

| | | | | |
|---|-----------------------|---|--------------------|----|
|  | ONE2ONE POLICY | | | |
| | Title | Bullying, Harassment and Discrimination | Policy No | 02 |
| | Indicator | CM1 – Rights and Responsibilities | Review Date | |

1. PURPOSE AND SCOPE

This policy sets a standard for all staff members, consumers, and their family members (One2One representatives), and aims to create a positive environment for both staff members and consumers.

One2One recognizes that discrimination, bullying, and sexual harassment are unacceptable and unlawful under the following legislation:

- 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)

Our policy aligns with the NDIS Quality and Safeguards Commission Practice Standards and NDIS (Code of Conduct) Rules 2018.

This policy has been framed around the NDIS Practice Standards and applies to all of One2One’s supports and services.

2. POLICY STATEMENT

One2One is committed to providing a safe, flexible, and respectful environment for its community of staff, consumers, and their families, free from all forms of discrimination, bullying and sexual harassment.

At One2One, all representatives are required to treat others, including other staff members and consumers, with dignity, courtesy, and respect.

3. POLICY CONTENT

3.1 Responsibilities to prevent bullying, harassment, and discrimination

Each representative of One2One must follow the standards of behaviour outlined in this policy and:

- 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 and incident procedures
- treat everyone with dignity, courtesy, and respect.

3.2 Management responsibilities to prevent bullying, harassment, and discrimination

One2One’s Quality Systems Management Committee, Management Team and Coordination team members must model appropriate standards of behaviour and:

- 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
- where possible help staff and consumers resolve complaints informally
- refer formal complaints about breaches of this policy to management for investigation
- ensure staff members and consumers 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.

3.3 Unacceptable conduct

Any One2One staff or volunteer found to have engaged in such conduct will be counselled, warned, or disciplined; severe or repeated breaches may lead to formal discipline or dismissal.

Any One2One consumer or family member found to have engaged in such conduct will also be subject to counsel with their allocated Coordinator who will escalate the matter to One2One’s Complaints Manager should the incident not be resolved.

3.4 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 | 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 . <i>For example, a staff member or consumer is harassed and humiliated because of their race or a staff member is refused promotion because they are ‘too old’.</i> |
| 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 . <i>For example, redundancy is decided based on people who had a compensation claim rather than on quantifiable merit.</i> |

Protected personal characteristics under Commonwealth 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
- gender

- 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 heterosexual, gay, lesbian, bisexual, transsexual, transgender, queer, or questioning
- 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 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.

3.5 Bullying

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices. Under Commonwealth 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 One2One and may also breach work health and safety laws.

3.6 Sexual harassment

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

Sexual harassment can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- purposely 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 an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

This policy recognises that:

- even if someone does not object to inappropriate behaviour in the workplace, 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
- that comments and behaviour that do not offend one person can offend another
- a single incident is enough to constitute sexual harassment it does not have to be repeated

It is One2One's responsibility to respond quickly and appropriately to incidents of sexual harassment no matter how large or small or who is involved in line with One2One's Incident Management Policy and related Procedures.

This policy requires all One2One representatives to respect other people's limits.

All representatives of One2One must comply with Part 2, Section 7 of the NDIS Code of Conduct Guide for Workers 2019, which states 'take all reasonable steps to prevent and respond to sexual misconduct'.

3.7 Victimisation and gossip

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. 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 against the law.

One2One representatives should not talk with other staff, consumers, 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 is a serious breach of this policy and may lead to formal counsel or discipline.

3.8 Merit

All One2One recruitment and job selection decisions are based on merit and the skills and abilities of the candidate as measured against the inherent requirements of the position regardless of personal characteristics. Further guidance on job selection can be found in One2One's Recruitment, Appointment and Selection Policy.

3.9 Resolving issues

One2One strongly encourages any staff member or consumer who believes they have been discriminated against, bullied, sexually harassed, or victimised to take appropriate action by speaking to their Coordinator in the first instance. If this is not an option, they can take their complaint to One2One's Complaints Manager.

3.10 Breach of bullying, harassment, and discrimination policy

Any allegation that breaches this policy is considered an incident and therefore must follow One2One's Incident Management Policy and Procedures in the first instance.

Any allegations that breach this policy may lead to disciplinary action including termination of employment for any staff.

4. RELATED DOCUMENTS

One2One Code of Conduct

Complaints and Feedback Policy

Incident Management Policy and Incident Investigation Procedures

Staff Selection, Appointment and Recruitment Policy

5. POLICY REVIEW

This policy will be reviewed on a two-yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

Authorised: Director – One2One