

Standards:

This Policy and Procedure relates to Standard 5, 6 and 8 from Standards for *Registered Training Organisations (RTOs) 2015*.

Policy Statement

At SGSCC we are committed to ensuring that the training and assessment environment and our workplace are free from discrimination and harassment. All employees, contractors and clients are made aware that discrimination and harassment will not be tolerated under any circumstances. In the event that discrimination and harassment is found to have occurred, disciplinary action will be taken against any employee or contractor who breaches this policy.

Suspected criminal behaviour will be reported to police authorities immediately.

1. By implementing this policy we strive to achieve the following objectives:
 - 1.1. Create a working environment which is free from discrimination and harassment and where all employees, contractors and clients are treated with dignity, courtesy and respect;
 - 1.2. Implement training and awareness raising strategies to ensure that all parties know their rights and responsibilities;
 - 1.3. Provide an effective procedure for complaints based on the principles of natural justice;
 - 1.4. Treat all complaints in a sensitive, fair, timely and confidential manner;
 - 1.5. Guarantee protection from any victimisation or reprisals;
 - 1.6. Promote a productive and cohesive workplace;

- 1.7. Encourage the reporting of behaviour which breaches this Discrimination and Harassment Policy; and
- 1.8. Promote appropriate standards of conduct at all times.

2. What is discrimination and harassment?

- 2.1. Under federal and state legislation, unlawful discrimination occurs when someone, or a group of people, are treated less favourably than another person or group because of their race, colour, national or ethnic origin; sex, pregnancy or marital status; age; disability; religion; sexual preference; trade union activity; or some other characteristic specified under anti-discrimination or human rights legislation.
- 2.2. Harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. It can also happen if someone is working in a 'hostile' or intimidating – environment.

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- 2.3. Harassment can include behaviour such as:
 - 2.3.1. Telling insulting jokes about particular racial groups;
 - 2.3.2. Sending explicit or sexually suggestive emails;
 - 2.3.3. Displaying offensive or pornographic posters or screen savers;

¹ Good practice, good business: Eliminating discrimination and harassment from your workplace: What is discrimination and harassment? Page 1, © Human Rights and Equal Opportunity Commission.

2.3.4. Making derogatory comments or taunts about someone's race or religion; or

2.3.5. Asking intrusive questions about someone's personal life, including their sex life.

3. Discrimination and harassment occur when a person is discriminated against or harassed in the workplace because of:

3.1. their race, colour, descent or national or ethnic origin, as defined under the Racial Discrimination Act 1975;

3.2. their sex, marital status or pregnancy as defined under the Sex Discrimination Act 1984;

3.3. a disability as defined under the Disability Discrimination Act 1992;

3.4. age as defined under the Age Discrimination Act 2004; or

3.5. some grounds under the Human Rights and Equal Opportunity Act 1986.

4. The nature of discrimination and harassment

4.1. Harassing or discriminating behaviour can range from serious to less serious levels; however one-off incidents can still constitute discrimination or harassment. Also, where continued, such behaviour can undermine the standard of conduct within a work area, which may erode the wellbeing of the individual or group being targeted and lead to lower overall staff performance.

4.2. The absence of complaints is not necessarily an indication that no discrimination or harassment is occurring. The person subjected to harassing or discriminating behaviour does not always complain. This is not necessarily because the act is trivial, but because the person may lack the confidence to speak up on their own behalf or feel too intimidated or embarrassed to complain.²

5. Hostile working environment

SGSCC supervisors should also be aware of their responsibilities to ensure that the working environment or workplace culture is not sexually or racially 'hostile'. Examples of a potentially hostile working environment are where pornographic materials are displayed and where crude conversations, innuendo or offensive jokes are part of the accepted culture.

A person has the right to complain about the effects of a sexually or racially hostile working environment, even if the conduct in question was not specifically targeted at them.

6. What is not discrimination or harassment?

6.1. Workplace discrimination or harassment must not be confused with legitimate comment and advice (including relevant negative comment or feedback) from supervisors, trainers and assessors on the work performance or skills and knowledge development of an individual or group.

6.2. The process of providing feedback to staff during a formal performance appraisal, or counselling staff regarding their work performance, will not always be free of stress. Similarly, providing a

² Ibid.

student with feedback following an assessment also has the potential to be stressful. Supervisors, trainers and assessors should manage these processes with sensitivity, but they should not avoid their responsibility to provide full and frank feedback.³

7. What is workplace bullying?

One definition of workplace bullying is “the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades or humiliates a worker”.⁴

7.1. Bullies usually utilise power attributed to their status, skills or position in the workplace, and both men and women can be the targets and/or the perpetrators. Workplace bullying can occur between a worker and supervisor, or between trainers/assessors and students.

7.2. Bullying behaviour can range from very obvious verbal or physical assault to very subtle psychological abuse. This behaviour may include:⁵

- 7.2.1. Physical or verbal abuse;
- 7.2.2. Yelling, screaming or offensive language;
- 7.2.3. Excluding or isolating employees;
- 7.2.4. Psychological harassment;
- 7.2.5. Intimidation;
- 7.2.6. Assigning meaningless tasks unrelated to the job;
- 7.2.7. Giving employees impossible jobs;

³ Good practice, good business: Eliminating discrimination and harassment from your workplace: What is discrimination and harassment? page 2, © Human Rights and Equal Opportunity Commission.

⁴ Good practice, good business: Eliminating discrimination and harassment from your workplace: Workplace Bullying, page 1, © Human Rights and Equal Opportunity Commission.

⁵ Ibid.

- 7.2.8. Deliberately changed work rosters to inconvenience particular employees; or
- 7.2.9. Undermining work performance by deliberately withholding information vital for effective work performance.
- 7.3. SGSCC will not tolerate bullying of any individual or group, be they a staff member, consultant or student.

8. Who is responsible?

It is important to note that everybody is responsible for maintaining a workplace that is free from discrimination and harassment. The following outlines the responsibilities of the management and employees (including contractors) of SGSCC:

- 8.1. The management team has a responsibility to:⁶
 - 8.1.1. Ensure the Discrimination and Harassment Policy and associated procedures are introduced to all new employees during their induction period;
 - 8.1.2. Ensure the Discrimination and Harassment Policy and associated procedures are made available to all employees and students and is actively communicated within SGSCC;
 - 8.1.3. Set expectations of supervisors, trainers and assessors to demonstrate appropriate conduct and to monitor the conduct of employees and students within the operations of SGSCC;
 - 8.1.4. Encourage and provide avenues for employees and students who feel they have been harassed or discriminated against to come forward and report their experience in a non-judgemental and confidential environment;

⁶ Good practice, good business: Eliminating discrimination and harassment from your workplace: A guide to vicarious liability, page 2, © Human Rights and Equal Opportunity Commission.

- 8.1.5. Monitor SGSCC operating environment to ensure it is free from material (posters, notice board items, electronic media) that is sexually related, is racist or is likely to offend;
- 8.1.6. Ensure training and assessment services are developed and delivered to students to encourage their participation in an inclusive environment that is free from discrimination and harassment;
- 8.1.7. Facilitate training and awareness sessions that educates SGSCC employees about anti-discrimination and harassment measures;
- 8.1.8. Ensure that selection criteria for supervisor, trainer and assessor positions includes the requirement that they have a demonstrated understanding of and ability to deal with discrimination and harassment issues as part of their overall responsibility;
- 8.1.9. Facilitate the display of posters on notice boards in common work areas and the distribution of relevant brochures to promote an environment that is free from discrimination and harassment;
- 8.1.10. Include accountability mechanisms in position descriptions for supervisors, trainers and assessors; and
- 8.1.11. Periodically review the policy to ensure it is operating effectively and contains up to date information.

9. Employees (including contractors) have a responsibility to:

- 9.1. Seek out and become familiar with the Discrimination and Harassment Policy and associated procedures during their induction period;

- 9.2. Remain informed of changes to the Discrimination and Harassment Policy and associated procedures that may occur from time to time;
- 9.3. Set the example of appropriate behaviour and conduct for other SGSCC employees and monitor the conduct of employees and students within the operations of SGSCC;
- 9.4. Provide support to individuals that may confide in them about occurrences of discrimination or harassment in a non-judgemental and confidential manner;
- 9.5. Respect individual differences and encourage others to maintain an inclusive environment that is productive and supports learning;
- 9.6. Monitor SGSCC operating environment to ensure it is free from material (posters, notice board items, electronic media) that is sexually related, is racist or is likely to offend;
- 9.7. Participate in training and awareness sessions that educates employees about anti-discrimination and harassment measures; and
- 9.8. Respond immediately to claims of inappropriate behaviour and review own behaviour to identify opportunities for improvement.

10. What can happen if you discriminate or harass?

- 10.1. Incidents of discrimination or harassment that are identified will be handled by applying the principles of natural justice. Criminal or unlawful behaviour will be reported to police authorities immediately and will result in immediate dismissal.

10.2. Other behaviour which discriminates against or harasses another person will result in management actions which reflect the seriousness of the individual circumstances.

10.3. These may include one or a combination of the following:

- 10.3.1. Retraining (likely to occur in all circumstances);
- 10.3.2. Counselling;
- 10.3.3. Apology;
- 10.3.4. Conciliation / mediation;
- 10.3.5. Demotion;
- 10.3.6. Transfer;
- 10.3.7. Suspension with pay;
- 10.3.8. Suspension without pay;
- 10.3.9. Warning for dismissal with a probationary period; or
- 10.3.10. Dismissal.

10.4. In the case of contractors who discriminate against or harass another person, this will result in a withdrawal of the service contract immediately.

Where to get more information or help

The following agencies can provide additional information and support services to SGSCC in maintaining a working environment which is free from discrimination and harassment:

Human Rights and Equal Opportunity Commission

- General enquiries: (02) 9284 9600

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**DISCRIMINATION AND
HARASSMENT POLICY**



- Complaints Info line: 1300 656 419
- General enquiries and publications: 1300 369 711
- **Website:** www.humanrights.gov.au

New South Wales Anti-Discrimination Board

- Telephone: (02) 9268 5555
- Toll free: 1800 670 812 (within NSW only)
- Website: www.lawlink.nsw.gov.au/adb

Person Responsible:

- Principal
- WorkSkills Manager
- Workskills Assistant / Compliance Manager
- Workskills Trainers and Assessors

Related Documents: