

Bullying, Harassment and Discrimination Policy

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| Related Policies and Documents: | <ul style="list-style-type: none"> • 1.03 Acceptable Use of Technology (Student) Policy • 1.10 Child Protection Policy • 1.26 Relationship Management Policy • 1.30 Students with a Disability Discrimination Policy • 2.05 Code of Conduct Policy • 3.19 Enrolment Policy • 4.16 Managing Risk of Psychosocial Hazards Policy • 5.30 Whistleblower Protection Policy • Student Code of Conduct | | |
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GUIDING SCRIPTURE

Do not let any unwholesome talk come out of your mouths, but only what is helpful for building others up according to their needs, that it may benefit those who listen (Ephesians 4:29).

PURPOSE

This policy seeks to facilitate an inclusive, respectful, safe, flexible and supportive working and learning environment at St John's Lutheran School free from all forms of discrimination, bullying, sexual harassment and sex or gender-based harassment. It outlines expectations in respect of behaviour towards all members of our community that may constitute bullying, harassment and discrimination. All employees are required to treat others with dignity, courtesy and respect.

Harassment, discrimination and bullying are prohibited behaviours under a range of legislation. Under the *Fair Work Act 2009 (Cth)*, St John's may be held vicariously liable for sexual harassment conducted by an employee or agent in connection with work, unless it can establish that it took all reasonable steps to prevent the employee or agent from engaging in sexual harassment.

Under the *Work Health and Safety Regulation 2011 (Qld)* St John's Lutheran School must proactively manage the risk of sexual harassment and sex or gender-based harassment at work. St John's also has a positive duty under the *Sex Discrimination Act 1984 (Cth)* to eliminate, as far as possible, certain unlawful behaviours from occurring in relation to sexual harassment and discrimination on the grounds of sex

SCOPE

The scope of this policy extends to students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers, School Council members and people undertaking work experience or vocational placements, parents/carers and people visiting St John's.

This policy also applies to:

- All aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, and workload.
- On-site, off-site or after hours, work-related social functions, conferences – wherever and whenever employees may be as a result of their duties.

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- Employee treatment of other employees, of students, of parents and of other members of the public encountered in the course of their work duties.

Any behaviour that results in harm or is likely to result in harm to a student must be reported to the Principal and responded to in line with the St John's Lutheran School *Child Protection Policy*.

PRINCIPLES

The basic beliefs underlying this Policy are:

1. Every individual has value in a community, with individual differences and diversity respected and accepted.
2. Every individual has the right to feel safe from bullying, harassment or discrimination in all its forms.
3. Every conflict can be resolved. Persons aggrieved and those against whom bullying, harassment or discrimination is alleged both need help to solve conflict.
4. Every individual in a community is responsible for the safety of other individuals in that community.
5. Every individual in a community is responsible for ensuring that other individuals in that community can reach their potential in a supportive and non-threatening environment.

POLICY STATEMENT

St John's Lutheran School promotes positive relationships and the wellbeing of all students, staff and visitors at the school, promoting an equal opportunity environment. The school firmly believes that all students, staff, parents and members of the school community have the right to be respected, to feel valued, safe and supported, and be treated with courtesy and dignity at school.

St John's Lutheran School is strongly committed to a working and learning environment that is free from all forms of discrimination, bullying, sexual harassment and sex or gender-based harassment. Such behaviours are totally unacceptable and will not be tolerated under any circumstances by the school.

St John's Lutheran School is committed to our positive duty under legislation to take reasonable and proportionate measures to eliminate as far as is practicable:

- Sexual harassment
- Harassment on the grounds of sex or gender
- Discrimination
- Bullying
- Conduct that subjects a person to a hostile work environment, and
- Victimisation in relation to the above.

The school will uphold our legislative responsibility to specifically manage the risk of sexual harassment and sex or gender-based harassment at work and will be proactive about preventing this form of harassment.

Processes have been established to prevent these behaviours from occurring, to educate and inform staff, students and other school community members about these unacceptable behaviours and procedures to follow in the event that a person is being bullied, harassed or discriminated against.

PROCEDURES

1. Unacceptable Behaviour

Any form of bullying, harassment and discrimination are totally unacceptable forms of behaviour at St John's Lutheran School and will not be tolerated under any circumstances. They are unlawful behaviours under legislation and legal action can be taken against individual employees and the school for such conduct.

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The school promotes appropriate standards of conduct at all times, and behaviour of this nature breaches the school's *Code of Conduct Policy* and the *Student Code of Conduct*. Staff 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.

1.1 Bullying

Definition taken from Fair Work ['Bullying in the Workplace'](#)

Bullying happens at work when a person or group of people repeatedly behave unreasonably towards another worker or group of workers, and the behaviour creates a risk to health and safety.

Examples of bullying in the workplace include behaving aggressively towards others; teasing or playing practical jokes; threats, abuse or shouting; inappropriate blaming; constant unconstructive criticism; unreasonable work demands.

Definition taken from [Understanding bullying \(bullyingnoway.gov.au\)](#)

Bullying is the ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/ or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records).

Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying.

There are three types of bullying behaviour:

- *Verbal bullying* which includes name calling, teasing, threats or insulting someone about physical characteristics such as their weight or height, or other attributes including race, sexuality, culture, or religion, belittling remarks, unreasonable persistent criticism, offensive language
- *Physical bullying* which includes hitting or otherwise hurting someone, shoving or intimidating another person, or damaging or stealing their belongings, tripping or kicking
- *Social bullying* which includes consistently excluding another person, isolation, or sharing information or images that will have a harmful effect on the other person.

Behaviours that do not constitute bullying include:

- mutual arguments and disagreements (where there is no power imbalance)
- not liking someone or a single act of social rejection
- one-off acts of meanness, nastiness or spite
- isolated incidents of aggression, intimidation or violence
- reasonable management action taken in a reasonable way by a person's employer in connection with the person's employment.

Such occurrences may still be serious and require intervention or management however they do not (as single incidents) meet the threshold of a behaviour that can be described as bullying.

Cyberbullying

Cyberbullying is bullying conducted with the use of technology, like mobile phones or the internet and through mediums such as text messages, instant messaging, other messaging Apps, social media, personal polling websites, etc. The Principal and all staff have the same responsibility to respond to allegations of cyberbullying as they would any other incident of bullying reported.

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St John's have implemented the *Acceptable Use of Technology (Student) Policy* which outlines the appropriate use of mobile phones and other electronic devices.

1.2 Sexual Harassment and Sex or Gender-Based Harassment

Definition taken from the [Work Health and Safety Regulation 2011 \(Qld\)](#).

Also refer to [Sexual harassment in the workplace - Fair Work Ombudsman](#)

Sexual harassment and sex or gender-based harassment are psychosocial hazards known to cause physical and psychological harm.

Sexual harassment means any unwelcome sexual behaviour that a reasonable person could anticipate may make another person feel offended, intimidated or humiliated in that situation. It includes uninvited physical intimacy such as touching in a sexual way, uninvited sexual propositions and remarks with sexual connotations.

Sex or gender-based harassment means the harassment of a person on the basis of the person's sex or gender, by unwelcome conduct of a demeaning nature, with the intention of offending, humiliating the person or in circumstances where a reasonable person would have anticipated the person would be offended, humiliated or intimidated by the conduct.

These forms of harassment may be committed by co-workers, supervisors, managers, parents, students, visitors or others who interact with a worker or group of workers (e.g. people who work for other businesses and share the same workplace such as sub-contractors on a worksite, or a delivery person and retail worker or other members of the public).

Sexual harassment or sex or gender-based harassment can also include behaviour that, while not directed at a particular person, can affect someone who is exposed to it or witnesses it (e.g. overhearing sexual comments or being exposed to sexually explicit posters in a workplace).

Sexual harassment or sex or gender-based harassment is not always obvious, repeated or continuous, and may be a one-off incident.

In regard to education, sexual harassment is prohibited in the classroom, excursion, playground or other similar educational setting.

Sexual harassment in connection to employment can be considered serious misconduct which may be subject to disciplinary action and may lead to the termination of employment. Refer to serious misconduct on [Managing performance and warnings](#).

Under the [Sex Discrimination Act 1984 \(Cwth\) \[s47c\]](#), St John's have a positive duty to eliminate, so far as possible, the following unlawful behaviour from occurring:

- discrimination on the ground of sex in a work context
- sexual harassment in connection with work
- sex-based harassment in connection with work
- conduct creating a workplace environment that is hostile on the ground of sex
- related acts of victimisation.

Under the [Sex Discrimination Act 1984 \(Cwth\) \[s28F\]](#), it is unlawful for:

- a member of staff to sexually harass or harass on the ground of sex a student or person seeking to become a student
- a student over the age of 16 to sexually harass or harass on the ground of sex a person who is a student at the school or a member of staff.

Sexual harassment can take many different forms – it can be obvious, or indirect, physical, written or verbal actions committed without consent or by force, intimidation, coercion or manipulation. It includes behaviour that creates a sexually hostile or intimidating environment.

Examples of sexual harassment include:

- asking intrusive questions about a person's body
- staring, leering or unwelcome touching (e.g. deliberately brushing up against a person or touching them in a sexual way)
- sexual or suggestive comments, jokes or innuendo
- sharing sexually inappropriate images or videos
- uninvited sexual propositions
- offensive comments about a person because of their sex, sexuality or gender
- deliberately misgendering someone (e.g. using incorrect pronouns).

Further examples of behaviour that may be sexual harassment and sex or gender-based harassment can be found on the fact sheet: [Sexual harassment and sex or gender-based harassment fact sheet - WHSQ](#).

Behaviours that do not constitute sexual harassment include:

- behaviour that is based on mutual attraction, friendship or respect
- if the interaction is consensual, welcomed and reciprocated.

Online Harassment

Laws that prohibit workplace sexual harassment and sex or gender-based harassment also apply to online communications which occur in the virtual workspace. Workplace sexual harassment and sex or gender-based harassment perpetrated using work devices and/or personal devices such as phones, computers, tablets is against the law. Also, the sexual harassment and sex or gender-based harassment of workers through social media, even if using private equipment or during non-work hours, can still be against the law.

1.3 Discrimination

Refer to [Workplace discrimination fact sheet \(fairwork.gov.au\)](#)

Unlawful discrimination happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. Discrimination laws protect people from discrimination on the basis of their sex, race (including colour, national or ethnic origin or immigrant status), impairment, age, pregnancy, parental status, relationship status, family responsibilities or breastfeeding, lawful sexual activity, sexuality, gender identity or intersex status, religious belief or religious activity, political belief or activity, trade union activity or some other characteristic specified under anti-discrimination or human rights legislation. Some limited exemptions and exceptions apply.

Discrimination may be direct or indirect.

Direct discrimination on the basis of an attribute (as detailed above) happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

Indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose a term:

- with which a person with an attribute does not or is not able to comply; and
- with which a higher proportion of people without the attribute comply or are able to comply; and
- that is not reasonable.

Unlawful workplace discrimination under the general protections in the *Fair Work Act* (FW Act) occurs when an employer takes *adverse action* against an employee or prospective employee because of one or more of attributes: race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin, breastfeeding, gender identity or intersex status, or experiencing family and domestic violence.

Adverse action is unlawful if it is taken for a discriminatory reason. The FW Act describes a number of adverse actions. Adverse action taken by an employer includes doing, threatening, or organising any of the following:

- dismissing an employee
- injuring an employee in their employment
- altering an employee's position to their detriment
- discriminating between one employee and other employees
- refusing to employ a prospective employee
- discriminating against a prospective employee on the terms and conditions in the offer of employment.

1.4 Victimisation

Victimisation is unlawful under various legislative instruments including the *Sex Discrimination Act 1984 (Cth)* and the *Anti-Discrimination Act 1991 (Qld)*. Victimisation is subjecting or threatening to subject someone to a detriment (loss, damage, or injury) because they have declared 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 unlawful to victimise a person if they have taken (or propose to take) action in relation to discrimination or harassment.

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

1.5 Vilification

Under the *Anti-Discrimination Act 1991*, vilification on the basis of race, religion, sexuality, gender identity or sex characteristics is prohibited. If vilification happens in a work environment, an employer may be legally responsible for vilification by their employees, unless the employer has taken reasonable steps to prevent it from happening.

Unlawful vilification is a public act (any form of communication or conduct the public can observe) that incites hatred towards, severe ridicule of, or serious contempt for a person or group because of their race, religion, sexuality, gender identity, or sex characteristics. If unlawful vilification includes a threat of harm to a person or their property, or inciting others to threaten physical harm to a person or their property, it is a *criminal offence*. This is called *serious vilification* and is a police matter.

St John's will take reasonable steps to ensure they protect their staff from vilification and make sure their workplace is free of this type of behaviour. All staff are to be aware of this behaviour and to report any behaviour that can be seen to be vilification.

1.6 Gossip

Gossip means a conversation or reports about other people, typically involving details that might be unkind, disapproving or not confirmed as being true.

St John's Lutheran School has a zero-tolerance policy towards gossip, promoting open communication and fostering a positive work environment.

St John's promotes the values of respect, professionalism and integrity, with gossip and negative behaviours having no place in the workplace. Gossip has the potential to harm individuals and the organisation and is disruptive to workplace harmony.

Workplace gossip can amount to unreasonable behaviour, resulting in workplace bullying. Workplace bullying behaviour includes spreading misinformation or malicious rumours, which amounts to gossip.

If an employee engages in instances of gossip, they may be subject to disciplinary action. Where gossip is seen as bullying behaviour (that is, repeated and unreasonable behaviour), it will be dealt with as such. Severe or repeated breaches can lead to formal discipline up to and including termination of employment.

It is unacceptable for staff at St John's to talk with other staff members, students or families about any complaint of discrimination, harassment or bullying, unless in the context of dealing with the claim. Breaching

ST JOHN'S LUTHERAN SCHOOL, KINGAROO

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

1.7 Vicarious Liability

Employers can be held legally responsible for acts of discrimination, sexual harassment, victimisation or vilification that occur in the workplace or in connection with a person's employment. This is known as vicarious liability. Vicarious liability for St John's is set in various legislative instruments, including, but not limited to, the *Fair Work Act 2009* (Cth) and the *Anti-Discrimination Act 1991* (Qld).

In order to minimise their liability, employers need to demonstrate that they have taken all reasonable steps to prevent discrimination or harassment from occurring in their workplaces and that they have responded appropriately to resolve incidents of discrimination and harassment.

St John's provides all staff with information about discrimination and sexual harassment at induction and conducts regular awareness training.

Supervisors and the leadership team must ensure that all staff are treated fairly and are not subject to any of the behaviours mentioned in this policy. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way.

2. Strategies Implemented to Prevent Unacceptable Behaviour

St John's Lutheran School has implemented a 'whole of community' strategy approach to prevent this type of unacceptable behaviour. St John's Lutheran School:

- ensures all members of the school community know their rights and responsibilities in the area of bullying, harassment and discrimination
- promotes student awareness and a 'no-bullying' environment by participating in events to support educating students and staff in our community
- creates a safe physical and online working environment
- provides information, instruction, training and support about the importance of preventing and addressing this type of unwelcome or offensive behaviour
- teaches age appropriate skills and strategies to empower staff, students and parents/guardians to recognise bullying and respond appropriately, and in relation to discrimination and harassment. This is conducted upon entry to the school and on an ongoing basis over the course of the academic year
- promotes a supportive environment that encourages the development of positive and respectful relationships and communication between staff, students and parents/guardians
- addresses unwanted or offensive behaviour early
- encourages reporting of bullying, sexual harassment or discrimination, with the process made as easy as possible through multiple reporting channels. To facilitate this, an effective complaint procedure is in place, based on the principles of natural justice. The school treats all complaints in a serious, sensitive, fair, timely and confidential manner.

2.1 Managing the Risks of Sexual Harassment or Sex or Gender-Based Harassment

Sexual harassment or sex or gender-based harassment can cause a stress response which when frequent, prolonged, or severe may cause physical or psychological injury to a worker.

St John's must ensure, so far as is reasonably practicable, workers and other persons are not exposed to risks to their psychological or physical health and safety. This includes risks to the health and safety of a worker or other person from sexual harassment and sex or gender-based harassment.

ST JOHN'S LUTHERAN SCHOOL, KINGAROOY

To manage the risk of sexual harassment and sex or gender-based harassment, St John's will:

- identify reasonably foreseeable hazards:
 - identify when and where sexual harassment or sex or gender-based harassment could occur (e.g. at the usual workplace; via email; through use of shared amenities)
 - how it could occur (e.g. from contact with parents or students, or from other workers)
 - the potential nature of the harassment (e.g. verbal or physical, overt, subtle), and
 - who is likely to be affected.
- eliminate the risk so far as is reasonably practicable and if it is not reasonably practicable to eliminate the risk, minimise the risk so far as is reasonably practicable in accordance with the *hierarchy of controls*.
- maintain control measures to ensure they remain effective and review control measures when required.

St John's will consult with workers and health and safety representatives (if applicable).

St John's will manage the risk of sexual harassment or sex or gender-based harassment following the 4.16 *Managing Risk of Psychosocial Hazards Policy*.

St John's will implement a *Sexual Harassment Prevention Plan* to protect workers.

3. Reporting Issues of Unacceptable Behaviour

Sexual harassment, bullying, discrimination or vilification should not be ignored in the hope it will go away. Silence may give the impression that the unacceptable behaviour is tolerated or acceptable, which may lead to an exacerbation of the behaviour. The school encourages the reporting of such behaviour.

A student, staff member, contractor or community member who is concerned that their treatment by others is bullying, harassing, discriminating or victimising may choose to resolve issues by self-managing the situation. This usually involves telling the other person the unreasonable behaviour is not welcome, not acceptable and asking for it to stop. Taking a person with for support may be helpful.

If an individual does not feel safe or confident with approaching the other person or resolution is not forthcoming, the person is encouraged to raise the issue with:

If a student:

- approach a teacher with whom they feel most comfortable or trust, which may be, for example, a class teacher, the Deputy Principal, Principal, Relationship Facilitator or Wellbeing staff member;
- for secondary students, the Secondary Coordinator.

If a staff member:

- approach their supervisor, Business Manager, Relationship Facilitator, Deputy Principal or Principal.

If a parent or other community member:

- approach their child's teacher, the Primary Coordinator or Secondary Coordinator, the Deputy Principal or Principal or any other member of staff.

Similarly, those who witness unacceptable behaviour to a student, staff member or community member are to raise the issue as per the above process.

In certain circumstances, it may be necessary to lodge the concern/ complaint in writing in accordance with the St John's formal complaints resolution procedures (*Complaints Handling Policy*). Depending on the nature of the complaint, they may be dealt with under certain other St John's Lutheran School policies, which will be explained to the complainant.

Any person who discloses or reports any reportable conduct will not be personally disadvantaged by having made the disclosure or complaint. Victims and/or witnesses who report behaviour that is in breach of our *Code of Conduct Policy* will be provided with protection from any subsequent victimisation, in accordance with our *Whistleblower Protection Policy*.

4. Responding to Unacceptable Behaviour

Unacceptable behaviour must be responded to as soon as possible after suspecting or becoming aware that there is a problem. The nature and extent of the investigation will be at the school's sole and absolute discretion.

In all circumstances the school will:

- take complaints seriously when they arise and act promptly and ensure the safety of all involved
- provide assurance to the victim that their confidentiality will be respected
- properly investigate the facts including discussing the incident with the victim, the perpetrator and any bystanders, based on the principles of natural justice
- take time to understand any concerns of individuals involved
- advise all persons involved what support and/or representation is available
- maintain thorough records of all reported incidents and investigations.

As far as is reasonably possible, the investigation and its outcome will be kept confidential although, where appropriate, both the students involved, and their parents will be informed.

In some circumstances, the school or individual staff may have a legal obligation to report certain behaviour to external authorities, such as the Queensland Police Service or the Queensland Department responsible for child safety.

5. Support Options

5.1. Internal

The school will provide support to all students, staff and parents which may include, where appropriate:

- Being informed of the outcome of the school's investigation
- Being consulted in respect of the support to be offered by the school including counselling; and
- Receiving an explanation, apology and/or restitution.

5.2. External Support Services

Staff

The school will provide support to all staff where appropriate or advise of support options available for them to access, which include:

- St John's provides confidential assistance to staff in the form of wellbeing support and professional counselling and encourages staff to seek help. Staff can phone [ACCESS EAP 1800818728](tel:1800818728)
- A union for advice
- Legal representation
- [Fair Work Commission](#) assists with employment issues that involve bullying, unlawful discrimination or sexual harassment 1300 799 675 [Legal advice from the Workplace Advice Service | Fair Work Commission](#)
- [Reference guide to external pathways in QLD to address workplace sexual harassment.](#)

All Complainants

- [Australian Human Rights Commission](#) accepts complaints about sexual harassment, and other forms of harassment or discrimination covered by federal discrimination laws including sex, disability, race and age discrimination 1300 656 419 [Complaints | Australian Human Rights Commission](#)

ST JOHN'S LUTHERAN SCHOOL, KINGAROY

- Queensland Human Rights Commission can give you information on your options and explain the process to resolve your complaint 1300 130 670 [QHRC : Complaints](#) –
- Queensland Police Service if the behaviour is criminal conduct, such as sexual assault. 131 444 Policelink
- Sexual assault support: If you have experienced sexual assault or harassment and feel you would like to speak to someone for support or information, 1800RESPECT (Phone: 1800 737 732).

Students

St John's Lutheran School will assist students and their families who have experienced or are experiencing bullying or cyberbullying and are suffering negative effects. Staff can seek assistance through support services such as:

- [Kids Helpline](#) 1800 55 1800
- [Headspace](#)
- [Office of the eSafety Commissioner](#).

6. Responsibilities and Rights

6.1. Principal

- Ensure all staff are familiar with this policy and provide appropriate professional development and training on a regular basis, including at the time of induction of new staff members
- Assist in the creation of a positive school climate of respectful relationships where bullying, discrimination or harassing behaviours are not tolerated and cannot flourish
- Ensures the development, implementation and evaluation of education and prevention strategies to promote student and staff safety and wellbeing
- Ensure that all accessible areas of the school are appropriately patrolled during supervision duty
- Ensure that any reports of unreasonable behaviour under this policy are treated seriously, with appropriate and timely action taken to address allegations
- Ensure that support will be given for the wellbeing of any person who has been affected by, engaged in or witnessed an instance of unreasonable behaviour under this policy
- Ensure that no employee will be disadvantaged in their employment or opportunities as a result of lodging a complaint.

6.2. Staff

All 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 staff must:

- Model appropriate behaviour at all times in interactions with students, parents, other staff members and members of the school community. Treat others with dignity and respect and promote a positive, inclusive and supportive work and learning environment

ST JOHN'S LUTHERAN SCHOOL, KINGAROO

- Ensure any allegations relating to inappropriate behaviour are made in good faith and are not vexatious or malicious or designed to impede legitimate management action
- Be vigilant in monitoring for signs of bullying behaviour
- Respond in a timely manner to all incidents of bullying, sexual harassment and discrimination in accordance with this policy
- Watch for early signs of distress in students, other staff or community members. This could be evident in any aspect of school life
- Immediate action must address the physical and emotional safety of the student, for example providing a safe place for the student, redirecting students engaging in bullying behaviours or interrupting and addressing verbal issues in situ
- Respond immediately to allegations and incidents of bullying, sexual harassment or discrimination
- Offer immediate support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- Take reasonable steps to prevent bullying and respond to complaints to help bring the bullying to an end
- Educate all students with regard to their responsibilities as bystanders to a bullying or harassment incident
- Ensure records are maintained accurately in relation to any allegations of bullying or harassment.

6.3. Students

- Refuse to be involved in any behaviour that is bullying, harassing or discriminating, including as a bystander
- Report any bullying behaviour or harassment to a trusted teacher, coordinator or other staff member
- Actively support other students they know are being bullied or harassed
- Students who engage in bullying behaviour may face disciplinary action whether behaviour
 - occurs at school
 - occurs outside of school hours or settings (including school camps and excursions)
 - is directed towards other community members or students from other school sites.

6.4. Parents and Other School Community Members

- Be familiar with the terms of this policy
- Watch for early signs of distress in students, parents, staff or other school community members
- Keep the school informed of concerns around behaviour, their child's health and wellbeing issues or other matters of relevance
- Ensure they do not model bullying or harassing behaviour in interactions they have with the school staff, other students or school community members
- Watch for signs of distress in their child, such as unwillingness to attend school, a pattern of headaches or stomach aches, equipment that has gone missing, request for extra pocket money, damaged clothing or bruising. Early contact is essential at this point
- Take an active interest in their child's social life
- Encourage their child to tell a trusted staff member if bullying has, or is suspected to have, occurred
- Report to the Deputy Principal or any other staff member if they know or think their child is being bullied
- Keep a written record of any bullying behaviour (who, what, where and when)
- Tell their child that there is nothing wrong with them
- NOT encourage their child to hit back or respond verbally
- Cooperate with the school if their child is involved in bullying behaviour (either as a student who has been bullied, or who has engaged in bullying behaviour) to resolve incidents.

7. Equal Employment Opportunity

7.1. Principles

St John's Lutheran School is committed to the principles of equal employment opportunity. At all stages of the employment relationship (recruitment and selection, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement, retrenchment and termination) staff will be treated on their merits and valued according to how well they perform their duties.

The school is committed to the promotion of equity and recognition of diversity in employment. It aims to provide a work environment that fosters fairness, equity, inclusivity and respect for social and cultural diversity, and that is free from unlawful discrimination, bullying, sexual harassment, vilification and victimisation and the seeking of unnecessary information on which discrimination might be based. We consider these behaviours unacceptable, and they will not be tolerated.

We will maintain a neutral working environment in which no employee or worker feels under threat or intimidated. We will conform with the obligations which are imposed upon it by all relevant state and federal legislation relating to, but not limited to, anti-discrimination.

7.2. Recruitment, Selection and Promotion

All recruitment and selection decisions are based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position - and not affected by irrelevant personal characteristics. The school uses a consistent, non-discriminatory approach to the advertising of vacancies, focusing on the skills, abilities, knowledge and experience needed to perform the job.

It is unacceptable and may be against the law to ask job candidates questions, or in any other way seek information which is unnecessary and potentially discriminatory, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position. Job descriptions will be written avoiding discriminatory language and personal characteristics (such as age, race or sex), unless they are part of the genuine requirements of the job.

Not only are all suitably qualified persons given equal employment consideration, but staff employed will continue to have access of opportunities for progression according to their abilities. Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.

7.3. Exemptions

In relation to employment, the *Anti-Discrimination Act 1991* provides an exemption in the following areas applicable to St John's Lutheran School:

- where there is a genuine occupational requirement for a position (s25[1])
- in educational institutions with a religious purpose (s25[3])
- where job capacity is restricted by impairment and special terms are imposed (s34)
- where special services or facilities are required by people with disabilities that would impose unjustifiable hardship on the school (s35), or
- where special circumstances or impairment would cause unjustifiable hardship (s36).

8. Enrolment and Learning of Students

The *Anti-Discrimination Act 1991* makes discrimination, sexual harassment and vilification in education against the law. The legislation applies to all facets of education, including:

- admission and enrolment applications
- terms of admission and enrolment
- variation of the terms of a student's enrolment
- denial or limitation of benefits normally resulting from enrolment

ST JOHN'S LUTHERAN SCHOOL, KINGARROY

- exclusion or suspension of students
- assessment and examination
- access to resources and facilities; and
- treatment of a student in regard to training or instruction.

St John's Lutheran School has consistent, transparent and fair enrolment processes when assessing enrolment applications, which reflect the Christian values of the school. They provide practical guidance when assessing enrolment applications in the context of anti-discrimination legislation, ensuring that decisions are made in a way that respects and protects human rights. Refer to the St John's Lutheran School *Enrolment Policy*.

St John's Lutheran School values the diversity of all students, recognises the right of all students to equitable access to the curriculum, and offers education programs specific to the educational needs of students with disabilities.

All students at St John's have the right to learn in an environment free from unlawful discrimination, where all students have equal opportunities. Refer to the St John's Lutheran School *Students with Disability Discrimination Policy*.

9. Consequences for Breaching this Policy

Staff who make a complaint of discrimination or sexual harassment will not suffer any victimisation by St John's Lutheran School for making the complaint. This also applies to staff who agree to be a witness in a complaint or have a complaint made against them.

All individuals covered by this policy are expected to adhere to the standards of behaviour contained herein, and within the respective Codes of Conduct, at all times.

Disciplinary action will be taken by St John's against any staff member found to have breached this policy. Action will be appropriate to the breach and may include: an official warning and note on the person's personnel file; a formal apology; counselling; demotion, transfer, suspension; or dismissal for very serious matters. False and/or malicious complaints may lead to legal action being taken against a complainant.

With regard to students, disciplinary action as per the school's *Relationship Management Policy* may be taken against a student who bullies or harasses another student, staff member, parent or other school community member.

With regard to parents and other school community members, termination of the enrolment contract or other contract or arrangement between the parents/ other school community member and the School may result in the event a parent or other school community member bullies, harasses (or otherwise breaches this policy) to another parent, student, staff member or other school community member.

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| <p>Communication of this Policy</p> | <p>The St John's Lutheran School <i>Bullying, Harassment and Discrimination Policy</i> will be available for all community members of the school website. It will be communicated to staff on the school intranet and during staff, support service personnel, Prac student and volunteer induction.</p> |
| <p>Legislation / References:</p> | <p>Age Discrimination Act 2004 (Cth) Anti-Discrimination Act 1991 (Qld) Australian Human Rights Commission Act 1986 (Cth) Disability Discrimination Act 1992 (Cth) Fair Work Act 2009 (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Work Health and Safety Act 2011 (Qld) Work Health and Safety Regulation 2011 (Qld)</p> <p>FACTSHEETS (Respect at Work): Workplace sexual harassment: What you need to know Know your rights and responsibilities: Workplace sexual harassment What Causes Workplace Sexual Harassment What Can You Do if You Are Sexually Harassed At Work Supporting friends and co-workers who have been sexually harassed Reference guide to external pathways in QLD to address workplace sexual harassment</p> <p>FOR SCHOOL COUNCIL: AICD-Guide to preventing and responding to sexual harassment at work</p> |
| <p>Changes to Policy since last version:</p> | <p>Legislative change from September 2024. Under the Work Health and Safety Regulation 2011, a person conducting a business or undertaking (PCBU), such as an employer, must proactively manage the risk of <u>sexual harassment and sex or gender-based harassment</u> at work. REFERENCE FACT SHEET Sexual harassment and sex or gender-based harassment fact sheet for PCBUs (worksafe.qld.gov.au)</p> <p>Purpose: inclusion of above Policy Statement: inclusion of above Section 1.2 Sexual Harassment and Sex or Gender-Based Harassment: rewritten to include above and addition of positive duty under Sex Discrimination Act. Section 1.3 Discrimination: inclusion of unlawful workplace discrimination and adverse action. Section 1.5 Vilification: New Section 1.6 Gossip: inclusion of first 4 paragraphs. Section 1.7 Vicarious Liability: New Section 2.1 Managing the Risk of Sexual Harassment and Sex or Gender-Based Harassment: new section Section 7.1 Principles (Equal Opportunity Employment): addition of 2nd sentence 1st paragraph and last sentence 2nd paragraph. Section 8 Enrolment and Learning of Students: addition of 1st paragraph and dot points. Section 9 Consequences for Breaching this Policy: addition of 1st paragraph.</p> |