

**Discrimination, Harassment and Bullying Policy**

1. **Statement of Context & Purpose (Why is this process was created)**

It is the policy of Al-Taqwa College that the learning and working environment is positive and supportive

for all members of the College community. Therefore, Al-Taqwa College is committed to ensuring that

the working and learning environment are free from discrimination, harassment (including sexual

harassment), vilification, victimisation and bullying.

Al-Taqwa College aims to:

▪ Foster an environment where all members of the College community are treated with dignity,

courtesy and respect

▪ Promote appropriate standards of conduct at all times

▪ Implement training and awareness-raising strategies to ensure that everyone knows their rights and

responsibilities

▪ Where necessary encourage reporting of inappropriate behaviour and provide an effective

procedure for resolving complaints in a sensitive, fair and timely manner and as confidentially as

possible.

This policy sets out what constitutes discrimination, harassment (including sexual harassment),

vilification, victimisation and bullying and what you can do if you experience these things. It also details

the complaints procedure which Al-Taqwa College has implemented to ensure that any form of

discrimination, harassment (including sexual harassment), vilification, victimisation or bullying is dealt

with promptly, confidentially and impartially.

**2.0 Target Audience**

This Policy applies to:

▪ Governing body

▪ Employees

▪ Students

▪ Parents and the College community

▪ Applicants for positions of employment, student placements, contractors, subcontractors and

volunteers.

In this Policy, employees or other persons connected to the College is considered to include the above

persons.

This Policy applies to:

▪ The provision of services within the College community

▪ Interactions with service providers, suppliers and members of the public in the course of

undertaking School duties

▪ All aspects of employment, study or other activity at the College (consider Sunday school, students,

Parents)

* the workplace, which extends beyond the School’s physical boundaries and set times of work, and includes after-hours work, staff meetings, School camps and excursions, conferences, School-authorised functions and activities.

1. **Implementation**

Al-Taqwa College is covered under section 83 of the Equal Opportunity Act 2010 which states:

*(2) Nothing in Part 4 applies to anything done on the basis of a person's religious belief or activity, sex,*

*sexual orientation, lawful sexual activity, marital status, parental status or gender identity by a person*

*or body to which this section applies in the course of establishing, directing, controlling or administering*

*the educational institution that—*

*(a) Conforms with the doctrines, beliefs, inherent requirements (e.g.; hijab) or principles of the religion;*

*or*

*(b) Is reasonably necessary to avoid injury to the Religious sensitivities of adherents of the religion (e.g.;*

*dress code).*

Notwithstanding anything stated in the College policies, Al -Taqwa College reserves the right to exercise their rights under this provision where it is deemed necessary to maintain the integrity of the religious nature of the school.

It is unlawful to discriminate against or harass a person in employment (or in the provision of goods and services) on the basis of an attribute.

**Attributes**

Protected attributes in Australia include the following:

▪ Age

▪ Disability or impairment (physical, intellectual, mental or psychiatric – visible or invisible, temporary

or permanent)

▪ Race, colour, descent or national or ethnic origin

▪ Religious belief or activity

▪ Sex

▪ Gender identity

▪ Transgender or transsexual status

▪ Lawful sexual activity/sexual orientation

▪ Family, marital, parental or carer status

▪ Physical features

▪ Political opinion, belief or activity

▪ Industrial activity or membership of an industrial association

▪ Pregnancy or potential pregnancy

▪ Breastfeeding

▪ Medical record

▪ Irrelevant criminal record

▪ Employment activity

▪ Personal association with a person who is identified by reference to any of the above attributes.

***Discrimination***

Discrimination is treating a person with an identified attribute or personal characteristic less favourably

than a person who does not have the attribute or characteristic. Discrimination can be either direct or

indirect.

***Direct Discrimination***

Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected attribute

covered by an equal opportunity law unfavourably because of that attribute regardless of whether the

person is aware of the discrimination or considers the treatment to be unfavorable.

***Indirect Discrimination***

Indirect discrimination occurs where a person imposes, or proposes to impose, a rule, requirement,

condition or practice that has, or is likely to have, the effect of disadvantaging a person or group of

people with a protected attribute, and that is not reasonable. Awareness of the discrimination is irrelevant.

***Family Responsibilities/Parental Status***

The Equal Opportunity Act 2010 (Vic) (the Act) places a positive obligation on the School to not

unreasonably refuse to accommodate an employee’s parental or carer responsibilities, in relation to

their work arrangements either when offering employment or during the course of employment.

In considering a request from an employee and determining whether a refusal is reasonable in the

circumstances the following factors should reasonably be considered by the College:

• The nature of the employee’s work and parental or carer responsibilities

• The nature and cost of arrangements required for an employee to fulfil their parental or carer

responsibilities

• The financial circumstances of the employer

• The size and nature of the workplace and the employer’s business

• The effect of flexible work arrangements on the workplace, including the financial impact on the

school

• The consequences for the employer of having the flexible work arrangements.

• The consequences for the employee of not having the flexible work arrangements.

A request for flexible work arrangements will be assessed individually, based on the unique facts and

circumstances of each request.

Managers must not refuse any request for flexible working arrangements where the request is related

to family responsibilities without having first discussed the matter with the applicant and with the Vice

Principal or another authorised representative of the Principal.

***Disability***

The Act places a positive obligation on the School to make reasonable adjustments for an employee or prospective employee who has a disability, as defined by the Act.

The Act requires that the School must make reasonable adjustments unless the person or employee could not or cannot adequately perform the genuine and reasonable requirements of their employment even after the adjustments are made.

In determining whether an adjustment is reasonable, the Act provides that an employer should give

consideration to all relevant facts and circumstances, including—

(a) the person's or employee's circumstances, including the nature of his or her impairment

(b) the nature of the employee's role or the role that is being offered

(c) the nature of the adjustment required to accommodate the person's or employee's impairment;

(d) the financial circumstances of the employer

(e) the size and nature of the workplace and the employer's business

(f) the effect on the workplace and the employer's business of making the adjustment including—

(i) the financial impact of doing so

(ii) the number of persons who would benefit from or be disadvantaged by doing so

(iii) the impact on efficiency and productivity and, if applicable, on customer service of doing so

(g) the consequences for the employer of making the adjustment

(h) the consequences for the person or employee of not making the adjustment.

Prior to any decisions pertaining to an employee request for adjustment/s on the basis of disability being determined it is expected that the relevant manager or supervisor will have sought appropriate advice from the Vice Principal or other authorised representative of the Principal.

***Harassment***

Harassment is a form of discrimination. Harassment is unwelcome and unwanted conduct based on

one of the attributes listed above that causes a person to be offended, humiliated or intimidated.

Harassment can take many forms and may include physical contact, verbal comments, electronic

messages, jokes and gestures and other behaviour that creates an uncomfortable or hostile

environment. Unacceptable behaviour includes but is not restricted to:

▪ The display of offensive materials (e.g., based on race)

▪ Visiting and/or displaying internet sites containing offensive materials (e.g., sexually explicit)

▪ Electronic messages that are sexually offensive or offensive in relation to race or disability

▪ Derogatory comments about any particular personal attribute or about a person or a group on the

basis of race or gender

▪ Intimidation or verbal abuse oriented at a person with a disability or using aids or with different

capabilities, or at the person’s carer

▪ Practical jokes about a person’s disability or about a person’s or a group’s race

▪ Segregation or humiliation of a person with a disability or a person or group based on race on any

other personal attribute.

▪ Derogatory comments or jokes about a person or group on the basis of their personal

characteristics.

The reasonable person test applies. That is, would a reasonable person, given all the circumstances,

have anticipated that the behaviour would be found offensive, humiliating or intimidating.

***Sexual Harassment***

A person sexually harasses another if he or she:

▪ makes an unwelcome sexual advance;

▪ makes a request for sexual favours; or

▪ engages in any other unwelcome conduct of a sexual nature;

In circumstances in which a reasonable person, aware of all of the circumstances, would have anticipated that the conduct would cause offence, humiliation or intimidation. Sexual harassment is unwelcome, uninvited conduct that is offensive from the perspective of the person harassed, regardless of any innocent intent on the part of the offender. It is not behaviour that is based on mutual attraction between people or friends. Sexual harassment may occur as a single incident or involve a series of incidents.

Sexual harassment can take many forms and can be physical, verbal or written. It is not just the obvious

harassment of unwelcome physical behaviour such as inappropriate touching, patting, brushing up

against someone or offensive gesturing. Sexual harassment can either be direct or indirect.

Sexual harassment takes a variety of forms, including:

▪ Sexual or suggestive remarks

▪ Sexual propositions or requests for dates

▪ Repeated questions or speculation about a person’s private life

▪ Sexual jokes and innuendo

▪ Unnecessary intrusion into a person’s personal space

▪ Physical contact such as touching, deliberate brushing up against a person, hugging etc. against An person’s will.

▪ Offensive telephone calls, reading matter, email, screen savers, pictures, calendars etc.

▪ Suggestive looks or leers

▪ Sexually explicit conversations

▪ Displaying or sending sexually explicit material.

***Bullying***

Bullying is and ongoing and deliberate misuse of power in relationships through repeated verbal,

physical and / or social behaviour that intends to cause physical, social and / or psychological harm. It

can involve an individual or a group misusing their power or perceived power, over one or more persons

who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious

(overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over

time (for example, through sharing of digital records).

Bullying of any form or for any reason can have immediate, medium- or long-term effects on those

involved, including bystanders. Single incidents and conflicts or fights between equals, whether in

person or online, are not defined as bullying.

***Covert Bullying***

Covert bullying can be very difficult for someone outside of the interaction to identify. It can include

hand gestures and threatening looks, whispering, excluding or turning your back on a person, restricting

where a person can sit and who they can talk with. Social bullying (spreading rumours, manipulation of

relationships, excluding, isolating) is often covert bullying.

***Cyberbullying***

Cyberbullying includes any form of bullying behaviour that occurs online or via a mobile device. It can

be verbal or written and can include threats of violence as well as images, videos and / or audio, setting

up a defamatory personal website or deliberately excluding from social networking spaces. Cyber

bullying can be perpetrated at any time of the day of the week.

***Written Cyberbullying***

Episodes of writing abusive emails, SMS, creation of sites with deleterious impact on individual or

organisation, creating a demeaning alias to target individual, social networking site or notes.

***Physical Bullying***

Physical bullying includes hitting, pushing, shoving or intimidating or otherwise physically hurting

another person, damaging or stealing their belongings. It includes threats of violence.

***Social Bullying***

This is sometimes called relational or emotional bullying and includes deliberately excluding someone,

spreading rumours, sharing information that will have a harmful effect on the other person and / or

damaging a person’s social reputation or social acceptance.

***Verbal and Written Bullying***

Verbal and written bullying includes name calling or insulting someone about an attribute, quality or personal characteristic.

***Risk to health and safety*** includes risk to the mental or physical health of the employee.

Unacceptable behaviour makes the workplace uncomfortable, unpleasant and often unsafe. The

following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be

considered bullying:

▪ Management and leadership styles that are particularly forceful, overbearing, micro-managing, demanding, aggressive.

▪ Verbal abuse (including threats, shouting, sarcasm or other forms of demeaning language and body

language), belittling in front of others.

▪ Excluding or isolating employees

▪ Psychological harassment, passive aggressiveness

▪ Spreading misinformation of malicious rumour

▪ Regular aggressive behaviour, violence

▪ Intimidation and humiliation (personal and/or professionally)

▪ A workplace culture that promotes a “harden-up” attitude.

▪ Continuous fault-finding, excessive intervention in a person’s work.

▪ Devalue or undermine a person’s work.

▪ Interfering with someone’s property, work equipment or defacing someone’s property.

▪ Assigning meaningless tasks unrelated to the job

▪ Giving employees impossible assignments

▪ Deliberately changed work rosters to inconvenience particular employees.

▪ Deliberately withholding information vital for effective work performance.

▪ Setting unreasonable timelines that are difficult to achieve and are constantly changing.

The list is not exhaustive. Other types of behaviour may also constitute bullying. Bullying is usually not

a once-off incident, but it could be and so each claim will be made on a case by case.

Bullying does not include reasonable and legitimate actions of Al -Taqwa College in managing an

employee's performance, managing or altering an employee’s workload, reporting structure or duties

or counselling an employee.

Bullying may breach health and safety legislation and regulations. Monetary penalties may be imposed

as well as terms of imprisonment for extreme cases of stalking, bullying and cyber bullying of up to 10

years if convicted under the Crimes Act Amendment (Bullying) Act 2010 (Vic), which amended the Crimes Act 1958 (Vic).

***Vilification***

Vilification is behaviour, through word or action, that incites hatred, contempt or ridicule of another

person or group, generally because of that person’s or group’s race or religious belief.

Examples of vilification include but are not restricted to:

▪ Public threats of harm

▪ Encouraging others to hate someone because of that person’s religion

▪ A racist statement in a public meeting

▪ Racist graffiti.

**Racism**

Please refer to the Anti Racism Policy for further information

***Breaches of this Policy***

If you feel you have been discriminated against, harassed or bullied, you should not ignore it. You should keep notes on all instances of discrimination, harassment or bullying – dates, times, places, witnesses (if any), together with what you said, did or felt.

If you feel comfortable doing so, then you may wish to address the issue with the person concerned and request that the behaviour ceases. If you do not feel comfortable confronting the person and the behaviour continues, then you should go to your direct report or the Vice Principal and discuss your complaint.

All complaints of discrimination, harassment, sexual harassment or bullying will be dealt with in accordance with Al-Taqwa College’s procedure which is set out below. Al-Taqwa College’s goal is to resolve all issues and complaints in-house where possible. However, you can seek the assistance of an outside agency, at any stage, if you wish.

If you consider that you have witnessed a breach of this policy you should report the matter to the Vice Principal / Principal who will take appropriate action in accordance with Al-Taqwa College’s procedure which is set out below.

***Complaints Handling***

Al-Taqwa College will take any complaint under this policy seriously and will invoke either the informal

or formal complaints procedure outlined below.

If an informal approach is taken but the desired result is not achieved, then a formal approach can be

adopted. If the complaint is sufficiently serious, then a formal approach may be taken without first

invoking the informal approach.

**Informal complaint procedure**

When you meet with the Vice Principal to discuss your complaint, he or she will explain the relevant

steps that will be taken to address your complaint. They will not act as a mediator or investigator and

will not make disciplinary decisions in relation to your complaint. They may assist you in handling your

complaint directly with the person(s) involved or in making a formal complaint.

***Formal complaint procedure***

In this situation the Vice Principal will formally investigate the matter. The investigation will be

undertaken in a timely manner and will be conducted as confidentially as possible.

The investigation is a process where details of the complaint are taken and provided to the respondent

for a formal response. The complaint is investigated by an independent and impartial person whose

task is to establish what evidence or facts can be found that may either substantiate or refute the

allegations. This will be done following our Investigations procedure.

The parties involved in the investigation process will be asked to maintain confidentiality with respect

to the complaint and the investigation. Al-Taqwa College may, however, need to divulge the contents

of the complaint and responses in order to complete a full investigation. The parties will be entitled to be supported by a person of their choice.

The principle of natural justice demands that the process be based upon an assumption of innocence

unless and until evidence shows otherwise. Reported findings then form the basis of appropriate action by Al Taqwa College to respond to both the individual and organisational matters addressed in the findings.

An individual may contact the Victorian Equal Opportunity Human Rights and Commission (VEOHRC) for advice or lodge an Order to stop Bullying with Fair Work Australia Commission. It is possible to contact the VEOHRC to seek advisory assistance regarding the dispute. Alternatively, a complaint may be lodged with Fair Work Australia Commission.

However, the goal of Al -Taqwa College is to resolve all issues and complaints in-house where possible. Al-Taqwa College appreciates being given the opportunity to resolve any matter of alleged discrimination, harassment or bullying before a complaint is lodged with the FWAC. If a complainant is not satisfied with the Al -Taqwa College actions, then the right to obtain an Order to Stop Bullying from the Fair Work Australia Commission remains.

***Possible Outcomes***

The possible outcomes will depend upon the nature of the complaint. Where an investigation has found that a complaint is substantiated, appropriate action will be taken against the person about whom the complaint was made. This may include disciplinary action up to and including termination of employment in serious cases. Other possible outcomes may include:

▪ An apology where appropriate.

▪ Mediation between the parties where appropriate.

▪ An agreement to refrain from the offending conduct or behaviour;

▪ Training for individuals or relevant sections, where appropriate.

▪ Changed work arrangements; or

▪ A first and final, formal written warning that any future substantiated breaches of acceptable workplace behaviour will result in termination of employment.

▪ Fair Work Australia Commission ruling

***Victimisation***

Victimisation is treating someone unfairly because that person, or someone they associate with, has

made, or intends to make, a complaint under this policy. It is unlawful to victimise or penalise a person

for making a complaint in good faith. Al-Taqwa College is committed to making sure that anyone who

makes a complaint or assists in making a genuine complaint is supported and not penalised in any way.

Immediate disciplinary action will be taken against any employee who victimises or retaliates against a person who has made a complaint.

***Vexatious Complaints***

Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s)

concerned, interpersonal relationships and the morale of the College Community.

Where it is found that a complaint has been made in bad faith to cause distress to one or more persons, or as a practical joke, disciplinary measures will be taken.

***Proactive Measures***

Al-Taqwa College will develop and implement proactive measures to ensure that possible areas for

discrimination are identified and eliminated. This will include an annual staff survey and regular review

of policies, procedures and our records relating to staff and students.

***Record Management***

All documentation in relation to complaints of discrimination, harassment and bullying, whether dealt

with informally or formally, must be taken in a strictly factual and professional manner, kept to a

minimum and stored in accordance with the following protocol:

▪ Central, secure and confidential file

▪ Accessed, if required, on a strictly ‘needs’ basis (for example, in relation to further complaints or evidence in any subsequent legal proceedings); and

▪ Destroyed after a period of seven years after the end of employment at the discretion of the Principal.

**4.0 Resources**

Disability Discrimination Act 1992

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Fair Work Act 2009

Human Rights and Equal Opportunity Commission Act 1996

Age Discrimination Act 2004

Equal Opportunity for Women in the Workplace Act 1999

Equal Opportunity Act 2010

Racial and Religious Tolerance Act 2001

Occupational Health and Safety Act 2004

Teachers Code of Conduct – VIT

Crimes Act

Anti-Racism Policy

Complaints Policy

Islamic Principles

**5.0 Help for Non-English Speakers**

If you require assistance in understanding this policy, please contact Al-Taqwa College (03) 9269 5000.