

# 2021

## LEICHHARDT HOUSE STUDENT HOSTEL WORKPLACE DISCRIMINATION & HARASSMENT POLICY

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THIS DOCUMENT WILL BE REVIEWED AT THE END OF EACH SCHOOL YEAR (ALL STAKEHOLDERS WILL BE ADVISED OF ANY AMENDMENTS VIA EMAIL); ANY CHANGES IN PERTINENT COMMONWEALTH OR STATE LEGISLATION OR ANY INCIDENTS/POLICY BREACHES THAT OCCUR BEFORE THE NEXT FORMAL REVIEW WILL INITIATE IMMEDIATE REVIEW AND AMENDMENT (ALL STAKEHOLDERS WILL BE ADVISED VIA EMAIL).

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# Leichhardt House Student Hostel: Workplace Discrimination & Harassment Policy

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## POLICY STATEMENT

This policy applies in this instance to Leichhardt House Student Hostel (the hostel). In accordance with, and beyond the requirements of, these regulations the hostel makes all of its policies available to parents/carers/boarders and prospective parents/carers/boarders on the public area of the hostel's website: [www.hostel.net.au](http://www.hostel.net.au)

The hostel will undertake to ensure compliance with the relevant legislation and guidelines with regard to this policy for its boarders and staff and to extend this undertaking to visitors to the hostel as far as is practicably possible.

## 1. SCOPE

This policy applies to:

- All Chinchilla Student Accommodation Association Inc. [CSAA], committee members: the body that governs Leichhardt House Student Hostel (the Hostel);
- all Hostel staff, including: Hostel managers and full-time, part-time, casual, or temporary staff and job candidates; student placements; contractors; sub-contractors and volunteers;
- how the Hostel provides services to clients and how it interacts with other members of the public
- all aspects of employment, recruitment, and selection; conditions and benefits; training; task allocation; shifts; hours; leave arrangements; workload; equipment and transport;
- on-site, off-site, or after-hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their Hostel duties;
- Hostel staff treatment of other Hostel staff, of clients, and of other members of the public encountered in the course of their Hostel duties.

## 2. AIMS

- The Hostel is committed to providing a safe, flexible, and respectful environment for staff and clients free from all forms of discrimination, bullying and sexual harassment.
- All Hostel staff are required to treat others with dignity, courtesy, and respect.
- By effectively implementing our **Leichhardt House: Workplace Discrimination & Harassment Policy** we will attract and retain talented staff and create a positive environment for staff.

## 3. HOSTEL STAFF RIGHTS AND RESPONSIBILITIES

All Hostel staff are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and sexual harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs, or culture.

All Hostel staff 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
- treat everyone with dignity, courtesy, and respect.

### 3.1 ADDITIONAL RESPONSIBILITIES OF HOSTEL MANAGERS

Hostel Managers must also:

- model appropriate standards of behaviour
- take steps to educate and make staff aware of their obligations under this policy and the law
- 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 resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure staff 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
- seriously consider requests for flexible work arrangements.

## 4. DEFINITIONS

### 4.1 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 directly or indirectly:

**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 is harassed and humiliated because of their race or a worker is refused promotion because they are 'too old'*

**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, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.*

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.

## 4.2 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.

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 in the Hostel and may also be against occupational health and safety law.

## 4.3 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
  - 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.
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- Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.
  - Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, 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 does not 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.
  - The Hostel 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.

#### 4.4 VICTIMISATION

Victimisation 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. Victimisation 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.

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

#### 4.5 GOSSIP

It is unacceptable for staff at the Hostel to talk with other staff members, clients, or suppliers 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.

## 5. MERIT AT THE HOSTEL

All recruitment and job selection decisions at the Hostel 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.

## 6. RESOLVING ISSUES AT THE HOSTEL

Any Hostel staff member, volunteer or CSAA Committee Member is strongly encouraged to take immediate action if they feel that they have been discriminated against, bullied, sexually harassed, or victimised according to the definitions outlined in this policy.

In the first instance, the complainant must make the issue known to the Hostel Managers (if a CSAA Management committee member is implicated) or to the CSAA Management committee (if a Hostel staff member is implicated). From here the issue will be assessed by the relevant party and appropriate action taken. In complex, or more serious, cases the advice and support of the Fair Work Ombudsman or Queensland Human Rights Commission may be required.

If any Hostel staff member, volunteer or CSAA Committee Member feels that they have been discriminated against, bullied, sexually harassed, or victimised according to the definitions outlined in this policy, and who does not feel safe or confident in taking such action themselves may seek assistance from the following departments:

- Fair Work Ombudsman (the FWO is committed to ensuring that employees and prospective employees are protected from unlawful workplace discrimination and any other adverse actions by an employer): [online enquiry](#) or call 13 13 94.
- Queensland Human Rights Commission (QHRC handle complaints on discrimination, vilification, victimisation, and sexual harassment, under the *Anti-Discrimination Act 1991* (Qld): call 1300 130 670

Any matter relating to a Hostel staff member, volunteer or CSAA Committee Member feeling that they have been dismissed because of one of attributes listed above (e.g., race, sex, age etc.) should, in the first instance be referred to:

- Fair Work Commission (FWC handle complaints on unfair dismissal claims and anti-bullying claim under the *Fair Work Act 2009* (Fair Work Act) and is responsible for administering the provisions of the Fair Work Act.



## 7. OTHER RELEVANT LEGISLATION & HOSTEL POLICIES

- Sex Discrimination Act 1984 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Age Discrimination Act 2004 (Commonwealth)
- Australian Human Rights Commission Act 1986 (Commonwealth)
- Leichhardt House: 'Boarding Handbook' 2021
- Leichhardt House: 'Code of Conduct' 2021
- Leichhardt House: 'Child & Youth' 2021

## 8. COMMUNICATING THIS POLICY

Chinchilla Student Accommodation Association Inc. (CSAA) T/A Leichhardt House Student Hostel (the hostel) makes available our full set of policies and procedures online so that parents/carers/boarders and hostel staff have continuous access to the most recent versions of all the individual documents. This system will deal with any outdated issues with hostel policies that are amended during the school year.

Hard copies of any policy/procedure is available upon request.

## 9. COMPLAINTS

If anyone has a complaint in relation to the content of this document or any other matter related to the content of this document, they should, in the first instance, follow the Hostel's Complaint Management Process; the first step being to submit a complaint form via the Hostel website.<sup>1</sup>

## 10. REVIEW

This policy will be reviewed at the end of each school year; stakeholders will be notified of any amendments via email. Any changes in pertinent Commonwealth/Qld State Legislation or Education Qld/other regulatory body directive, or policy breaches that occur before the next scheduled review, will initiate immediate review and amendment; stakeholders will be notified via email.

This policy was adopted by the Hostel on: January 2010

This policy was last updated on: January 23<sup>rd</sup>, 2021.

Next review: End of 2021 or if/when breach of policy occurs.

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<sup>1</sup> [www.hostel.net.au](http://www.hostel.net.au)