

## Discrimination, harassment and bullying

### Policy overview and purpose

Mersey Community Care Association is committed to providing an environment which is free from all forms of discrimination, harassment and bullying and where people are treated fairly, with dignity and respect. This policy applies to all MCCA staff.

The purpose of this Policy is to eliminate or minimise, as far as reasonably practicable, workplace discrimination, harassment and bullying. We recognise that people may not be able to achieve job satisfaction or perform their job roles effectively if they are treated unfairly, discriminated against, harassed or bullied. We also recognise the harm that this may cause to the physical and mental wellbeing of workers and the legal obligations MCCA has to prevent this under both WH&S and anti-discrimination legislation.

### Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State or Federal anti-discrimination laws.

Discrimination includes both direct and indirect discrimination:

- Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purpose of determining discrimination, the offender's awareness and motive are irrelevant.

### Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment involves unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

Every person is covered by the anti-discrimination laws that apply in their State as well as the Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australia:

- gender

## Discrimination, harassment and bullying

- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration
- national extraction or social origin
- marital status, relationship status, identity of spouse or domestic partner
- pregnancy, potential pregnancy, breastfeeding
- family or carer responsibilities, status as a parent or carer
- age
- religion, religious beliefs or activities
- political beliefs or activities
- lawful sexual activity
- sexual orientation and gender identity
- profession, trade, occupation or calling
- irrelevant criminal record, spent conviction
- irrelevant medical record
- member of association or organisation of employees or employers, industrial activity, trade union activity
- physical features
- disability, mental or physical impairment
- defence service
- personal association with someone who has, or is assumed to have, any of these personal characteristics

Legislation also prohibits:

- · racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- · victimisation resulting from a complaint

### Bullying

The Association is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable at our Association.

Bullying is defined by behaviour that is:

- Repeated, unreasonable and directed at a person, or group of persons, that creates a risk to health and safety
- That may lead to a person believing they are being victimised, humiliated, undermined, threatened, degraded, offended or intimidated

Bullying behaviour can include actions of an individual or group.

## Discrimination, harassment and bullying

While generally characterised by repeated behaviours, one-off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism
- excluding or isolating a group or person
- spreading malicious rumours
- psychological harassment such as intimidation

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. The Association will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. Refer to the Social Media Policy for information on this area

### Making a Complaint

MCCA encourages any person to report any behaviour they consider as being discrimination, harassment or bullying. Staff are encouraged to discuss concerns with their direct manager or supervisor in the first instance.

Management must support the staff member reporting the inappropriate behaviour and comply with the Complaints and Grievance Procedure. MCCA supports the right of staff to raise a complaint through a range of processes. These include:

1. Informal Process (first step, unless the matter is of a serious nature)
2. Formal MCCA complaints process if matter not resolved by informal processes, or if matter is serious in nature. (Refer to Complaints Procedures)
3. Complaints Lodged Externally (generally for an alleged breach of legislation. External agencies include Tasmania Police, WorkSafe, the Tasmanian Industrial Commission or Equal Opportunity Tasmania)

Reference Documents	Source
Work Health and Safety Act 2012 (Tasmania)	<a href="https://www.legislation.tas.gov.au/view/html/inforce/current/act-2012-001">https://www.legislation.tas.gov.au/view/html/inforce/current/act-2012-001</a>
Anti-Discrimination Act 1998 (Tasmania)	<a href="https://www.legislation.tas.gov.au/view/html/inforce/current/act-1998-046">https://www.legislation.tas.gov.au/view/html/inforce/current/act-1998-046</a>
Aged Care Quality Standards (2018)	Allshare Reference Documents
Social Media Policy	MCCA Policy Manual
Complaints Procedure	MCCA Procedures Manual

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