

Workplace Discrimination, Harassment and Bullying Policy

Institutek is committed to providing a safe, flexible and respectful environment for our staff free from all forms of discrimination, bullying and sexual harassment.

This policy aims to ensure all members of the Institutek team treat others with dignity, courtesy and respect.

Institutek provides these procedures by which all staff can have any complaint or concerns about discrimination, harassment or bullying addressed.

All staff have a right to use the procedures in this policy if they believe they have experienced discrimination, harassment or bullying that can be dealt with under these procedures.

Policy details

- all staff, including full-time, part-time or casual, temporary or permanent staff
- Contractors and subcontractors
- how Institutek provides services to clients and how it interacts with other members of the public
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; hours; leave arrangements; workload; equipment and transport
- on-site, off-site or after-hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their Institutek duties
- staff treatment of other staff, of clients, community, and of other members of the public encountered during their Institutek duties.

Staff Rights and Responsibilities

All staff are entitled to:

- work free from discrimination, bullying and harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, domestic and/or family violence, disability, religious beliefs or culture
- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics.
- Access to quiet and private spaces across workplaces. These spaces are intended to support breastfeeding mothers, those who need quiet time for prayer or reflection, and those who just want some down time. When spaces are not already available, Institutek will work with the team member to find a suitable, convenient and appropriate space.

All staff must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect
- model appropriate standards of behaviour
- take steps to educate themselves and others to enhance awareness
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- help other staff resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling authority for investigation
- ensure staff who raise an issue or make a complaint are not victimised
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- seriously consider requests for flexible work arrangements

Unacceptable Workplace Conduct

Discrimination, bullying and sexual harassment are unacceptable at Insitutek and are unlawful under the following legislation:

- Sex Discrimination Act 1984
- Racial Discrimination Act 1975
- Disability Discrimination Act 1992
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986

Definitions:

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

- Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example, a co-worker is harassed and humiliated because of their race or a co-worker is refused promotion because they are 'too old'

- Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

Protected personal characteristics under Federal discrimination law include:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- religion
- sex
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- pregnancy and breastfeeding
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

Bullying

Bullying is defined as repeated and unreasonable behaviour directed towards a person, or a group of people, that creates a risk to health, safety and well-being. Bullying hampers productivity by creating dysfunction and damaging morale within work environments. It includes behaviour (generally a pattern of behaviour) that intimidates, offends, degrades or humiliates another person, including online instances via email, Slack, and other online communication tools.

Examples of behaviours that may amount to bullying include:

- Intimidation
- Verbal abuse or threats, including yelling, screaming or offensive language
- Excluding or isolating people from workplace activities
- Assigning impossible tasks, meaningless tasks unrelated to the job, or giving someone the majority of unpleasant tasks
- Undermining responsibility
- Deliberately changing workplace scheduling or conditions to inconvenience particular staff members
- Withholding information essential to do a task properly
- Copying emails that are critical about someone to others who do not need to know
- Making threats or comments about job security without foundation
- Spreading malicious rumours
- Belittling or humiliating comments or jokes
- Cyber bullying, including any of the above done via text, email, social media or other online platforms (e.g. Slack, Teams, forums)
- Physical abuse

The following behaviours do not constitute bullying:

- Reasonable management practices, including performance management and disciplinary procedure
- A direction to carry out reasonable duties and instructions; and
- A direction to comply with Insitutek's rules, resolutions and policies
- Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Bullying is unacceptable at Insitutek and may also be against occupational health and safety law. Insitutek deals with online bullying in the same manner as offline bullying. That means if you're experiencing any of these behaviours online or off, they are deemed unacceptable.

Sexual Harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screensavers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour. Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. All incidents of sexual harassment – no matter how large or small or who is involved – require staff to respond quickly and appropriately.

Institutek recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff to respect other people's limits.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law. It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator. Institutek has a zero tolerance approach to victimisation.

Gossip

It is unacceptable for staff at Insitutek to talk with other staff members, clients or suppliers about any complaint of discrimination or harassment. Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role is a serious breach of this policy and may lead to formal discipline.

Procedure for Reporting Discrimination, Harassment or Bullying

NOTE: In cases of emergency, including but not limited to, sexual or physical assault, please contact police and emergency services as needed as the first priority.

- Discrimination, bullying and harassment will not be tolerated at Insitutek.
- The objectives of the complaint resolution procedure are to provide a mechanism for you to raise a complaint without fear of retribution, and to enable corrective action to be taken where necessary.
- The complaint resolution procedure is intended to give you the ability to say “no”, and to tell a person who is subjecting you to bullying, discrimination or harassment to stop, regardless of who that person is.
- The complaint resolution procedure is also intended to assist us to determine whether any inappropriate conduct has occurred, and, if so, to take appropriate disciplinary action and implement measures to prevent any further inappropriate conduct from occurring.

- The resolution procedure focuses on an informal process and a formal process. Both processes are listed below.

- Initiating a discussion with your team leader to begin with, then if needed, informing the company director or governing bodies may help you determine whether the behaviour you have experienced constitutes unacceptable conduct and will help you to understand the process, and develop options for resolving your concerns in the future. For example, they can help you to:
 - Formulate a strategy to facilitate a dialogue between yourself and the other person about your concerns
 - Develop skills to address the alleged behaviour
 - Clearly understand the further options available to you if the matter cannot be resolved by direct discussion.

Informal Process (Self-Management)

In many cases, simply telling the person concerned that their behaviour is causing distress, explaining why it is unwelcome and asking for it to stop will be sufficient. Often, the person is not aware that their behaviour is causing distress, and they will stop immediately once told.

You may decide to:

- personally approach the person or people involved to resolve your concerns by notifying them that their behaviour is unwelcome or unacceptable and that it should stop immediately and not occur again

- write a letter to the alleged offender, telling them that their behaviour is unwelcome or unacceptable and that it should be stopped immediately and not occur again.

Formal Process

If a complaint cannot be resolved by direct discussion, or you do not feel comfortable addressing the issue face to face, then reporting to your team leader is the next step. If this isn't an option for your situation then a formal complaint can be made in writing to the company director or a confidential discussion organised.

Stage 1 – Investigation:

- Following the written complaint or discussion, the company director may investigate any allegations.
- As part of the investigation, you, the person against whom the allegations have been made (the respondent to the complaint), and any witnesses, will be interviewed separately. The respondent to the complaint will be provided with a summary of the allegations made.
- Depending on the circumstances of the complaint, the respondent to the complaint and other staff involved in the investigation, may be stood down from their duties and sent home on full pay during the period when the investigation is being carried out.

Stage 2 – Resolution:

- If a complaint is found to be unsubstantiated, no further action will be taken against the respondent to the complaint. If no further action is to be taken, the reason for this decision should be explained to both parties.
- If a complaint is substantiated, the possible outcomes include:
 - mediation – this is a process where parties are brought together to try and reach agreement as to how the complaint should be resolved. Mediation provides the opportunity for a good working relationship to be re-established between the parties
 - an apology from the respondent to the complaint
 - agreed forms of future behaviour
 - action to redress the behaviour the subject of the complaint
 - transferring either of the parties to a different work location
 - counselling
 - taking disciplinary action against the respondent to the complaint includes issuing a verbal or written warning, downgrading the person's position, status or responsibility, terminating the employment or engagement of the respondent, either with notice or summarily without notice.

When an outcome has been arrived at, the decision and action to be taken will be communicated in writing to the respective parties.

Support and Resources for Staff

We encourage staff to seek additional support as needed, for example:

- Employee counselling service (confidential)
Relationships Australia - 1800 720 126
- Bullying
Lifeline: Call 13 11 14 or visit their website
- Sexual Harassment
1800RESPECT 24hr Hotline: Call 1800 737 732

While Insitutek encourages use of the above procedure, we also respect the rights of staff to refer to the following bodies at their own discretion (please note Insitutek is a Queensland based organisation):

- Workplace authorities
[WorkCover Queensland](#) or other state equivalent
- [Fair Work Commission](#) or any other court or tribunal
- Discrimination complaints
[Human Rights Commission](#)
[Queensland Human Rights Commission](#) or other state equivalent
- For more serious/criminal matters
[Queensland Police](#) or any other local or state police

Contact

If you have any questions regarding this document, please contact Gio via email at gjo.requierme@insitutek.com. We would love to hear your feedback on our policies with any suggestions on clarity or additional information.

Review

This policy was last updated and reviewed on 15 November 2021
This policy was adopted by Insitutek Pty Ltd in August 2020