



CW008

Workplace Harassment & Bullying Policy

Application

As part of our commitment to fair treatment for all, CuriousWorks has developed policy on equal opportunity, grievance procedures, contact officers, and the role of managers and supervisors.

CuriousWorks is committed to fair and anti-discriminatory treatment of all employees, stakeholders, clients and users of CuriousWorks' services.

Section 1 – Equal Opportunity

CuriousWorks is an equal opportunity employer. All employees are treated on their merits, without regard to race, age, sex, relationship status or any other factor not applicable to the position. Employees are valued according to how well they perform their duties, and on their ability to maintain the Association's standards of service.

The Association believes that all employees should be able to work in an environment free of discrimination, victimisation, sexual harassment and vilification. We consider these behaviours unacceptable and they will not be tolerated under any circumstances.

Under the NSW Anti-Discrimination Act 1977, NSW Anti-Discrimination (Homosexual Vilification) Act 1993 and NSW Disability Services Act 1993 discrimination, victimisation, sexual harassment and vilification are illegal.

1. Discrimination in employment on the following grounds or attributes is against the law under the Act:

- sex
- relationship status
- pregnancy
- parental status
- breastfeeding
- age
- race
- impairment
- religious belief or religious activity
- political belief or activity
- trade union activity
- lawful sexual activity
- gender identity
- sexuality
- family responsibilities
- association with someone with an attribute above.



2. Victimization because a person has made a complaint, agreed to be a witness or has had a complaint made against them is against the law.
3. Sexual harassment is prohibited under both state legislation and the federal Sex Discrimination Act 1984.
4. Vilification on the basis of a person's race, religion, gender identity or sexuality is also unlawful.

Federal anti-discrimination legislation prohibits discrimination on the basis of criminal record, medical record or social origin.

Section 2 - Vicarious Liability

Under state anti-discrimination law, CuriousWorks can be liable for discrimination, sexual harassment and/or vilification, which happens in the workplace, unless we can show we have taken reasonable steps to prevent it. Managers and supervisors therefore must ensure that all employees are treated fairly and are not subject to any of these behaviours. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way.

Any reports of discrimination, victimisation, sexual harassment and vilification will be treated seriously and investigated promptly, confidentially and impartially. (See CW013 – Complaint Procedure)

Disciplinary action will be taken against anyone who discriminates against, victimises, sexually harasses or vilifies a co-worker. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

Section 3 - What is discrimination?

Discrimination occurs when someone is treated unfavourably because of an attribute under the Act. Discrimination may involve:

- Making offensive 'jokes' about another worker's racial or ethnic background, sex, sexual preference, age or disability.
- Expressing negative stereotypes about particular groups eg. "Married women shouldn't be working".
- Judging someone on their political or religious beliefs rather than their work performance.
- Using selection processes based on irrelevant attributes such as age, race or disability rather than on skills and merit.



Section 4 – What is Sexual Harassment?

Sexual harassment is any form of unwelcome sexual attention. It includes unwelcome touching or other physical contact, remarks with sexual connotations, smutty jokes, requests for sex, or the display of offensive materials such as pictures, posters or computer graphics.

Sexual harassment is against the law wherever and whenever it occurs. CuriousWorks will not tolerate sexual harassment in the workplace or in any work-related context such as conferences, work functions and business trips.

Sexual harassment has nothing to do with mutual attraction. Such friendships are a private matter.

Sexual harassment can be a single incident - it depends on the circumstances. Obviously, some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation out, may not constitute harassment if they are not repeated and are polite and respectful.

There is no onus on the person being harassed to say he/she finds the conduct objectionable. Many people find it difficult to speak up. All employees are responsible for their own behaviour. If you think the behaviour may offend, then don't do it!

Section 5 - What is vilification?

Vilification is behaviour that:

- happens in a public place; and
- incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity.

Workplaces can be considered public places. This means that any conduct which can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered to have happened in a public place.

Some examples of vilification are:

- Placing a poster or sticker on the customer service counter that incites others to hate people because of their race, religion, sexuality or gender identity.
- Hate graffiti written on work toilet walls that incites hatred because of race, religion, sexuality or gender identity.
- Wearing of symbols, badges or clothing in the workplace with slogans that incite hatred.



- An employee abusing a person because of their race, religion, sexuality or gender identity in the workplace which encourages others to hate people of that race, religion, sexuality or gender identity.
- A work colleague making a speech in the work cafeteria that incites hatred of people because of their race, religion, sexuality or gender identity.

Section 6 - What to do if you are discriminated against, sexually harassed or vilified?

Choose the course of action you feel most comfortable with. Don't ignore discrimination, sexual harassment or vilification, thinking it will go away - often it just gets worse. See CW013 – Complaint Procedure and follow the course of action most appropriate.

All policies will be reviewed regularly, and are distributed to staff. Should the need arise, the policies will be translated into appropriate languages.

CuriousWorks is committed to providing an environment that is safe for all employees. You will not be disadvantaged in your employment conditions or opportunities as a result of lodging a complaint.