification and discrimination will not be tolerated at the College under any circumstances, and may, in some circumstances be unlawful under State or Commonwealth law.</p>
Scope	<p>This policy covers all staff, volunteers, visitors, parents/carers and students at the College, who are engaged in College related activity either on College property, or off campus. It includes, and also applies to sporting coaches, music instructors, sporting umpires and other tutors associated with the College.</p> <p>The implementation of this policy is the responsibility of all staff, volunteers, parents/carers and students of the College. However, the Senior Leadership Team at the College has a particular responsibility to ensure that the workplace is free from discrimination, harassment and victimisation, vilification and workplace bullying, and that the relevant policies and procedures regarding resolution of grievances are followed.</p> <p>The College will treat reports of workplace bullying seriously and will respond promptly, impartially and confidentially.</p>

	<p>This policy does not apply to allegations of sexual abuse or harm to children which are dealt with by the 'Child Protection Policy' and the 'National Safe Schools Framework'.</p> <p>¹Expected Workplace Behaviours</p> <p>Under the work health and safety legislation staff and other people at our workplace must take reasonable care that they do not adversely affect the health and safety of others.</p> <p>The College expects people to:</p> <ul style="list-style-type: none"> • Behave in a responsible and professional manner; • Treat others in the workplace with courtesy and respect; • Listen and respond appropriately to the views and concerns of others; • Be fair and honest in their dealings with others. <p>This policy applies to behaviours that occur:</p> <ul style="list-style-type: none"> • In connection with work, even if it occurs outside normal working hours; • During work activities; • At work-related events, for example at school and related social functions; • On social media where workers interact with colleagues or students/parents and their actions may affect them either directly or indirectly.
<p>Policy Statement</p>	<ol style="list-style-type: none"> 1. Grace Lutheran College is an equal opportunity organisation. The College is committed to providing an environment that is safe for its staff and students. All staff and students are treated on their merits. 2. We believe all staff and students have the right to work and study in an environment free of discrimination, bullying, harassment, victimisation and vilification. 3. Discrimination, bullying, harassment, victimisation and vilification undermine proper working relationships and may cause low morale, absenteeism, withdrawals and resignations. 4. The College does not tolerate any form of discrimination, bullying, harassment, victimisation or vilification and any reports of same will be treated seriously and investigated promptly, confidentially and impartially. 5. The College will provide training for all employees and volunteers in both their rights and obligations and the College policies and procedures relevant to discrimination, bullying, harassment, victimisation or vilification issues.

¹ Adapted from, Safe Work Australia's Guide for Preventing and Responding to Workplace Bullying, November 2013, <http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/827/Guide-preventing-responding-workplace-bullying.pdf>, Creative Commons Attribution Non-Commercial 3.0 Australia Licence (CC BY-NC 3.0 AU) <http://creativecommons.org/licenses/by-nc/3.0/au/> © Commonwealth of Australia 2014.

Definitions

Discrimination is treatment or consideration of, or making a distinction in favour or against, a person or thing based on the group, class or category to which that person or thing belongs rather than on individual merit.

Subject to the specific exemptions detailed in State and Federal Anti-Discrimination Laws, ²**discrimination** on the following grounds is against the law:

- (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 in relation to, a person identified on the basis of any of the above attributes.

Direct discrimination on the basis of an attribute happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

Indirect discrimination on the basis of an attribute happens if a person imposes or proposes to impose a term:

- (a) with which a person with an attribute does not or is not able to comply; and
- (b) with which a higher proportion of people without the attribute comply or are able to comply; and
- (c) that is not reasonable.

Whether a term is **reasonable** depends on all relevant circumstances of the case, including for example:

- (a) the consequences of failure to comply with the term; and
- (b) the cost of alternative terms; and
- (c) the financial circumstances of the person who imposes, or proposes to impose, the term.

It is not necessary that the person imposing, or proposing to impose, the term, is aware of the indirect discrimination. **'Term'** includes condition, requirement to practice whether or not written.

² Adapted from the Anti-Discrimination Act (Qld) 1991, Current as at 3 November 2022.

The term '**harassment**' refers to behaviour towards an individual or group of individuals, that is based on the attributes referred to above, that is usually of a repeated nature, which is humiliating, intimidating, degrading, or insulting and which takes place in circumstances in which a reasonable person would have been offended, humiliated, or intimidated.

The Anti-Discrimination Act (Qld) 1991 s.130 states the meaning of victimisation -

"(1) **Victimisation** happens if a person (the **respondent**) does an act, or threatens to do an act, to the detriment of person (the **complainant**) -

- (a) because the complainant, or a person associated with, or related to, the complainant –
 - i. refused to do an act that would amount to a contravention of the Act; or
 - ii. in good faith, alleged, or intends to allege that a person committed an act that would amount to a contravention of the Act; or
 - iii. is, has been, or intends to be, involved in a proceeding under the Act against any person; or
- (b) because the respondent believes that the complainant, or a person associated with, or related to, the complainant is doing, has done, or intends to do one of the things mentioned in paragraph (a)(i), (ii) or (iii)."

Racism: Comments, gestures, ostracism on the base of nationality, skin colour, ancestry

Religious Discrimination: Ridiculing religious beliefs and practices

Sexual harassment: Deliberate, uninvited, unwelcome comments or actions of a sexual nature.

Vilification: Defamation, condemnation, criticism, character assassination, slander, libel, speaking ill of someone.

³What is Workplace Bullying?

Bullying at work occurs when a person or a group of people repeatedly behaves unreasonably towards a worker or a group of workers at work or affects work and the behaviour creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, or threatening.

³ Adapted from, Safe Work Australia's Guide for Preventing and Responding to Workplace Bullying, November 2013, <http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/827/Guide-preventing-responding-workplace-bullying.pdf>, Creative Commons Attribution 3.0 Australia Licence (CC BY 3.0) <http://creativecommons.org/licenses/by/3.0/au/> © Commonwealth of Australia 2014.

Differences of opinion and disagreements are generally not considered to be workplace bullying.

Examples of bullying may include:

- Physical – punching, hitting, spitting, hiding, damaging or destroying property;
- Verbal – name calling, ridicule, threats, rumour-spreading, writing derogatory comments, belittling, unjustified criticism or complaints;
- Non-verbal – extortion, intimidation, threatening signs, ostracism;
- Deliberately excluding someone from workplace activities;
- Withholding information that is vital for effective work performance;
- Setting unreasonable timelines or constantly changing deadlines;
- Setting tasks that are unreasonable below or beyond a person's skill level;
- Denying access to information, supervision, consultation or resources to the detriment of the worker;
- Changing work arrangements such as rosters and leave to deliberately inconvenience a particular employee or employees.

What is NOT Workplace Bullying nor Harassment?

Reasonable management action taken by Senior Leadership Team Members, Heads of Departments, Coordinators, Managers and Supervisors to direct and control the way work is carried out, is not considered to be workplace bullying if the action is taken in a reasonable and lawful way such as:

- The giving of lawful directives to a student or employee;
- Consequences applied to a student by a teacher for a breach of College or teacher requirements;
- Setting reasonable performance goals, standards and deadlines;
- Rostering and allocating working hours where the requirements are reasonable;
- Transferring an employee for operational purposes;
- Deciding not to select an employee where a reasonable process is followed;
- Informing an employee about unsatisfactory work performance in an honest, fair and constructive way;
- Informing an employee about inappropriate behaviour in an objective and confidential way;
- Implementing organisational changes or restructuring;
- Taking disciplinary action, including suspension or terminating employment or enrolment.

Under the Work Health and Safety Act (Qld) 2011 'Health' is defined as both physical and psychological health.

Table 1: Duties in relation to workplace bullying

Who	Duties
Person Conducting a Business or Undertaking (S.19) aka The Head of College and/or College Council	<p>The Head of College has the primary duty of care under the WHS Act to ensure, so far as is reasonably practicable, that workers and other people are not exposed to health and safety risks arising from the business or undertaking.</p> <p>This duty includes, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> • Providing and maintaining a work environment that is without risks to health and safety; and • Providing and maintaining safe systems of work including the provision and maintenance of safe plant and structures; and • The safe use, handling and storage of plant, structures, and substances; and • The provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities; and • Monitoring the health and safety of workers and the conditions at the workplace to ensure that work related illnesses and injuries are prevented; and • Providing appropriate information, instruction, training or supervision to works and other people at the workplace to allow work to be carried out safely.
Senior Leadership Team Members, Heads of Department, Coordinators, Managers and Supervisors (Managers)(s.27)	<p>Managers must exercise due diligence to ensure the business or undertaking complies with the WHS Act and Regulations. This includes taking reasonable steps to ensure the business or undertaking has and uses appropriate resources and processes to eliminate or minimize risks associated with workplace bullying</p>
Staff aka Workers (s.28)	<p>Staff including employees, contractors, sub-contractors labour hire employees, apprentices or volunteers have a duty to:</p> <ul style="list-style-type: none"> • take reasonable care for his or her own health and safety; • take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other people; • comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and • cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers, e.g. an anti-workplace bullying policy.

	<table border="1"> <tr> <td>Others (s.29)</td><td> <p>Other people at a workplace, such as visitors and students, have similar duties to that of a worker and must:</p> <ul style="list-style-type: none"> • take reasonable care for his or her own health and safety; • take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other people; • comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act. </td></tr> </table>	Others (s.29)	<p>Other people at a workplace, such as visitors and students, have similar duties to that of a worker and must:</p> <ul style="list-style-type: none"> • take reasonable care for his or her own health and safety; • take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other people; • comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act.
Others (s.29)	<p>Other people at a workplace, such as visitors and students, have similar duties to that of a worker and must:</p> <ul style="list-style-type: none"> • take reasonable care for his or her own health and safety; • take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other people; • comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act. 		
Communication of Policy	<p>The policy includes procedures which shall be communicated to all staff members.</p> <p>Communication shall be effected by inclusion of the policy in the orientation process of staff members and a copy on the College intranet.</p> <p>This policy will be made available to all workers including volunteers and contractors. All new staff shall sign an induction checklist as written acknowledgment of having received, read, and understood this Policy and confirming their intention of compliance with the policy. The Senior Leadership Team Members, Head of Departments, Coordinators, Managers or Supervisors will remind staff of the policy from time to time. Staff are required to complete tri-annual Valuing Safe Communities training in accordance with Lutheran Education Australia (LEA) requirements, which highlights the expectations of this policy.</p>		
Other relevant documents and links	<p>Legislation</p> <p>Work Health and Safety Act 2011 Human Rights and Equal Opportunity Commission Act 1986 Workplace Relations Act 1996 Queensland Anti-Discrimination Act 1991 Disability Discrimination Act 1992 Workplace Gender Equality Act 2012 Fair Work Act 2009</p> <p>Policies and Documents</p> <p>C.10.008 Grievance Procedure D0001 Complaint Form A.08.004 Anti-Bullying, Cyber-Bullying, Anti-Harassment and Victimisation Policy - Students B.10.002 Code of Conduct – Staff and Volunteers A.10.004 Code of Ethics for Safe and Professional Relationships (LEA) A.05.001 Child Protection Policy A.05.007 Child and Youth Risk Management Strategy A.08.002 Inclusive Education for Students Requiring Support Policy A.08.003 Enrolment Procedure Queensland Lutheran Schools Single Enterprise Agreement 2020 (including Annexure C – Complaints Handling Policy and Procedures)</p>		

1. Procedure

- 1.1 Staff members, volunteers, visitors or students who believe they are being harassed, victimised, bullied, vilified or discriminated against, or staff members who become aware of a student or fellow staff member/volunteer/visitor who is being harassed, bullied, victimised, vilified or discriminated against, should make it known to the persons involved that the actions, comments or behaviours are unwelcome or offensive.
- 1.2 If the staff member or non-employee of the College (i.e. volunteer, visitor, parent/carer or student) feels that they cannot discuss the matter directly with the person/s involved, they should report the matter to one of the Contact Officers, their supervisor, Year Level Coordinator, a Senior Leadership Team member or Head of College. If the matter cannot be settled or it concerns the Supervisor or Year Level Coordinator then they should report the matter to the Head of College, or any other member of the Senior Leadership Team, or the College Pastor.
- 1.3 If the complaint relates to the Head of College, or a professional decision made by the Head of College, then they should report the matter to the Chair of College Council. They shall also complete the Complaints Form (D0001) as in the Grievance Procedure detailing what the issues are in writing to assist them in formulating and documenting their complaint. The Chair of the College Council shall then implement the Grievance Procedure for written complaints made against the Head of College.
- 1.3 Complaints will be investigated promptly and fairly, and in a confidential manner. No staff member, volunteer or student will be disadvantaged as a result of making a complaint.
- 1.4 The aim of the process will be to seek reconciliation and restore relationships and create a secure environment. However, if necessary, disciplinary action could be instigated as a result of this process for the perpetrator/s of harassment, victimisation, bullying, vilification or discrimination. Disciplinary action will depend on the nature and circumstance of each breach and could include the requirement for a verbal or written apology, participation in counselling or training, verbal or written reprimand or transfer, demotion or dismissal of the person engaging in the inappropriate behaviour and in addition, appropriate action taken under the applicable College policy or contract. (See the Grievance Procedure, Anti-Bullying, Cyber-Bullying, Victimisation and Anti-Harassment Policy - Students and Inclusive Education for Students Requiring Support Policy.)
- 1.5 Where necessary, the relevant authorities will also be advised i.e. the Police for cases of assault, and Child Safety Services and the Police in cases of child safety and mandatory reporting requirements (See Child Protection Policy A.05.001).
- 1.6 Where the staff member, volunteer or student believes that he/she has not received natural justice as a result of the completed process at the

College, they may send a signed written complaint to the Chair of Grace Lutheran College Council as stated in the Grievance Procedure.

- 1.7 The procedures that are utilised in conjunction with this policy do not preempt, limit, prevent or delay the parties' rights to pursue other avenues for resolution of grievances such as direct application to the Queensland Industrial Relations Commission or the Queensland Anti-Discrimination Commission. Where alternative avenues are chosen, the non-employee of the College (i.e. student, parent/carer volunteer, visitor) or staff member will no longer have access to the College's grievance procedures.
- 1.8 In all cases, the scriptural principles of reconciliation in Matthew 18:15 will be followed.
- 1.9 False and/or malicious complaints may lead to legal action being taken against the complainant.

2. Employment

2.1 Position descriptions

Position descriptions include clear statements of the duties of employees in the College. This includes the position responsibilities and to whom the person is responsible.

2.2 Selection Criteria for appointment and promotion

The qualities sought in an employee for a specific position are reflected in all position descriptions and refer to (at least) qualifications, skills, abilities, knowledge and experience. Once an employee is engaged then the same criteria apply in relation to promotion. The College complies with the Workplace Gender Equality Act 2012 and the Queensland Lutheran Schools Single Enterprise Agreement 2020 when employing and promoting staff.

2.3 Interviews

The position selection criteria form the basis upon which questions are asked during interviews.

2.4 Relevant exemptions

In relation to employment, the Act provides an exemption in the following areas (applicable to Grace Lutheran College):

- where there is a genuine occupational qualification required;
- in educational institutions with a religious purpose;
- where job capacity is restricted by impairment and special terms are imposed;
- where special services or facilities are required by people with disabilities that would impose unjustifiable hardship on the College; or
- where special circumstances or impairment would cause unjustifiable hardship.

Some exemptions are absolute, some are not.

3. Enrolment

3.1 Prospective students

The College does not discriminate in:

- failing to accept a person's application for admission as a student (see Enrolment Procedure and Inclusive Education for Students Requiring Support Policy);
- the way in which a person's application is processed;
- the arrangements made for, or the criteria used in, deciding who should be offered admission as a student; or
- the terms on which a person is admitted as a student.

3.2 Current students

The College does not discriminate:

- in any variation of the terms of a student's enrolment;
- by denying or limiting access to any benefit arising from the enrolment that is supplied by the College; or
- by treating a student unfavourably in any way in connection with the student's training or instruction.

3.3 Relevant exemptions

The Act provides an exemption in the following areas:

- in relation to sex or religion if a College operates wholly or mainly for students of a particular sex or religion;
- where selection criteria for an educational program are based on a minimum qualifying age;
- in relation to impairment where people with disabilities require special services or facilities that would impose unjustifiable hardship on the College.

Some exemptions are absolute, some are not.

3.4 Students with disabilities

When there are available places and a student with a disability seeks admission, particular care is taken to ensure that the application is properly considered. Please see the Enrolment Procedure and Inclusive Education for Students Requiring Support Policy.

Approval Authority	Grace Lutheran College Council
Date Approved – Version 1	5 September 2005
Date Approved – Versions 2-5	25 June 2015
Date Approved – Version 6	15 September 2016
Date Approved – Version 7	7 November 2022
Date for Next Review	7 November 2024

Revisions/ Modifications

Date	Version	Summary of changes	Updated by
14 Aug 2009	2	Added harassment, bullying and Form 0001. Also linked Complaints against Staff Policy	Annerie Kruger, Compliance Officer
22 March 2010	3	Reference to VSC, general update	Annerie Kruger, Compliance Officer
26 April 2012	4	Reference to WH&S Act 2011, general update and internal consistencies checked	Naree Wittwer, Assistant to the Principal - Administration
20 May 2015	5	<ul style="list-style-type: none"> Added references to victimisation and a more detailed explanation of what bullying is and is not. Added reporting authority to Supervisor/Year Level Coordinator and to Chair of Grace Lutheran College Council. Referred to College Council's new procedure – C.12.004 A Procedure for addressing an appeal by a non-employee against a professional decision of the Principal 	<p>Cheryl Budd and Allan Dallas, Heads of Campus, Nicole Gregory, Head of Middle School, Tanya Crooks, Head of Senior School, Vanessa Murphy, HOD of Learning Support and Nerida Douwes, Compliance Officer.</p> <p>Approved by College Council on 25/6/2015 Minute: 44.15</p>
3 August 2015	6	<ul style="list-style-type: none"> Minor adjustments in conjunction with Lisa Walker to Policy summary, Preamble, Scope, Definitions and Procedure points 1.2, 1.4, 1.5, 1.7, 1.8 and 3.4 	<p>Cheryl Budd, Head of Rothwell Campus and Lisa Walker, Solicitor, Lutheran Education Queensland (LEQ).</p> <p>Approved by College Council on 15/9/2016 Minute No. 51:16</p>
7 November 2022	7	<p>Changed 'Principal' to 'Head of College' and 'Students with Disabilities Policy' to 'Inclusive Education for Students Requiring Support Policy'.</p> <p>Updated list of Policies and Documents including 'Complaints Against Staff Policy & Procedures' to 'Grievance Procedure'.</p>	David Radke, Head of College and Kylie Duyzer, Head of Rothwell Campus.