

Title	Workplace Discrimination Harassment and Bullying Policy
Description of policy	The Workplace Discrimination, Harassment and Bullying Policy summarises some of the rights and obligations created by anti-discrimination legislation. It applies to all workers of the Catholic Education Archdiocese of Canberra and Goulburn (CECG), in all work places.
Required because	CECG and all workers have legal obligations to avoid, prevent, and deal appropriately with discrimination, harassment, and bullying.
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1. Summary

- 1.1 The Workplace Discrimination, Harassment and Bullying Policy summarises some of the rights and obligations created by State/Territory or Commonwealth anti-discrimination legislation, and under the Fair Work Act 2009. It applies to all workers of the Catholic Education Archdiocese of Canberra and Goulburn ('CECG'), in all workplaces.
- 1.2 The rights and obligations align with CECG's expectation for workers to treat all people with respect and courtesy. CECG is committed to preventing workplace discrimination and harassment as part of providing a safe and healthy work environment.
- 1.3 This Policy provides information about:
 - what unlawful discrimination, harassment and bullying mean
 - every Worker's obligations not to unlawfully discriminate, harass or bully others in connection with their work
 - how to report unlawful discrimination, harassment, or bullying
 - the procedures that CECG follows to deal with complaints about discrimination, harassment, and bullying.

2. Workplace Discrimination, Harassment, and Bullying Policy

- 2.1 This Policy applies to all workers and to all behaviours in connection with their work, including:
 - in the workplace, including when working outside normal working or school hours.
 - while undertaking work activities away from CECG's premises, including interaction with third parties. For example, school excursions and sporting activities.
 - at work-related events, eg: at conferences, social functions and work-related trips.
 - outside of work hours, if that interaction involves other workers or school community, including where interaction is through email, text messaging or social media.
 - on social media that identifies CECG or CECG workers and school community.

3. Outline of Workers' Obligations

- 3.1 Workers must not harass, bully, or unlawfully discriminate others in the course of their work.
- 3.2 Workers must consider how their behaviour will be viewed by the person or people they are dealing with. Behaviour can be discrimination, harassment or bullying regardless of whether a person thinks 'it was just a joke' or that they did not mean to humiliate, offend or intimidate someone else.
- 3.3 Workers may be personally liable for discrimination, harassment and bullying. Workers that engage in discrimination, harassment, or bullying may be subject to disciplinary action which may include performance management or disciplinary action up to and including termination of employment.
- 3.4 Workplace leaders, such as School Principals and Heads of Service Areas, are responsible for taking reasonable steps to prevent and address unlawful discrimination, harassment and

bullying. They must take prompt action when they receive complaints about discrimination, harassment and bullying.

3.5 All formal complaints must be handled in accordance with CECG's [Complaints Policy](#).

4. Discrimination

4.1 Discrimination occurs when a person with a certain characteristic (such as their race, sex or sexuality) is treated less favourably than a person without that characteristic in the same or similar circumstances.

4.2 CECG and its workers are bound by Commonwealth and State/Territory anti-discrimination laws, and the Fair Work Act 2009. These laws make it unlawful to discriminate against another person based a range of characteristics including:

- age
- disability
- race, including colour, national or ethnic origin or immigrant status
- sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding
- sexual orientation, gender identity or intersex status
- religious belief or activity
- political belief or activity
- family responsibilities or responsibilities as a carer
- service in the voluntary defence forces.

4.3 This list is not exhaustive, there may be other unlawful grounds contained in the relevant State/Territory or Commonwealth legislation. The overarching principle, in line with Catholic values, remains that workers must treat all people with respect and courtesy in connection with their work.

When and how can unlawful discrimination occur?

4.4 Unlawful discrimination can occur at work – for example during recruitment, in the course of work, or in decisions to end work. It can also occur in Schools and Early Learning Centres – for example in admissions or in how students are treated at school.

4.5 Discrimination can be direct or indirect:

- Direct discrimination is when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. Direct discrimination is unlawful under federal discrimination laws if the discrimination is based on protected characteristics, such as a person's race, sex, pregnancy, marital status, family responsibilities, breastfeeding, age, disability, sexual orientation, gender identity or intersex status.
- Indirect discrimination is when there is an unreasonable rule or policy that is the same for everyone but has an unfair effect on some people more than others. Indirect discrimination is unlawful if the discrimination is based on certain attributes protected by law, such as a person's race, sex, pregnancy, marital or relationship status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Indirect discrimination is not unlawful when the rule or policy is reasonable, having regard to the circumstances of the case.

Are there any exceptions?

- 4.6 Exceptions from anti-discrimination laws may apply in some circumstances. This includes because a job has particular requirements, for example, safety issues might require workers to have certain attributes even if this is less favourable to certain groups.
- 4.7 Anti-discrimination laws also acknowledge that certain positions may be specific to certain types of people. For example, section 38 of the *Sex Discrimination Act 1984* (Commonwealth) and section 46 of the *Discrimination Act 1991* (ACT) acknowledge that positions in religious educational institutions may be restricted on the basis of religious beliefs or convictions. Section 37 of the *Sex Discrimination Act 1984* (Commonwealth) acknowledges that ordination as a priest or member of a religious order may be restricted to men or women, and to people with specific beliefs.
- 4.8 In the context of employment with CECG, it is a genuine occupational requirement (and not unlawful discrimination) that workers act in ways consistent with the tenets of the Catholic religion and Catholic ethos.
- 4.9 Certain leadership positions within CECG also include a professional commitment to the Vision and Mission of Catholic Education as a formal qualification. Specific religious education positions require active Catholic religious conviction (belief) as a formal qualification. CECG provides a series of accreditation courses to support staff to meet these requirements.
- 4.10 The requirements relating to religious conviction are detailed in the CECG Religious Accreditation Framework and Recruitment Policy.

5. Harassment

- 5.1 Harassment is a form of discrimination. In general, unlawful harassment is any behaviour that:
- is unwelcome or uninvited
 - a reasonable person would have anticipated that such behaviour would humiliate, offend or intimidate the person exposed to it, and
 - is based on one or more of the grounds of unlawful discrimination.
- 5.2 In some cases, a single incident can amount to unlawful harassment. In other cases, there may need to be a persistent pattern of behaviour before unlawful harassment can be established.
- 5.3 Harassment is prohibited by the CECG [Guidelines for Professional Conduct in the Protection of Children and Young People](#).

Examples of unlawful harassment

- 5.4 Harassment can include:
- telling insulting jokes about particular racial groups
 - sending explicit or sexually suggestive emails or text messages
 - displaying racially offensive or pornographic posters or screen savers
 - making derogatory comments or taunts about a person's disability, or
 - asking intrusive questions about someone's personal life.

6. Sexual Harassment

- 6.1 Sexual harassment occurs when a person makes unwelcome sexual advances, unwelcome requests for sexual favours or other unwelcome conduct of a sexual nature that a reasonable person would anticipate might offend, humiliate or intimidate another person.
- 6.2 Sexual harassment may be a single act or repeated.

Examples of sexual harassment

- 6.3 Sexual harassment includes:
- pressure or demands for dates or sexual favours
 - unnecessary familiarity, eg. deliberately brushing against a person or constantly staring at a person
 - unwanted physical contact, eg touching or fondling
 - sexual jokes or innuendo
 - offensive telephone calls or communications via social/internet media
 - offensive sexual gestures
 - unwelcome comments or questions about a person's sex life
 - display or circulation of sexual material, including magazines, posters or pictures and email messages, including in electronic format
 - sending email or text messages which contain sexual content or tone
 - any behaviour that creates a sexually hostile work environment.
- 6.4 Sexual harassment can be a criminal offence, including:
- sexual assault
 - physically molesting a person
 - indecent exposure
 - obscene phone calls or emails/text messages/letters.

What is not sexual harassment?

- 6.5 Mutual attraction between people is not sexual harassment. Conduct which is welcome or consensual is not unlawful. Friendships (sexual or otherwise) that develop between people who meet at work are a private concern provided they do not adversely impact the workplace or create a conflict of interest.
- 6.6 Workers should take care before engaging in conduct they believe to be welcome. Some people may not feel comfortable saying that the behaviour is offending them and is not welcome. This may be because of their personality or may be because of the relative status of the person involved, eg. they may be worried about the possible impact of a complaint on their employment.
- 6.7 It is your responsibility to ensure that conduct is welcome (not the other person's responsibility to object it is unwelcome).
- 6.8 Conduct that is consensual still may not be appropriate or acceptable in the workplace. For example, sexual relationships between workers and students are not permitted. They breach professional obligations and may result in disciplinary action.

- 6.9 If a worker is unsure whether particular conduct is appropriate, they should speak to their direct Supervisor, Principal or Head of Service, or the People and Culture Service Area Leader.

7. Bullying

- 7.1 Bullying is **repeated** and **unreasonable** behaviour directed toward a person or group which creates a risk to health and safety. Bullying is illegal under the Fair Work Act 2009 and prohibited by the CECG [Code of Conduct](#).

- Repeated behaviour can involve a range of behaviours over time. A single incident of unreasonable behaviour is not considered to be bullying (but could constitute harassment).
- Unreasonable behaviour means behaviour that is unreasonable or unjustified in the circumstances, and includes behaviour that is victimising, humiliating, intimidating or threatening.

- 7.2 Bullying can include:

- abusive, insulting or offensive language or comments
- unreasonable criticism or complaints
- withholding information that is vital for effective work performance
- unreasonably setting timelines or constantly changing deadlines
- unreasonably setting tasks that are below or beyond a Worker's skill level
- unreasonably denying access to information, supervision, consultation or resources to a Worker's detriment
- spreading misinformation or malicious rumours
- unreasonably changing work arrangements such as rosters and leave to deliberately inconvenience a Worker
- unreasonably excluding a Worker from work activities
- teasing, practical jokes or 'initiation ceremonies'
- pressure to behave in an inappropriate manner.

- 7.3 Bullying can be carried out through direct physical contact, verbally, indirectly through a third person or through media such as email, text messaging, or social media.

What is not bullying?

- 7.4 Reasonable management action carried out lawfully and in a reasonable manner is not bullying. For example, it is reasonable for CECG's Principals and Heads of Service to allocate work and to give feedback on a Worker's performance.

- 7.5 Examples of reasonable management include, but are not limited to:

- being provided with a reasonable and lawful direction
- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours where the requirements are reasonable
- transferring a Worker for operational reasons
- informing a worker about inappropriate behaviour or unsatisfactory work performance in an objective and confidential way

- implementing organisational changes or restructuring
- taking disciplinary action in line with CECG policies, including suspension or terminating employment.

7.6 Differences of opinion and disagreements are not considered workplace bullying. People can have disagreements in the workplace without engaging in repeated unreasonable behaviour that creates a risk to health and safety.

8. What Can You Do If You Are Unlawfully Discriminated Against, Harassed or Bullied in the Workplace?

- 8.1 If a person feels they have experienced or have witnessed unlawful discrimination, harassment or bullying, they are encouraged to take action against it.
- 8.2 If a person feels comfortable doing so, they can ask the person to stop their behaviour and make it clear that it is offensive and unwelcome. It could be that the person is not aware that their behaviour is intimidating or unwelcome and will stop once they are told.
- 8.3 Alternatively, a person may instead decide to speak with a direct Supervisor, Principal, ELC Director or the Head of Service in the first instance. They will help you to resolve the matter, either informally or as a formal complaint under the CECG [Complaints Policy](#). Requests to resolve a matter informally will be respected but workers should understand that some behaviour is serious enough to require formal responses, even if you would prefer an informal resolution.
- 8.4 All formal complaints will be taken seriously and dealt with in line with the CECG [Complaints Policy](#).
- 8.5 It is understandable to want to tell a trusted friend or work colleague about the matter, but people should take care before doing so, especially within the workplace. Confidentiality and certain processes may be required when dealing with complaints about discrimination, harassment, and bullying.

9. Other Contacts

- 9.1 If workers are suffering stress in the workplace, they may seek support through the People Wellbeing Program for confidential counselling.
- CatholicCare Ph: 1800 800 517 E: info@catholiccare.cg.org.au
 - Converge International 1300 687 327
<https://convergeinternational.com.au/contact/bookings/>
- 9.2 Workers may also wish to contact:
- Lifeline 13 11 14
 - Beyond Blue 1300 224 636
- 9.3 Further information about unlawful discrimination, harassment, or bullying can be found at the Australian Human Rights Commission (<https://www.humanrights.gov.au/>), the Fair Work Ombudsman (www.fairwork.gov.au) or similar organisations in NSW and the ACT. These organisations can receive complaints about discrimination, harassment and bullying directly – although in some cases they may ask that complaints are first raised with the employer.

10. Definitions

- 10.1 **Bullying:** is when a person or group of people repeatedly behave unreasonably towards another worker or group of workers which creates a risk to health and safety.
- 10.2 **Discrimination:** when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics.
- 10.3 **Harassment:** a form of discrimination. In general, unlawful harassment is any behaviour that:
- is unwelcome or uninvited
 - a reasonable person would have anticipated that such behaviour would humiliate, offend or intimidate the person exposed to it
 - is based on one or more of the grounds of unlawful discrimination.
- 10.4 **School Community:** students and community members of the CECG System Schools.
- 10.5 **Worker:** all people carrying out work for CECG including employees (permanent, casual, and temporary), contractors and sub-contractors, volunteers, apprentices, work experience students, or a minister, priest, or other religious leader or member of a religious organisation.

11. Related Documents and Legislation

- 11.1 Related CECG documents:
- [Code of Conduct](#)
 - [Guidelines for Professional Conduct When Work With Children and Young People](#)
 - [Religious Education Accreditation Framework](#)
 - [Complaints Policy](#)
 - [Recruitment Policy](#)
- 11.2 Related Legislation and Standards:
- [Age Discrimination Act 2004](#) (Commonwealth)
 - [Disability Discrimination Act 1992](#) (Commonwealth)
 - [Racial Discrimination Act 1975](#) (Commonwealth)
 - [Sex Discrimination Act 1984](#) (Commonwealth)
 - [Fair Work Act 2009](#) (Commonwealth)
 - [Discrimination Act 1991](#) (ACT)
 - [Anti-Discrimination Act 1977](#) (NSW)
 - [Fair Work Act 2009](#) (Commonwealth)

12. Contact

- 12.1 For support or further questions relating to this policy, contact the CECG People and Culture Service Area.