

## 1 Purpose

Newcastle Anglican’s culture for our workers wellbeing is supported by our values: Compassion, Courage, Faith, Integrity, Justice, and Wisdom.

This Policy contributes to the foundation of a proactive and healthy workplace culture where everyone is responsible for providing a safe and respectful environment for all workers and the people we support. Newcastle Anglican does not tolerate any forms of bullying or harassment. All Newcastle Anglican workers are obliged to treat others with dignity, courtesy and respect.

The purpose of this Policy is to establish clear standards of behaviour and a consistent and coordinated approach to the prevention, reporting and management of discrimination, bullying and harassment compliant with all legislative, licencing, contractual, and duty of care requirements.

## 2 Scope

This policy applies to all workers across all sectors

Newcastle Anglican Churches (Ministry)	Samaritans	Anglican Care	Newcastle Anglican Schools	Newcastle Anglican Corporate
✓	✓	✓	✓	✓

## 3 Principles

Discrimination, harassment (including sexual harassment), bullying, vilification and victimisation are unacceptable and will not be tolerated at Newcastle Anglican.

Newcastle Anglican supports equality of opportunity and values diversity in employment.

Newcastle Anglican upholds the following principles:

- We expect all workers to act in accordance with the Values of Compassion, Courage, Faith, Integrity, Justice, and Wisdom and the requirements of the Code of Conduct
- We do not tolerate unwelcome or unfair treatment by any person or group of people while engaged in activity or business of Newcastle Anglican, regardless of the day, time or place. Unwelcome or unfair treatment may be expressed through bullying, harassment, discrimination, sexual harassment, victimisation, or vilification
- We all have a responsibility to request bullying, harassment, discrimination, victimisation and/or vilification to stop, where it is safe to do so
- We will treat any concern relating to bullying, harassment, discrimination, victimisation and/or vilification seriously and intervene early and promptly
- We will take proactive steps to monitor workplaces and take measures to minimise the risk of bullying, harassment and/or discrimination
- We recognise that Newcastle Anglican is obliged to report various matters to external authorities such as the NSW Police Force, the Office of the Children’s Guardian.

## 4 Definitions

**Hazard:** an event or action has occurred which has caused harm to a person.

**Health:** includes both physical and psychological health.

**People we Support:** include/s students, residents, clients, parishes, consumers and children and young people.

**Psychosocial hazards:** at work are aspects of work and situations that may cause a stress response which

in turn can lead to psychological or physical harm.

**Priority Incident Briefing:** the procedure established to alert the Bishop and Newcastle Anglican leadership to critical incidents occurring within the organisation.

**WHS:** Work Health and Safety.

**Workers:** refers to all Newcastle Anglican workers, including Anglican Care, Samaritans and Newcastle Anglican Schools, Corporate and Ministry whether workers are full-time, part-time, permanent, temporary, casual or otherwise on an honorary, contractor, consulting and volunteer basis.

**Workplace:** any place where a worker goes or is likely to be while work is carried for a business or undertaking.

## 5 Types of Disrespectful Behaviour

### Bullying

Bullying is repeated unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Generally bullying meets the following criteria:

- It is repeated – that is, persistent in nature and can be a range of behaviours that occur over time. Although it can be a single serious incident;
- It is unwelcome and unsolicited;
- The impacted person considers it offensive, humiliating, intimidating, or threatening;
- A reasonable person would consider it offensive, humiliating, intimidating or threatening.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language;
- threats, abuse or shouting;
- coercion;
- isolation;
- inappropriate blaming;
- constant unconstructive criticism;
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements; or
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is not:

- Differences of opinion;
- An interpersonal conflict; or
- Reasonable management action delivered in a reasonable manner.

Reasonable management action includes setting reasonable performance goals, standards and deadlines,

providing constructive feedback on work performance or behaviours, or following counselling or disciplinary policies and procedures.

### **Discrimination**

Discrimination involves treatment of a workers or group of workers negatively or less favourably than another workers or group of workers because they belong to a particular group or have a protected attribute.

Discrimination can occur directly or indirectly.

Direct discrimination is when a person or group of people is treated less favourably because of a personal attribute or characteristic protected by law. Whether the discrimination was intentional or unintentional is irrelevant.

Indirect discrimination occurs where a person imposes a requirement, condition or practice that has the effect of disadvantaging people with a protected attribute, and that is not reasonable.

Protected attributes or characteristics include:

- disability
- race
- colour
- sex
- sexual orientation
- breastfeeding
- gender identity
- intersex status
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy
- political opinion
- national extraction
- social origin.

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

Workplace discrimination can occur during the following activities and circumstances:

- Recruitment and selection of workers;
- Terms, conditions and benefits offered through employment;
- Who is offered training and what sort of training is offered; and
- Who is considered and selected for transfer, promotion, retrenchment, dismissal.

### **Discrimination Limitations**

As a religious organisation, Newcastle Anglican reserves the right to have regard to a person's suitability to work within the Diocese and Parish environment and their ability and willingness to support the teachings of the Anglican Church and values. It is critical that Anglican organisations are able to attract and retain workers that respect the teachings and practice of the Christian faith.

### **Harassment**

Harassment is any unwelcome behaviour that intimidates, offends, humiliates or threatens a worker, or group of workers and occurs because of a person's specific attribute or characteristic. The specific attribute or characteristic is one of those identified in the definition of discrimination.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups;
- making derogatory comments or taunts about someone's race; or
- telling insulting jokes regarding someone's disability.

### **Sexual Harassment**

Sexual harassment is a specific and serious form of harassment. It is unwelcome behaviour of a sexual nature that causes a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

Sexual Harassment 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 screen savers, 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; or
- accessing sexually explicit internet sites.

Sexual harassment may also be considered an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

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.

## **Vilification**

Vilification is unacceptable behaviour that incites physical harm, hatred against, serious contempt for, or revulsion or severe ridicule towards a person or a group of people based on race or religious belief or activity. Vilification can take many forms, including hate-speech, graffiti, social media posts, text messaging, distribution of propaganda, offensive clothing or badges and press comments.

## **Victimisation**

A worker must not victimise another worker, or subject them to any form of detriment for making a complaint under this Policy or planning to do so, or for being involved as a witness or support person or planning to do so.

Workers can raise concerns and make reports without fear of reprisal. If a worker feels they are being victimised this should be immediately raised with the relevant Leader or People & Culture Business Partner.

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.

## **6 Roles and responsibilities**

### **6.1 Worker responsibilities:**

Workers will:

- follow the standards of behaviour outlined in this policy and foster a respectful workplace;
- attempt to stop, and/or offer support to people who experience disrespectful behaviour including providing information about how to resolve their concern;
- avoid gossip and respect the confidentiality of a resolution procedure.

### **6.2 Leader Responsibilities:**

Leaders will:

- lead by example and model respectful workplace behaviour;
- take steps to educate and make workers aware of their obligations under this policy and the law;
- intervene quickly and appropriately when they become aware of disrespectful behaviour;
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- help worker resolve concerns informally;
- refer formal complaints about breaches of this Policy to the People & Culture Team;
- ensure workers who raise a concern or make a complaint are not victimised.

## **7 Fostering a Respectful Workplace**

### **7.1 Preventing disrespectful behaviour**

The efforts of all workers help to foster a workplace based on respect, and preventing discrimination, bullying, harassment, victimisation and/or vilification.

A risk management approach to preventing disrespectful behaviour is a staged approach:

- Identifying risks of disrespectful behaviours;
- Assessing the likelihood of those risks causing a risk to health and safety and its impact;
- Implementing risk control measures to eliminate and/or minimise the risks as far as reasonable practicable;
- Review and improve the effectiveness of risk control measures over time.

Newcastle Anglican is committed to preventing disrespectful behaviour by conducting monitoring and regular consultations with workers and seeking feedback from leaders, as well as a combination of other measures to identifying and assess risks of disrespectful behaviour.

Once risks are identifying and assessed, Newcastle Anglican is committed to controlling the risks of disrespectful at all levels of intervention, that is, the organisational, team and individual support levels.

Newcastle Anglican monitors, evaluate and reviews the risk of disrespectful behaviours using various methods including monitoring complaints and informal concerns.

## 7.2 Managing and resolving concerns regarding disrespectful behaviour

Managers must intervene in a timely way when they observe or are made aware of disrespectful behaviour. Respectful workplaces require positive leadership both through modelling appropriate and proactive behaviour as well as responding to disrespectful behaviour as early as possible.

Newcastle Anglican strongly encourages any worker who believes they have been impacted by disrespectful behaviour to take appropriate action. In the first instance, and if it is safe to do so, explain the impact of the behaviour and ask for the behaviour to stop. If a worker does not feel safe in addressing the behaviour, or if they have done so and the behaviour persists, the worker should contact their Manager or Supervisor. Workers who do not feel safe or confident to take such action may also seek assistance from a People & Culture Business Partner.

People and Culture will support concerns through:

- Support and advice to assist the timely, sensitive resolution;
- Ensuring procedural fairness;
- Protecting all parties from victimisation; and
- Consideration of proactive measures to prevent future circumstances.

All incidents of discrimination, bullying, harassment, victimisation and/or vilification are to be reported in the Risk Management System R3, using a Hazard Report form, and a Priority Incident Briefing form if required.

An alternate avenue for disclosures to be made in a manner which is independent to Newcastle Anglican agencies is available via the Integrity Assurance (Whistleblower) Policy.

## 8 Confidentiality

All workers have rights and responsibilities in relation to confidentiality. Information about a bullying, discrimination, harassment, victimisation and/or vilification concerns should only be provided on a legitimate basis. There are some circumstances where it will be appropriate to disclose information and not to maintain confidentiality.

That is, where:

- There is serious risk of safety to a worker or another person;
- The conduct is reportable and Newcastle Anglican has a mandatory requirement to report it;

- Information is required to be released due to court proceedings; or
- A crime or fraud has been committed.

## 9 Information and Assistance

### 9.1 Employee Assistance Program

Newcastle Anglican workers are entitled to a certain amount of free, professional counselling from our employee assistance program.

The employee assistance program counselling is confidential, and nothing discussed with a counsellor will be communicated back to Newcastle Anglican. Employee assistance program counselling is available free to Newcastle Anglican worker regardless of whether the issue is related to a workplace problem or some other issue for the worker member.

To access the employee assistance program, workers can refer themselves to the provider at any time, or alternatively can ask their Leader to refer them to the provider.

### 9.2 Additional support

Your Leader, People & Culture Business Partner or the General Manager People & Culture Operations can assist you with additional support, clarification, or advice.

#### External Sources of Assistance

[Fair Work Australia](#)

[The WorkCover Authority of NSW](#)

[Health Services Union NSW](#)

[Anti-Discrimination Board of NSW](#)

[Australian Human Rights Commission](#)

## 10 Related Documents

#### Legislation

[Anti-Discrimination Act 1977](#)

[Fair Work Act 2009](#)

[Work Health and Safety Act 2011 \(NSW\)](#)

[Work Health and Safety Regulation 2017 \(NSW\)](#)

#### Policy Documents

[Hazard, Incident and Disclosure Procedure](#)

[Priority Incident Briefing Procedure](#)

[Safety, Health and Wellbeing Policy](#)

[Integrity Assurance \(Whistleblower\) Policy.pdf](#)

## 11 Policy Governance

<b>Tier</b>	1
<b>Process Owner</b>	Executive Director People and Culture
<b>Policy Owner</b>	Executive Director People and Culture
<b>Policy Approver</b>	The Bishop under special Delegation
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