

ST MARY'S COMMUNITY LTD

Anti-discrimination and Harassment Policy		
Policy number: 2.0	Version number: 1	Date proposed: April 2016
Authorised by: Board		
Date approved: 10 February 2017	Reviewed by: Community Faith Council	Date of next review: February 2019

Policy context: This policy relates to:	
Standard/Indicator/Category	Organisational - Anti-Discrimination
Relevant policies	<ul style="list-style-type: none"> • Code of Conduct • Process for Dealing with Concerns and Conflicts
Legislation or other requirements	Anti-Discrimination Act 1991 (Qld) Racial Discrimination Act 1975 (C'th) Sex Discrimination Act 1984 (C'th) Disability Discrimination Act 1991 (C'th) Human Rights & Equal Opportunity Commission Act 1986 (C'th)

1. Purpose

This policy records the commitment of St Mary's Community Ltd, Queensland to providing a community environment which is free from harassment, bullying or any other form of abuse including sexual, racial or physical harassment. The policy also sets out the obligations on leaders to ensure all employees, volunteers, service delivery contractors, consultants and community members coordinating activities know that harassment is unacceptable and that the community environment is free from items or materials that in the context of general community standards may be considered offensive by other people.

Definition

Discrimination and harassment occur when a person is discriminated against, harassed or subjected to conduct which is unwelcome or offensive in the community environment, and is serious or persistent to the extent that it has a detrimental effect on an employee's, volunteer's, employment or volunteer activity, performance, or opportunities.

2 Scope

This policy will apply to all Board and Community Faith Council members, employees, service delivery contractors, consultants and volunteers coordinating activities of St Mary's Community Ltd. All references to St Mary's Community apply to St Mary's in Exile.

3 Policy

St Mary's Community Ltd is committed to ensuring every employee, volunteer or community member enjoys a community environment free from harassment. St Mary's Community Ltd has established expectations relating to business and personal behaviour, which are expected to be followed by all Board and Community Faith Council members, employees, service delivery contractors, consultants, and volunteers. Harassment will be considered a form of serious misconduct and will not be tolerated.

Harassment is proscribed by both legislation and by St Mary's Community Ltd's Policy.

As part of its commitment against harassment and bullying in the community environment, St Mary's Community Ltd has a procedure for dealing with such complaints.

The Community Leader and elected leaders as well as Board and Community Faith Council members and volunteers representing St Mary's in Exile are responsible for ensuring everyone in the community environment is aware that harassment is unacceptable and free from materials or items that may be considered offensive.

4 Guidelines

Harassment includes, but is not limited to, the direct or indirect use of:

- Language of a sexual, sexist, homophobic or racist nature
- Visual material of a sexual, sexist, homophobic or racist nature
- Unacceptable physical contact, such as intentional touching, patting or pinching
- Hostility against, or bringing into contempt or ridicule, an employee or other person on the grounds of religion, sex, race, colour, ethnic or national origins or any other ground specifically prescribed by state or federal law.

Harassment may be made by an employer or representative of the employer, a co-employee, volunteer, contractor, or community member. In all cases it is unacceptable and will not be tolerated.

5 Procedure

If an employee, volunteer representative, or community member, feels they are being harassed, they should immediately approach the Community Leader to discuss the situation. If an employee, volunteer, representative or community member feels the Community Leader is directly involved, or if the Community Leader feels they are being harassed, then a Board member or Community Faith Council member should be approached and the same procedure followed.

The Community Leader or Board or Community Faith Council member should provide advice to the employee or volunteer and ascertain what specific steps the individual wishes to be taken.

5.1 Making the Complaint

An employee or volunteer who has experienced harassment of any description is entitled to make a complaint. A person who makes a formal complaint must not be victimised, treated differently, or suffer retaliation for the mere fact of making the complaint as this is unlawful.

A formal complaint is to be documented (e.g. made in writing) detailing facts, and given to the Community Leader. Once a formal complaint has been received in writing, the employee or volunteer who has made the complaint regarding harassment will receive feedback on the process of investigation or its outcome within fourteen (14) working days regarding the outcome of any formal investigation.

5.2 Investigation

An investigation will commence once a formal complaint has been received. The Community Leader will advise who the investigator will be; who this person is may vary depending on the nature of the complaint. The investigation may include:

- Obtaining details of the allegations claimed
- Talking to witnesses
- Talking to the person against whom the allegations are made and providing them with details of the allegations (how this is handled may vary depending on the nature of the allegations)
- Checking employment records (if applicable).

Following an investigation the investigator will present the findings to the appropriate community officer - usually the Community Leader or a nominated person on the Community Faith Council/Board - except if either

of those persons are involved in which case, an alternative Community Faith Council or Board member will be nominated in as the appropriate officer.

No decision will be made prior to the finalisation of the investigation. The appropriate community officer will, on the basis of evidence and the report, determine whether the alleged conduct occurred and what action should be taken. If the complaint is substantiated, the appropriate community officer will:

- Ensure that steps are put in place to remove the offending behaviour or workplace process
- Provide feedback to parties and also to witnesses (where appropriate)
- Implement an immediate action plan and follow-up action at a later date
- Take appropriate action, which may include St Mary's Community Ltd taking disciplinary action (including formal counselling, a formal warning or termination of employment) against the employee, contractor or volunteer whose conduct is found to be in breach of St Mary's Community Ltd policies.

If the complaint is not substantiated, the appropriate St Mary's Community Ltd officer will:

- Provide feedback to parties and also to witnesses (where appropriate);
- Protect the reputation of the person against whom the allegations have been made
- Explain the outcome of the investigation to affected parties. The reasons for the findings will be explained to the employee, contractor, or volunteer making the complaint and the person against whom the allegations were made, and
- Implement appropriate follow-up action that will be communicated to the employee, contractor, or volunteer making the complaint.

5.3 Review of Investigation Outcome

If an employee, contractor, or volunteer wants to contest the outcome of an investigation they should advise the appropriate officer in writing. The types of things that a review of the investigation will look at is whether all parties were given natural justice, if all material including the evidence of appropriate witnesses was taken into account, and if the recommendations of the investigation are consistent with the findings and the evidence gathered during the course of the investigation.

As a consequence of such a review the appropriate officer in concert with the Board may either choose to uphold the original decision or reinvestigate

the matter, however simply contesting the investigation result does not mean that a new investigation will automatically follow.

5.4 Confidentiality

Investigations will only be discussed with relevant employees, volunteers or any other person as necessary for the resolution of the grievance. The involvement of other people (e.g. witnesses) should be kept to a minimum to maintain confidentiality, but sufficient to establish first hand factual evidence where possible. All individuals who participate in an investigation are involved on a “need to know” basis.

5.5 Support Person

At any stage of the harassment procedure an employee, contractor, or volunteer may utilise the assistance of an appropriate support person. Such a person may be a work colleague, a friend, family member or the like. When a person acts in the capacity of a support person they are not there to be an active part of the investigation. They are there purely to assist and provide ‘moral support’ to the staff member in pursuing the harassment process; they have no influencing or implementation power.

It may be at times that a nominated support person is inappropriate and in such circumstances the employee or volunteer may be asked to choose another support person. A support person is required to maintain confidentiality at all times during and after an investigation.

5.7 Continuation of normal duties or activities

It is expected that throughout the process staff members will perform their usual duties in the normal way. If the nature of the complaint means that this cannot occur then the Community Leader will discuss any issues with the employee, contractor, or volunteer and appropriate changes may be made.

5.8 Employee and Volunteer Responsibilities - Vexatious & False Complaints

It is a breach of this policy for a person to make a vexatious or false complaint (e.g. maliciously exaggerated allegation).

All employees, Board and Community Faith Council members, contractors and volunteers should be aware that they are directly responsible and legally liable for their own decisions, actions and behaviours in the community environment. Failure to comply with St Mary’s Community Ltd’s policies and procedures in particular its Code of Conduct, may lead to disciplinary action including termination.