

## BULLYING, DISCRIMINATION AND HARASSMENT POLICY

Our Preschool is committed to creating a workplace with vision and meaningful direction, adhering to our code of conduct and practicing ethical behaviour to ensure a productive work environment free from bullying, discrimination, and/or harassment. Sexual harassment has no place in our Preschool.

### NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
168	Education and care services must have policies and procedures

### RELATED POLICIES

Code of Conduct Policy Cyber Safety Policy Dealing with Complaints Policy (General) Family Communication Policy Health and Safety Policy Interactions with Children, Family and Staff Policy	Multi-Cultural Policy Privacy and Confidentiality Policy Respect for Children Policy Staffing Arrangements Policy Student and Volunteer Policy Work Health and Safety Policy
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### PURPOSE

We are committed to providing a safe and equitable workplace for all teachers, educators and staff. Bullying, discrimination, and harassment will not be tolerated under any circumstances. As part of this commitment we aim to prevent workplace bullying by adhering to the Early Childhood Code of Ethics, Fair Work requirements, and the Preschool statement of philosophy, ensuring a safe workplace and the wellbeing of all teachers, educators and staff employed at the Preschool. This policy has been developed

to ensure all teachers, educators, staff, families and visitors to our Preschool are clear about the standards of behaviour that is expected.

## SCOPE

This policy applies to management, the approved provider, nominated supervisor, students, teachers, educators, staff, families, visitors (including contractors) and children of the Preschool.

## IMPLEMENTATION

Everyone has a right not be bullied or harassed at work. Workplace bullying occurs when a person or group of people repeatedly behave unreasonably towards a worker or a group of workers, creating a risk to health, safety, and wellbeing.

**Bullying** may involve any of the following types of behaviour:

- aggressive or intimidating conduct
- making belittling or humiliating comments
- spreading malicious rumours
- teasing, practical jokes or initiation of, or participation in 'initiation ceremonies'
- exclusion from work-related events
- unreasonable work expectations
- displaying offensive material, and/or
- pressure to behave in an inappropriate manner.

Bullying does not include management action carried out in a reasonable manner including:

- making decisions about poor performance
- taking disciplinary action
- directing and controlling the way work is to be carried out.

**Discrimination** occurs when someone is treated less favourably than others because of a particular characteristic (such as age, disability or gender), or belong to a particular group within the population (due to, for example, religion, culture, or sexual orientation).

**Harassment** involves unwelcome behaviour that intimidates, offends or humiliates a person because of particular characteristics as listed above.

**Sexual Harassment** includes unwelcome sexual advance, unwelcome request for sexual favours and engaging in other unwelcome conducts of sexual nature. Our preschool has a zero-tolerance approach to Sexual harassment.

There are a number of anti-discrimination, equal employment workplace relations, and human rights laws which make it illegal to discriminate or harass a person in the workplace. Australia's federal anti-discrimination laws are contained in the following legislation:

[Age Discrimination Act 2004](#)

[Disability Discrimination Act 1992](#)

[Racial Discrimination Act 1975](#)

[Sex Discrimination Act 1984](#)

[Fair Work Legislation Amendment \(Secure Jobs Better Pay\) Act 2022](#)

Our Preschool philosophy, code of conduct and the [Early Childhood Australia \(ACA\) Code of Ethics](#) will guide educator behaviours and interactions and adhere to best practice by providing a vision and a purposeful and meaningful direction to ensure a safe working environment for all teachers, educators and staff members.

## THE APPROVED PROVIDER, MANAGEMENT AND NOMINATED SUPERVISOR WILL ENSURE:

- a thorough induction process for new employees is conducted at the commencement of employment
- all teachers, educators and staff have a comprehensive understanding of the Preschool's code of conduct, *Dealing with Complaints Policy* and the *Early Childhood Code of Ethics*
- the *Bullying, Discrimination and Harassment Policy*, and all related policies are reviewed annually
- educators are informed that inappropriate behaviour, including bullying, sexual harassment, discrimination and harassment will not be tolerated, and will be advised of potential consequences of this behaviour
- all teachers, educators and staff are aware of the Preschool's *Bullying, Discrimination and Harassment Policy* and Procedure
- inappropriate behaviour is addressed in a timely manner
- a clear process is in place regarding raising complaints and grievances related to bullying, discrimination and harassment
- complaints or grievances are treated seriously and immediate action is taken in a timely manner
- all teachers, educators and staff are aware of appropriate interactions through professional development and training

- teachers, educators and staff are aware of their job roles and responsibilities which will be clarified through job descriptions, team meetings, performance appraisals and clear management expectations
- teachers, educators and staff are encouraged to embrace the uniqueness and diversity of their colleagues
- constructive feedback is provided to teachers, educators and staff.
- communication practices are reviewed frequently to ensure best practice
- all teachers, educators and staff are treated equally and fairly
- meetings are documented accurately and appropriately
- an understanding and compliance with discrimination law is communicated with all employees.

## TEACHERS & EDUCATORS WILL:

- be involved in decision making with a clear understanding of their roles and responsibilities, outlined in each individual job description
- embrace the uniqueness and diversity of their colleagues
- respect the skills, strengths and opinions of all educators in order to create team cohesion based on professionalism
- comply with all discrimination laws
- be responsible for their own actions in the workplace
- raise matters of concern to management at an early stage
- report any incidents or bullying, discrimination or harassment, including sexual harassment they have experienced or witnessed
- provide management with specific information regarding the perceived bullying, discrimination, and/or harassment, and be prepared to have the complaint made known to the person to allow for fair management and rectification
- maintain confidentiality and not discuss or release information relating to bullying, discrimination, or harassment allegations
- follow the Preschool's *Bullying, Discrimination and Harassment procedure*
- evaluate the effectiveness of strategies implemented to discourage and eradicate bullying, discrimination, and/or harassment.

# BALLINA RIVER STREET PRESCHOOL

## RESOURCES

- Fair Work [Bullying in the Workplace](#)
- Respect@Work <https://www.respectatwork.gov.au/>
- Safe Work Australia [Preventing workplace sexual harassment](#)

## CONTINUOUS IMPROVEMENT/REFLECTION

Our *Bullying, Discrimination and Harassment Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

## RELATED RESOURCES

Bullying, Discrimination and Harassment Procedure	Code of Conduct Staff Acknowledgement
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## SOURCE

- Anti-Discrimination Act*: See <https://raisingchildren.net.au/disability/disability-rights-the-law/law/anti-discrimination-laws> for Acts for specific Australian states and territories.
- Australasian Legal information institute: [www.austlii.edu.au](http://www.austlii.edu.au)
- Australian Children's Education & Care Quality Authority. (2014).
- Australian Human Rights Commission. (2019). Reform of discrimination law: <https://www.humanrights.gov.au/>
- Early Childhood Australia Code of Ethics. (2016).
- Fair Work Act 2009* (Cth).
- Fair Work Ombudsman. (2019). Bullying & Harassment: <https://www.fairwork.gov.au/employee-entitlements/bullying-and-harassment>
- Fair Work Ombudsman. (2019). Managing performance & warnings: <https://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings>
- Fair Work Ombudsman. Sexual harassment in the workplace. <https://www.fairwork.gov.au/employment-conditions/bullying-sexual-harassment-and-discrimination-at-work/sexual-harassment-in-the-workplace>
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2020).
- Guide to the National Quality Standard. (2017).
- Law Council of Australia. (2019). Bullying and harassment in the workplace: <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/bullying-and-harassment-in-the-workplace>
- Revised National Quality Standard. (2018).
- Safe Work Australia. (2019). Bullying: <https://www.safeworkaustralia.gov.au/safety-topic/hazards/bullying>
- Safe Work Australia. Workplace Sexual Harassment: <https://www.safeworkaustralia.gov.au/safety-topic/hazards/workplace-sexual-harassment>
- [Western Australian Education and Care Services National Regulations](#)
- Work Health and Safety Act 2011* (Cth).
- Workplace Relations Act 1996* (Cth).
- Child Care Centre Desktop Policies & Procedures : <https://www.childcarecentredesktop.com.au>

## REVIEW

# BALLINA RIVER STREET PRESCHOOL

POLICY REVIEWED BY:	Maxine Smith	Preschool Director	March 2023
POLICY REVIEWED	MARCH 2023	NEXT REVIEW DATE	AUGUST 2023
MODIFICATIONS	<ul style="list-style-type: none"> <li>• Policy reviewed to include Sex Discrimination Act 1984 amendments that come into force from 6 March 2023</li> <li>• Hyperlinks checked and repaired as required</li> <li>• Additional sources added</li> <li>• continuous improvement/reflection section added</li> <li>• Resources section added</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
AUGUST 2022	<ul style="list-style-type: none"> <li>• policy maintenance - no major changes to policy</li> <li>• link to Western Australian Education and Care Services National Regulations added in 'Sources'</li> <li>• minor formatting edits within text</li> <li>• hyperlinks checked and repaired as required</li> </ul>	AUGUST 2023	
AUGUST 2021	addition of related procedure sources checked for currency related policy name change- <i>Grievance (Complaints) Policy</i>	AUGUST 2022	