

## 6.3 General Anti-Harassment Policy

### 1. Definition

**Harassment** is a special form of discrimination. It may be based on a person's race, colour, national origin, sex, age, religion, disability or sexual orientation.

It includes a wide range of abusive and humiliating verbal or physical behaviours which are directed against a particular person or persons. In some cases, even though conduct may be such that it is clear that it is directed against a particular person or persons, even though the person(s) may not be explicitly the creation of a hostile climate for the person(s) against whom the behaviour is directed requires more than a casual comment or incidental behaviour. The conduct must be sufficiently severe or pervasive to alter the conditions of the person's employment or client experience with us.

**Sexual harassment** is defined by law from the perspective of the recipient and it occurs if the recipient feels offended, humiliated, or intimidated by the conduct and it is reasonable, in all the circumstances, that the recipient feels offended, humiliated or intimidated.

Behaviour which may constitute sexual harassment is impossible to describe exhaustively but includes any verbal or physical conduct of an explicitly or implicitly sexual nature which is unsolicited and unwelcome, and may include:

- leering, patting, pinching, touching, embracing, hugging, kissing
- repeated requests for dates or social activities, especially after prior refusal
- requests for sexual favours
- sexual comments or innuendo about a person's physical appearance
- sexual comments or innuendo about a person's sexual preference
- sexually offensive or electronic messages and offensive telephone calls, or smutty jokes or comments
- groups of people leering, wolf whistling or making sexual comments at a person or group of people
- offensive or humiliating displays of sexually graphic material including posters, pictures, cartoons and graffiti
- invasion of personal space
- persistent questions, of an implicitly or explicitly sexual nature, about a person's private life.

Some forms of behaviour with a sexual element to them are criminal matters, such as sexual violence and obscene communications. We will not tolerate criminal acts and will refer such matters to the appropriate authority.

### **Racism and Racial Harassment**

**Racial harassment:** This is social behaviour that is intended to coerce, manipulate, intimidate, or take advantage of persons belonging to a particular "race" typically but not always in situations where unequal power and authority relations prevail between those who harass and those who are harassed.

We use the following notes on race and racism, racial prejudice, racial discrimination, racial slurs and racial harassment as terms of our policy:

**Race** is primarily a social construct in which individuals are classified into groups on the grounds of perceived heritable physical differences.

**Racism:** This is intolerance of, and hostility to other people on account of their “race”

**Racial prejudice:** This is the belief that a particular “race” is inferior to another “race” in respect of one or more qualities or attributes.

**Racial slurs:** Racial slurs occur when a vocabulary is used which is recognised to be demeaning or insulting to individuals on account of their “race”.

## **2. Policy Statement**

YUPI Group entities are committed to providing a work, program and services, participation and study environment which is free from sexual harassment, racism and racial harassment, harassment and bullying of all kinds for all members of staff, clients and students.

These types of harassment are unlawful and unacceptable within any of the above organisations in the Group.

Each entity accepts its responsibility under Commonwealth and State legislation to ensure that, as far as practicable, no staff member, client or student, while involved in any program, activity, subjects another person to harassment or is subjected to harassment.

In exercising these responsibilities we acknowledge that:

- individual staff, clients and students are responsible for ensuring that they do not subject other staff, clients or students, or persons applying to become staff, clients or students, to harassment while involved in any of activities or programs;
- Line Managers must ensure that, as far as practicable, the work, program participation and study environment for which they are responsible is free from harassment;
- staff who conduct teaching and learning activities for students must ensure that, as far as practicable, the study environment is free from harassment.

In carrying out these responsibilities, management will take active steps to support staff, clients and students. We will provide information and training to staff and Line Managers on meeting their responsibilities in relation to maintaining a work, program and study environment free from harassment, and to staff conducting teaching and learning, and other program activities on meeting their responsibilities in maintaining an environment free from harassment.

We also recognise our responsibility to take prompt and effective action to deal with complaints of harassment and to ensure that all people involved in the complaints – including the complainant, the person complained about and witnesses – are treated fairly. We will do everything in our power to prevent victimisation of people who have, or are involved in dealing with, complaints of sexual harassment.

## **3. Procedure**

If a person feels that they have been discriminated against, harassed, vilified or asked for unnecessary information, or are witness to these acts taking place against somebody else; they are encouraged to follow one of the actions outlined below. More than one action can be followed at the same time.

In relation to cases of discrimination, bullying or harassment, the fact that the perpetrator may not have intended to behave inappropriately is irrelevant.

### ***Make an Internal Complaint***

See Section 6.21 Staff and Volunteer Grievance and Dispute Resolution Policy

We (entities in the Group) have an obligation to treat all complaints of discrimination, victimization, sexual harassment, racial harassment, vilification or seeking unnecessary information on which discrimination might be based, seriously. All complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented.

Employees or clients will be advised of the option of police support or intervention. It is not the obligation or duty of the relevant organisation to report such matters to the police on behalf of the complainant.

### ***Make an External Complaint***

A complaint can be made to the Anti-Discrimination Commission Queensland (ADCQ). [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au). ADCQ will send the complainant a complaint form and explain the process to resolve the complaint. The service is free. A complaint to the Anti-Discrimination Commission must be made within one year of the incident, unless good reason for any delay can be shown.

### ***Self Help***

If a person believes they are being, or have been, discriminated against, sexually harassed or bullied, and they feel confident of dealing with the situation themselves, they can use self-help techniques.

- Tell the offender the behaviour is offensive, unwelcome, and against business policy and should stop (only if you feel comfortable enough to approach them directly, otherwise speak to your Line Manager). Keep a written record of the incident(s).
- If the unwelcome behaviour continues, contact your Line Manager or General Manager to raise a complaint.

## **4. Support and Counselling for Employees**

We have sourced an Employee Assistance Program (EAP) which provides a free professional and confidential counselling service for staff who are experiencing personal or work-related difficulties. Access this service by contacting 1300 360 364.

### ***Vexatious Complaints***

The Group will not tolerate vexatious complaints. If a claim is not initiated in good faith (for example; is initiated without reasonable grounds to do so), disciplinary action may be taken in accordance with the Organisation's Disciplinary Policy.

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