



Anti-Discrimination, Harassment and Bullying Policy

PURPOSE

The Portarlington Neighbourhood House is committed to creating and maintaining constructive, productive and supportive working relationships with all who work in or use the House.

We recognise and support the right of every member, employee, volunteer and user of the House to be able to attend work, perform their duties and participate in the services and activities of the House free from any form of discrimination, harassment or bullying.

The purpose of this policy is to guide Management Committee members, staff, volunteers, members, and House users in understanding discrimination, harassment and bullying, preventing it occurring, and dealing with it if it happens.

This policy applies to all House-related operations, services or activities both within or external to the House, including external conferences, workshops and seminars, work functions, social events, excursions, outings, and trips.

While this policy deals with issues concerning discrimination, harassment and bullying, it should be read in conjunction with the Conflict and Grievance Resolution Policy and the Confidentiality and Privacy Policy.

This policy does not apply to suspected criminal activity, which must be reported promptly and directly to Victorian Police.

POLICY

The policy of the Portarlington Neighbourhood House is that all aspects of the operation, services and activities of the House will be free from discrimination, harassment and bullying.

The Portarlington Neighbourhood House will provide information, and, when practicable, training to all Management Committee members, staff and volunteers on recognising, preventing and dealing with discrimination, harassment and bullying.

All members, staff and volunteers in the House will be responsible to ensure that discrimination, harassment and bullying do not occur.

All complaints will be treated seriously and in a sensitive, fair, timely and confidential manner, observing the principles of natural justice.



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The complaint resolution procedures for dealing with incidents of discrimination, harassment or bullying will be documented and provided to those involved at the outset of the process.

The wishes and concerns of the person making a complaint will be taken into account in determining how the complaint will be treated in accordance with the informal or formal complaint resolution procedures set out in this Policy.

The person making the complaint will be advised of the options for dealing with the complaint external to the House and this policy and procedures.

All people involved in a complaint retain the right to seek the assistance of the relevant tribunal or legislated body to assist them in resolution of the complaint.

The person making the complaint will have the right to support throughout the process and the option to discontinue a complaint at any stage of the process.

The respondents to any complaint will have the right to support throughout the process and the opportunity to respond fully to any allegations made. There will be no presumption of guilt and no determination made until any necessary investigation has been completed.

No person will be treated unfairly or victimised as a result of notifying a complaint. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of discrimination, harassment or bullying.

Disciplinary action may be taken against anyone who victimises or retaliates against a person who has been alleged to be a perpetrator of discrimination, harassment or bullying.

Members of the Management Committee, the House Coordinator, staff, and volunteers will be obliged to ensure immediate action in addressing a complaint of discrimination, harassment or bullying if the physical or mental health and safety of any of the parties is perceived to be at risk.

If threats to persons are made, or members of the Management Committee, the House Coordinator, staff, and volunteers perceives a possible danger to a party or to other people in the House, including the possibility of one party being a danger to themselves, external professional assistance must be sought immediately

Any breach of this policy will require a documented resolution and may result in sanctions or disciplinary action. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, exclusion from the House, withdrawal of



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membership, or other forms of disciplinary action deemed appropriate.

PROCEDURES

Appoint a Grievance Officer

The committee of management will appoint a Grievance Officer, who is capable of responsibly and impartially dealing with concerns and complaints involving discrimination, harassment or bullying.

Appoint an Alternative Grievance Officer to deal with situations where it is not practical or appropriate for the Grievance Officer to be involved.

Informal complaint resolution

Encourage any person who feels that they have been discriminated against, harassed or bullied to directly make it clear that such behaviour is unwelcome, unacceptable and offensive and that it needs to cease immediately.

If the behaviour continues, or if the person feels unable to speak to the alleged perpetrator(s) directly, they should contact the Coordinator or Committee Member. The Grievance Officer will provide policy and procedure information, and determine the nature of the complaint and the wishes of the person with the complaint. The complainant may be satisfied with an informal intervention to address the issue or may feel that the complaint requires a full formal investigation.

The Grievance Officer will explain the rights and responsibilities under this policy of people who are party to a complaint. The Grievance Officer may obtain assistance in this process, provided the complainant agrees to extra people being brought into the process.

During informal complaint resolution, make the alleged perpetrator aware of the allegations in full and give the right to respond.

Consider the informal complaint resolution complete if the alleged perpetrator agrees and acts to ensure that no unwanted and unwelcome behaviour occurs. If mutual agreement to the satisfaction of the complainant cannot be reached, follow the formal procedure.



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Formal complaint resolution

Where direct, informal resolution of a complaint of discrimination, harassment or bullying is not acceptable to a person involved, not possible for other reasons, or cannot be resolved to the satisfaction of all parties, implement a formal resolution procedure.

Require the consent of the person with the complaint (particularly as witnesses or management may need to be involved in the formal procedure) before proceeding with a formal complaint, and that the complaint is put in writing.

Notwithstanding the previous clause, the person against whom a complaint has been raised may request a formal investigation and written finding in the interest of clearing their name.

The Grievance Officer will clarify the complaint and obtain a step-by-step account of the incident/s. With the consent of the complainant, this may require some editing to finalise the written complaint.

Fully and promptly investigate all formal complaints, and keep all parties informed of progress.

Do not dismiss a formal complaint on the grounds that no one else saw or heard the incident/s occur.

Provide the formal complaint resolution procedures to those involved at the outset of the process.

The Portarlington Neighbourhood House will maintain confidentiality as far as is possible. Only involve the relevant parties in investigation and resolution procedures. Treat complaints in confidence, and where confidentiality cannot be guaranteed clearly advise the complainant of this.

Keep a clear and accurate written record of the details of any formal complaint and the procedures, actions and outcomes of the resolution process, including dates and signatures of those involved.

Provide the person against whom the complaint is made the right to procedural fairness (natural justice) including the right to know in full the allegations against them, to put their case in reply, and for any decision to be made by an impartial decision-maker.



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The formal complaint resolution procedure will be co-ordinated by the Grievance Officer, and may be guided by the Management Committee if committee members are not a party to the complaint. The Management Committee does not necessarily need to know the specific details of the discrimination, harassment or bullying case to provide this guidance. The Grievance Officer and/or the Management Committee may seek professional advice or support from another independent and impartial organisation or individual.

The Grievance Officer will organise an investigation. Particularly if there is a dispute over facts, this will in most cases involve private interviews to ascertain the facts, but also may include, among other things:

- Clarifying what the complainant wants to happen as a result of making the complaint.
- Finding out the alleged perpetrator's side of the story.
- Private interviews with other employees, volunteers or individuals who may be able to assist.
- Collection of any document which relates to the case.
- Finding out and determining the issues and any evidence of this happening previously.

The Grievance Officer will document all interviews accurately. This will include parties involved, timing, location and nature of conduct which is the subject of the complaint.

The Grievance Officer conducting the investigation will review all available evidence, which may include:

- Supporting evidence provided by a medical practitioner, counsellor, family member, friend or co-worker.
- Supervisor's reports and personnel records (e.g. unexplained request for transfer or shift changes, sudden increase in sick leave).
- Complaints or information provided by others about the behaviour of the alleged perpetrator.
- Records kept by the person claiming discrimination, harassment or bullying.
- Information on the absence of evidence where it should exist (missing files etc.).
- Consistent and credible presentation of evidence in interview.

If the investigation determines that discrimination, harassment or bullying has occurred, the Grievance Officer will forward a report documenting the investigation process, the evidence, the findings and the recommended actions to the appropriate decision maker (the Co-ordinator or the Management Committee). A copy may be placed in the perpetrator's personnel file.

The Grievance Officer and the appropriate decision maker, in consultation with the complainant, will decide the course of action to be adopted. Possible course of actions may



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include any combination of the following:

- Counselling.
- Disciplinary action against the perpetrator(s) (e.g. demotion, transfer, suspension, probation or dismissal).
- Official warnings that are noted in the perpetrator's personnel file.
- Formal apologies and undertaking that the behaviour will cease.
- Conciliation or mediation conducted by an impartial and experienced third party, where the parties to the complaint agree to this.
- Reimbursing any costs associated with the discrimination, harassment or bullying.
- Re-crediting any leave taken as a result of the discrimination, harassment or bullying.

Outcomes will depend upon factors such as:

- The severity and frequency of the discrimination, harassment or bullying.
- The weight of evidence.
- The wishes of the person who was subjected to discrimination, harassment or bullying.
- Whether the perpetrator(s) could have been expected to know that such behaviour was a breach of policy.
- The level of regret and apology.
- Whether there have been any prior incidents or warnings.

The outcomes of a substantiated complaint must not disadvantage the complainant.

If there is insufficient evidence to decide whether or not discrimination, harassment or bullying occurred, the Grievance Officer will:

- Remind those involved of expected standards of conduct.
- Conduct further awareness training sessions for staff and volunteers.
- Monitor the situation carefully.

If there is clear evidence that the complaint was untrue, vexatious or malicious, disciplinary action may be taken against the person who complained. An explicit and clear record that the alleged perpetrator has been exonerated will be placed on the file.

The Grievance Officer will advise everyone involved of the outcome and actions to be taken.

The Grievance Officer will monitor the outcome to ensure all agreed actions have been implemented, that the discrimination, harassment or bullying behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews. If there has been any further discrimination, harassment or bullying of the complainant or victimisation of the complainant or the perpetrator, then disciplinary procedures should be followed.



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Keep all records and file in a confidential and secure place, separate from any employee’s personnel file. Keep these records for a period of seven years.

Dealing with criminal conduct

Some forms of severe discrimination, harassment or bullying, such as physical attack, stalking or obscene phone calls, constitute criminal conduct. While the Portarlington Neighbourhood House is committed to treat discrimination, harassment or bullying complaints “in-House” as far as possible, refer such complaints to the police.

Advise employees and volunteers of the option of police support or intervention. While it may not be the obligation or duty of the House to report such matters to the police on behalf of the complainant, there will be circumstances where this is the appropriate course of action.

ADOPTION AND REVISION HISTORY

Include policy versions, approvals, review dates etc. here. Reviewed on: February 2017
Due to be reviewed on: **FEBRUARY 2018**

This policy was adopted by the Management Committee of Portarlington Neighbourhood House on

Signature

Signature

Print name

Print name

Position

Position