

HARASSMENT AND DISCRIMINATION POLICY

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Drafted by	J Rakadrudru	Board approval date	27/12/16
Responsible person	M Usumaki	Scheduled review date	31/01/2020

PURPOSE:

The purpose of this document is to increase all Harbour City Harvest church's (the church) employees' and volunteers' understanding of our policies regarding discrimination and harassment in the workplace. Our policies on these important issues are a critical part of our operations, and every employee and volunteer should understand and abide by them fully.

SCOPE:

This policy is based on the procedures and legislation applicable in Australia.

POLICY:

The church is an equal opportunity employer and is firmly committed to promoting equal opportunities in the workplace. All employee and volunteers must abide by our policies against discrimination. Employees and volunteers shall:

- Perform their duties to the best of their abilities, and in the best interests of the church
- Exercise complete candor in providing facts and information to auditors, regulators and other authorized individuals
- Protect and maintain the confidentiality of private information pertaining to clients, employees and volunteers, members and the church, and this obligation survives an employee and volunteer ceasing to work for the church
- Not take any action on behalf of The church that violates any law or regulation affecting our operations

The church's procedures for handling complaints are based on confidentiality, impartiality, procedural fairness, protection from victimization and prompt resolution. Any complaints of harassment will be dealt with promptly, seriously, and without victimization of those involved.

HARBOUR CITY HARVEST CHURCH BY-LAWS

ABN: 83 894 491 228
[NSW, AUSTRALIA]

DEFINITIONS:

- **Administrative action** - Managers frequently have to make difficult decisions, including changing work allocation or moving people about. These decisions may not please everybody, but they do not normally constitute harassment.
- **Consensual relationship** - A relationship of a sexual nature based on mutual attraction, friendship and respect does not constitute harassment, providing the interaction is consensual, welcome and reciprocated. Consensual relationships may, however, lead to conflicts of interest.
- **Performance evaluation** - Giving appropriate criticism and taking appropriate corrective action when an individual's work is unsatisfactory is a normal part of the manager's role and does not normally constitute harassment.
- **Unlawful discrimination** - The less favorable treatment of a person or group of people as compared to another person or group of people on the basis of the factors specified in the relevant legislation.
- **Unlawful harassment** - Any unwelcome conduct, verbal or physical, which has the intent or effect of creating an intimidating, hostile, or offensive educational or work environment, and which happens because of a person's sex, pregnancy, race or ethno-religious background, marital status, age, or disability.
- **Workplace bullying** - Similar to unlawful discrimination or harassment, however it usually involves repeated intimidating, offensive, degrading or humiliating behaviour towards an employee or volunteer. The perpetrators of workplace bullying often exploit their positions of power in the workplace, however bullying behaviour can be attributed to managers and fellow employees and volunteers alike.

PROCEDURES:

Section 1: Guidelines

- The church is committed to ensuring that all staff are treated fairly and equitably, and can work in an environment free of harassment and discrimination. Discrimination, harassment, workplace bullying and victimisation undermine professional relationships, are unlawful and will not be tolerated at the church.
- Our organization is built on integrity and the highest ethical standards. Our values emphasize respect for everyone. It is also every employee and volunteer's obligation to contribute to providing a comfortable working environment.
- All staff has a responsibility to contribute to the achievement of a productive, safe and equitable work environment by avoiding practices which lead to, support or condone harassment. This responsibility extends to all the church staff, including contractors representing the church.
- Disciplinary action may be taken against staff who are found to have harassed other staff. Breaches of the policy will be considered to be "misconduct" or "serious misconduct," and may, in the most serious cases, result in dismissal. Formal warnings about inappropriate behaviour may be issued for first offences, unless the behaviour is of a very serious nature.
- Managers, directors and managing directors are accountable for ensuring that staff understands their rights and responsibilities in relation to this policy.

Policies can be established or altered only by the Board: Procedures may be altered by the Secretary.

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Section 2: Unlawful Discrimination

Unlawful discrimination in the workplace can occur in the following contexts:

- Recruitment, appointment, and promotion of employee and volunteers and potential employee and volunteers
- The conditions, benefits and terms offered to employee and volunteers
- The availability and levels of training offered to employee and volunteers
- The transfer, dismissal or retrenchment of employee and volunteers

Discrimination can be either **direct** or **indirect**. Direct discrimination occurs when an employee and volunteer is treated less favorably than a person not sharing the particular attribute or personal circumstances would be treated in the same or similar circumstances.

Indirect discrimination occurs when a requirement, condition or practice of the employer applies to all employee and volunteers equally, yet disadvantages an employee and volunteer because of a particular attribute or personal circumstances. The particular requirement, condition or practice must be unreasonable in the circumstances for it to constitute unlawful discrimination.

Section 3: Unlawful Harassment

Unlawful harassment can include any of the following:

- Verbal abuse or comments that put down or stereotype people
- Derogatory or demeaning jokes intended to offend on the basis of stereotyped characteristics
- Offensive communications (such as posters, letters, emails, faxes, screen savers, websites)
- Offensive telephone or electronic mail or other computer system communications
- Insults, taunting, name calling, innuendo or bullying
- Persistent or intrusive questions or comments about an individual's personal life
- Unwelcome invitations, especially after prior refusal
- Orientation activities that involve sexual, sexist, racist or other discriminatory behaviour
- Non-verbal behaviour such as whistling, staring and leering
- Uninvited sexual or physical contact such as embracing, kissing or touching
- Promises, propositions or threats in return for sexual favours
- Engaging in behaviour which is embarrassing, humiliating or intimidating
- Derogatory comments about race, religion and customs
- Teasing or offensive language and racist behaviours
- Mocking customs or cultures

More specifically, conduct is sexual harassment towards a person if the offender:

- Makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or
- Engages in any other unwelcome conduct of a sexual nature in relation to the other person – in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated

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“Conduct of a sexual nature” includes:

- Subjecting a person to any act of physical intimacy
- Making, orally or in writing, any remark or statement with sexual connotations to a person or about a person in his or her presence
- Making any gesture, action or comment of a sexual nature in a person’s presence

The offensive behaviour does not have to take place a number of times: a single incident can constitute harassment. Harassment includes incidents outside of the workplace if persons involved include employee and volunteers or contractors of the church.

What is important is how the behaviour affects the person it is directed against. Unlawful harassment can occur even if the behaviour is not intended to offend. Staff should be aware that differing social and cultural standards may mean that behaviour that is acceptable to some may be perceived as offensive by others. As a guide, ask yourself, “Would a reasonable person, having regard to all the circumstances, be intimidated, offended or humiliated by the behaviour?”

Section 4: Conflict of Interest

Consensual personal relationships between colleagues can be problematic because of the power imbalance in the relationship, or because of the potential for conflict of interest. Harassment usually occurs when power and/or authority is used inappropriately.

Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint when the relationship gives undue advantage or creates a hostile environment for others.

In any situation where there is potential for a conflict of interest, staff have a duty to disclose that conflict immediately to management.

Section 5: Workplace Bullying

The types of behaviour that may be included in workplace bullying include:

- Physical or verbal abuse
- Yelling, screaming or offensive language
- The exclusion or isolation of other employee and volunteers
- Physical or psychological harassment
- The assignment of mundane tasks to employee and volunteers that do not relate to their job descriptions
- The assignment of impossible jobs to employee and volunteers
- The withholding of information essential to the performance of tasks
- Deliberate inconveniencing of employee and volunteers (e.g., through changing shift rosters)

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Workplace bullying may not be unlawful unless the conduct in question is prohibited by the relevant legislation. Regardless of whether the particular bullying behaviour is strictly illegal, the church is firmly committed to ensuring that its employee and volunteers are not exposed to any incidents of workplace bullying. Accordingly, any employee and volunteers engaging in bullying conduct will face disciplinary action and, if the conduct is sufficiently severe, may have their employment terminated.

Section 6: What to Do about Behaviour That Contravenes This Policy

The church has developed complaint handling procedures. Any employee and volunteer or contractor who feels that he or she has been subjected to any form of harassment, discrimination or workplace bullying should immediately report the incident to the church management or the appropriate contact officer so that prompt and effective action can be taken in accordance with the complaint handling procedures. More specifically, that report may be made to:

- Any church manager with whom the individual feels comfortable;
- Any of the individuals named as harassment and discrimination officers at your office of the church.

All complaints of harassment or discrimination will be promptly and thoroughly investigated and, if warranted, appropriate corrective action will be taken after the investigation. All those mentioned above will be familiar with the process of handling such complaints. Employee and volunteers or contractors can be assured that they will not be penalised in any way for reporting harassment. Retaliation, in any form, against an employee and volunteer or contractor for having filed a good faith complaint is strictly forbidden.

Section 7: Relevant Legislation

Provisions relating to unlawful harassment and unlawful discrimination are outlined in Federal and State anti-discrimination laws, including:

- Federal
 - Racial Discrimination Act 1975
 - Sex Discrimination Act 1984
 - Human Rights and Equal Opportunity Commission Act 1986
 - Disability Discrimination Act 1992
 - Equal Employment Opportunity for Women in the Workplace Act 1999
 - Workplace Relations Act 1996
 - Age Discrimination Act 2004
- Victoria
 - Equal Opportunity Act Vic 1995
 - Racial and Religious Tolerance Act 2001
 - Occupational Health and Safety Act 2004
- New South Wales
 - Anti-Discrimination Act 1977
 - Occupational Health and Safety Act 2000

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These laws prohibit discrimination and harassment in employment, education and service delivery on the grounds of:

- Race, color, descent, national or ethnic origin, ethno-religious background
- Sex
- Marital status
- Pregnancy or potential pregnancy
- Disability (including physical, intellectual, psychiatric, sensory, neurological or learning disabilities, and illnesses such as HIV/AIDS)
- Age
- Political belief or activity
- Status as a parent or caregiver
- Industrial activity
- Personal association (whether as a relative or otherwise) with a person or people identified by reference to any of the above attributes or circumstances

The legislation also prohibits:

- Racial, religious, and HIV/AIDS vilification
- Dismissal because of family responsibilities
- Victimization resulting from a complaint

The Occupational Health and Safety Acts provide that employers must maintain workplaces for their employee and volunteers that are without risk to health and safety.

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