



I'm Still Learning Incorporated

Ph: 0451 717 401

Email: info@imstilllearning.org

Web: www.imstilllearning.org

ACCEPTABLE BEHAVIOUR POLICY AND PROCEDURE

DATE: 24th June 2020

AUTHOR: Mandy Gosetti

POSITION: Manager

1. PURPOSE

I'm Still Learning is committed to providing a safe, flexible and respectful environment for staff, volunteers and participants which is free from all forms of discrimination, bullying and sexual harassment.

I'm Still Learning requires everyone to abide by our Code of Conduct and observe our Values.

All I'm Still Learning staff, volunteers and participants are required to treat others with dignity, courtesy and respect.

By effectively implementing our *Acceptable Behaviour policy* we will attract and retain talented staff and volunteers and create a positive environment for all.

2. POLICY

2.1 Staff and Volunteer Rights and Responsibilities

All staff and volunteers are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics; and
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised

All staff and volunteers must:

- follow the standards of behaviour outlined in this policy;
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint;
- avoid gossip and respect the confidentiality of complaint resolution procedures; and
- treat everyone with dignity, courtesy and respect.

2.2 Additional responsibilities of Board Members and Manager includes:

- Model appropriate standards of behaviour;
- take steps to educate and make staff and volunteers aware of their obligations under this policy and the law;



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- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- help staff and volunteers to resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure staff and volunteers who raise an issue or make a complaint are not victimised
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made

2.3 Rights and responsibilities of Participants

Participants should refer to I'm Still Learning's Code of Conduct.

2.4 Unacceptable workplace conduct

Discrimination, bullying and sexual harassment are unacceptable at I'm Still Learning and are unlawful under the following legislations:

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth).

Staff and volunteers (including Board members and managers) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

2.5 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

- 2.5.1 **Directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example, a worker or volunteer is harassed and humiliated because of their race
or

A worker or volunteer is refused a position because they are 'too old'



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2.5.2 **Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

For example assuming that a participant is unable to complete a task because they are elderly.

2.6 Protected personal characteristics under Federal discrimination law include:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

2.7 Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.



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Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is unacceptable at I'm Still Learning and may also be against occupational health and safety law.

2.8 Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites



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- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, does not mean that they are **consenting** to the behaviour.

Sexual harassment is covered when it happens at courses, at I'm Still Learning related events, between people sharing the same area, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

I'm Still Learning recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

2.9 Victimization

Victimization is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimization is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimization is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

I'm Still Learning has a zero tolerance approach to victimisation.

2.10 Gossip

It is unacceptable for staff and volunteers at I'm Still Learning to talk with other staff members, volunteers, participants or clients about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.



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2.11 Merit at I'm Still Learning

All recruitment and job / volunteer selection decisions at I'm Still Learning will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

3. PROCEDURE

I'm Still Learning strongly encourages any staff member or volunteer who believe they have been discriminated, bullied, sexually harassed or victimised to take appropriate action by:

- a. Initially attempting to address the issue. If you feel you are experiencing or witnessing some form of unreasonable behaviour, and are not comfortable dealing with the issue yourself, or your attempts to do so have not been successful, you should raise the issue promptly with the I'm Still Learning Manager. If the issue is about the Manager either raise with the Manager or with the Chairperson if you prefer.
- b. If you witness unreasonable behaviour you should bring the matter to the attention of the I'm Still Learning Manager as a matter of urgency.
- c. Once reported or observed I'm Still Learning will take the following steps:
 - i. The Manager or Chairperson will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
 - ii. If issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate.
 - iii. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.
 - iv. All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
 - v. There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith may result in disciplinary action.
- d. Appropriate disciplinary action may be taken against a person who is found to have breached this policy. The action taken will depend on the nature and circumstance of each breach and could include:
 - i. a verbal or written apology
 - ii. one or more parties agreeing to participate in counselling or training
 - iii. a verbal or written reprimand, or
 - iv. transfer or dismissal of the person engaging in the unwarranted behaviour.



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- e. If an investigation finds discrimination, bullying or harassment has not occurred or cannot be substantiated, I'm Still Learning may still take appropriate action to address any issues arising from the complaint process.

4. OTHER RELEVANT DOCUMENTS

All staff, volunteers, managers and Board members, are encouraged to read this policy in conjunction with other relevant I'm Still Learning documents, including:

- Occupational health and safety policy
- Mission, vision and values statements
- Code of Conduct

5. MORE INFORMATION

If you have a query about this document or need more information please contact either:

Mandy Gosetti

Manager

0451 717 401

info@imstilllearning.org

Robyn Bell

Chairperson

0411 476 875

info@imstilllearning.org

6. REVIEW DETAILS

This document was adopted by I'm Still Learning on 8th July 2020

This document was last updated on 8th July 2020