

THE NORTHCOTT SOCIETY

**POLICY ON ANTI-HARASSMENT
AND GOOD WORKING RELATIONSHIPS**

VOLUME:	2	Society Policy on Management & Organisational Issues
SECTION:	A	Human Resources
SUB SECTION:	A	Personnel
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Introduction

Northcott is an Equal Opportunity Employer. This means that procedures are in place to ensure that every job applicant and every employee is treated fairly. You should experience no adverse behaviour due to your sex, marital status, pregnancy, race, age, disability, or sexual preference, what matters is that you are the best person for the job and that you do a good job.

This policy promotes a positive approach to the prevention of workplace harassment within Northcott, based on the principles and guidelines proposed by the Anti-Discrimination Board of NSW. It is to be implemented in line with other related human resource policies and standards (such as Equal Employment Opportunity and Anti-Discrimination, Affirmative Action for Women, Affirmative Action for People with Disabilities, Grievances (Staff), Code of Conduct & Ethics, Staff Recruitment and Selection, etc).

Policy

It is Northcott's policy to provide its employees with a supportive workplace that is free from any type of harassment or discrimination.

Definitions

Harassment

Harassment is any type of behaviour under the Act (directed towards an individual or group) that:

- the other person does not want and does not return;
- offends, humiliates, embarrasses or frightens them, and is either sexual or targets them because of their race, sex, pregnancy, marital status, disability, age, religion, transgender or homosexuality.

Harassment often happens when people use power wrongly based on strengths such as their position of authority, cultural differences or support in numbers to intimidate another person or group.

Behaviours that Could Amount to Harassment:

There are many types of verbal, non-verbal and physical behaviour that could amount to harassment. The basic rule is that if someone finds it harassing, it could be harassment.

Banned Behaviours:

Northcott will not condone any type of harassment in any situation to do with the workplace. This includes harassment experienced by staff in the course of performing their duties (eg abuse from consumers or visitors to Northcott) as well as harassment from colleagues, supervisors etc.

While it is not possible to provide a definitive list of banned behaviours, certain behaviours are strictly forbidden. If you are found to have been involved in any of the following activities you will definitely be disciplined and may be dismissed:

- sex at work;
- stalking;
- indecent or sexual assault;
- touching anyone else's sexual parts of the body;
- initiation rites;
- downloading pornography from the Internet;
- displaying or showing any pornography (soft or hard) anywhere where other employees, volunteers, consumers or visitors might see them;
- repeated unwanted sexual propositions;
- strip-o-grams.

In addition, depending on the situation, other types of verbal, non-verbal and/or physical behaviours could amount to harassment if they are unwanted and generate discomfort.

Examples include:

- repeated invitations to go out with someone;
- unwelcome practical jokes;
- making disparaging comments about a person's performance and/or denigrating their performance in front of others;
- continually ignoring or dismissing someone's contribution in a meeting;
- offensive jokes;
- sexual or suggestive gifts or remarks;
- pushing, shoving, jostling;
- imitating someone's accent or disability.

Principles

1. It is every employee's legal right to work in an environment where the behaviour, morale and culture of the organisation and its workers, is free from any form of harassment.
2. Employers, as well as paid and unpaid staff, have a responsibility to contribute to the achievement of a harmonious workplace by avoiding practices that are likely to progress to, encourage or condone harassment or discrimination.
3. Staff have a legal obligation to provide services in a way that is fair and equitable, and where consumers do not feel intimidated, inferior or harassed in any way.

Objectives

This policy aims to ensure all managers, supervisors and staff:

1. understand behaviours which constitute harassment;
2. are aware of reporting procedures if they feel they are the subject of harassment;
3. are aware of their responsibilities and the appropriate legislation/procedures for dealing with harassment;
4. know the legal and disciplinary consequences associated with harassment.

Harassment and the Law

There are two different legal definitions for harassment – one for non-sexual harassment and one for sexual harassment. Victimisation of a person for complaining about harassment is also against the law, as well as harassment of someone concerning their association with someone else (ie a partner, family member or friend).

The law is enforced through the following legislation:

- Anti-Discrimination Act 1997 (NSW)
- Sex Discrimination Act 1984 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Racial Discrimination Act 1984 (Commonwealth)
- Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
- NSW Disability Services Act 1993

Some forms of harassment can also result in legal action under:

- criminal law (eg harassment involving sexual assault, stalking and/or harassing phone calls are breaches of criminal law);
- occupational health and safety law (eg harassment that makes the workplace unsafe, such as pushing someone, dangerous initiation rites/practical jokes).

Procedures

Disciplinary Procedures

1. As part of Northcott's commitment to establishing and maintaining equal employment opportunity in the workplace it is recognised that harassment needs to be identified and eliminated whenever it may occur.
2. All complaints about harassment will be dealt with seriously, sympathetically, quickly, impartially and confidentially, in accordance with Northcott's Policy on Grievances (Staff).
3. If it is agreed that harassment has happened, appropriate action will be taken against anyone engaging in such conduct to make sure that the harassment stops. In particular, staff found to be involved in any of the banned behaviours may be dismissed under Northcott's Policy and Procedures on Discipline and Dismissal.
4. Northcott will not tolerate staff being victimised or harassed in any way for making a complaint. Anyone who victimises anyone else will be disciplined and, depending on the situation, may even be dismissed.
5. Complaints should be settled within the workplace wherever possible. However, where staff feel their complaints have not been handled properly, they have a right to approach an external authority (such as the Anti-Discrimination Board) for assistance.
6. If it is found that someone made a mischievous or untrue harassment complaint, they will be disciplined in an appropriate manner, in line with Northcott's disciplinary procedures. If the false allegations were serious enough, this may also result in dismissal.

Responsibilities of Managers, Coordinators and Supervisors

All managers, service/program coordinators and supervisors must ensure harassment is prevented from happening within their teams. This means:

1. Being aware of the guidelines, rationale and legal implications of this policy so that you can effectively deal with questions or concerns arising from your staff.
2. Providing a good role model for your staff, and making it clear that you will not tolerate any form of harassing behaviour from any of them.
3. Making sure all the people you supervise understand this policy.
4. Ensuring that your team works in an environment that is free of sexist, racist or any other type of stereotyping material, posters, screen savers, and so on.
5. Following up any indications (eg changes in staff/team behaviour) that could mean that harassment is going on, or that anyone has a harassment grievance.

6. Making sure your team members know that you want to hear from them immediately if they experience any harassment that they cannot sort out for themselves, or who else they can talk to in the organisation if they don't want to talk to you.
7. Acting immediately if you witness, or are told, about any harassment by following the instructions in Northcott's Policy on Grievances (Staff) and accompanying procedures in this policy.

Role of Harassment Contact Officers

1. Northcott has established two Harassment Contact Officer positions, to provide information and support to staff. The Contact Officer names are displayed on the staff notice boards.
2. This is not an investigative role or an advocacy role. Harassment officers are available to:
 - Answer general harassment enquiries;
 - Give confidential advice about options and how the grievance procedure works;
 - Ensure confidentiality and accurate documentation of the harassment grievance;
 - Provide support for people during interviews etc;
 - Support managers, and senior staff in informing/educating their team members.
3. Staff members appointed to these positions are provided with training and the flexibility to respond appropriately to staff concerns.

Procedures – All Staff

1. It is the responsibility of all staff to:
 - Respect the rights of others and never get involved in or encourage harassment.
 - Avoid any of the behaviours that are banned.
 - Be careful about anything that could be interpreted as sexual or stereotyping (putting people down) because of the group they belong to. This includes how things are said, the tone used, throw-away comments, jokes, pictures, touching, gestures, initiation rites, segregation etc., where there is a risk of offence.
 - Back off immediately (and apologise) if something they say or do offends, embarrasses scares or upsets another person.
 - Tell someone to stop if you feel you are being harassed. If you don't feel comfortable doing this, then you should use the grievance procedure so that the situation can be sorted out.

2. If you become aware that someone you work with is being harassed, you must help prevent it by offering to support them, eg:
 - Refuse to join in.
 - Tell them they can say “no” to the person or people harassing them.
 - Tell them they should report the incident/s using the grievance procedures.
 - Tell them you are willing to act as a witness if they decide to lodge a complaint.

3. **You must not spread rumours about or say anything to the person who they say is harassing them.** If you do either of these things you may also be disciplined and the person you spread rumours about may sue you for defamation.

Training

1. Managers and supervisors are responsible for explaining harassment policy and procedures to their own teams, and clarifying expectations.
2. Information about staff’s rights and responsibilities concerning harassment is provided as part of regular induction and training programs.
3. Formal training is provided to harassment officers and individual staff as needed.

Where to get more information or help

Further advice and information about anything to do with harassment can be obtained from:

1. The Northcott Library
2. Northcott Policy Manual, Volume 2 – Management & Organisational Issues.
3. Your Manager
4. General Manager Human Resources
5. Any of the harassment contact officers
6. Your union
7. The Anti-Discrimination Board

You can contact the Anti-Discrimination Board at any time for help, if you don’t feel that your harassment complaint is being handled properly.

Phone: (02) 9268 5555
Internet: www.agd.nsw.gov.au/adb

Supporting Policies and Procedures

- Policy on Discipline & Dismissal
- Policy on Grievances (Staff)
- Policy on Equal Employment Opportunity and Anti-Discrimination
- Policy on Code of Conduct & Ethics
- Policy on Occupational Health & Safety
- Policy on Affirmative Action for People With Disabilities
- Policy on Affirmative Action for Women

Supporting Documents

Anti-Discrimination Board of NSW – Harassment in the Workplace, Guidelines for Managers (2nd Edition)

Authorised by:

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