



PMSA EEO, Anti-Discrimination, Sexual Harassment & Bullying Policy

1. PREFACE

The PMSA is committed to creating working and learning environments within its schools and workplaces where all PMSA employees, students, contractors, volunteers and visitors are treated equally and with dignity, courtesy and respect. The PMSA will endeavour to take all reasonable steps to prevent and / or minimise inappropriate behaviour that may constitute discrimination, sexual harassment, bullying, vilification and / or victimisation occurring in the workplace.

Any actions which may constitute such inappropriate behaviour are unacceptable, contrary to the PMSA values and a breach of the PMSA Code of Conduct.

2. POLICY INTENT

The purpose of this policy is to clearly outline that any action by a PMSA employee, volunteer or contractor that amounts to discrimination, sexual harassment, bullying, vilification and / or victimisation will not be tolerated by the PMSA and may, in appropriate circumstances, result in the initiation of disciplinary action.

The policy also outlines the standard of behaviour expected of PMSA employees and what an individual can do to address the inappropriate behaviour.

3. SCOPE

This policy applies to all PMSA employees, volunteers and contractors in their relationships with each other, students, applicants for employment or any other individuals who have dealings with the PMSA. It applies to conduct occurring in any work related context which has a relevant connection with the individual's employment, engagement or duties which includes, but is not limited to, conferences, work functions, training events, business trips and work related social events (inside and outside work hours).

For the avoidance of doubt, this policy applies, but is not limited to, behaviour that also occurs via email, text messages, internet chat rooms, instant messaging, social media and other electronic mediums.

4. RELEVANT LEGISLATION

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)
Workplace Gender Equality Act 2012 (Cth)
Work Health and Safety Act 2011

5. ASSOCIATION POLICIES

PMSA Child Protection Policy

PRINT WARNING - Printed copies of this Document or part thereof should not be relied upon as a current reference document.
ALWAYS refer to the electronic copy available on the PMSA website for the latest version.



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PMSA Code of Conduct
PMSA Employee Complaints Policy and Procedure
PMSA Employee Discipline Policy and Procedure
PMSA Procedural Fairness (Natural Justice) Policy
PMSA Recruitment and Selection Policy
PMSA Risk Management Policy
PMSA Social Media Policy
PMSA Workplace Health and Safety Policy

6. POLICY STATEMENT

The PMSA is an 'equal opportunity' employer. The PMSA believes that all PMSA employees, volunteers and contractors should be able to operate within an environment that is free from any form of inappropriate behaviour which may constitute discrimination, sexual harassment, bullying, vilification and / or victimisation. In implementing the EEO, Anti-Discrimination, Sexual Harassment and Bullying Policy, the PMSA affirms its commitment to the prevention of such inappropriate behaviours in the workplace and aims to:

- Promote appropriate standards of behaviour at all times;
- Implement training and awareness raising strategies to ensure that all PMSA employees, volunteers and contractors know their rights and responsibilities with regards to discrimination, sexual harassment, bullying, vilification and victimisation;
- Encourage the reporting of behaviour that breaches this policy;
- Protect individuals from any victimisation or reprisals for being involved in a complaint under this policy; and
- Provide an effective procedure for complaints based on the principles of natural justice.

7. RESPONSIBILITIES

In accordance with the PMSA values and standards of expected behaviour outlined in the PMSA Code of Conduct, all PMSA employees, volunteers and contractors have a responsibility to conduct themselves, both personally and professionally, in a manner that upholds the values, reputation and Christian ethos of the PMSA by treating others equally and with dignity, respect and courtesy and must avoid any inappropriate behaviour that puts at risk the physical, psychological or emotional health of an individual.

All PMSA employees, volunteers and contractors (regardless of role or level of responsibility) also have a responsibility to:

- Ensure they do not engage in inappropriate behaviour or otherwise breach this policy;
- Report any incidences of inappropriate behaviour which may constitute discrimination, sexual harassment, bullying, vilification and / or victimisation in the workplace;
- Not victimise another person for making or being involved in a complaint of a type of inappropriate behaviour;
- Treat information in relation to allegations of discrimination, sexual harassment, bullying, vilification and / or victimisation with appropriate confidentiality;
- Cooperate during any investigation of a complaint; and
- Participate in any awareness training provided by the PMSA and / or relevant school to ensure understanding of and compliance with this policy.



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Principals, supervisors / managers have a responsibility to:

- Model appropriate behaviour themselves, ensuring they do not engage in conduct in breach of this policy;
- Monitor the work environment to ensure that acceptable standards of behaviour are observed at all times;
- Ensure they take appropriate steps where they have observed any type of inappropriate behaviour in the workplace in breach of this policy, to ensure the behaviour stops and is appropriately dealt with;
- Ensure PMSA employees and other relevant people understand this policy; and
- Treat all complaints of discrimination, sexual harassment, bullying, vilification and / or victimisation seriously and investigate promptly, confidentiality and impartiality.

8. CONDUCT OF A SEXUAL NATURE INVOLVING CHILDREN AND YOUNG PEOPLE

Conduct of a sexual nature involving children and young people is dealt with under the PMSA Child Protection Policy.

The sexual harassment, including the more severe forms of sexual harassment of a student, by an PMSA employee, volunteer or contractor of the PMSA including any actions with a person younger than 18 for the sexual gratification of the PMSA employee, volunteer or contractor will fall within the definition of “abuse” and will be dealt with under the *PMSA Child Protection Policy*.

9. PROCEDURE FOR DEALING WITH DISCRIMINATION, SEXUAL HARASSMENT, BULLYING, VILIFICATION AND / OR VICTIMISATION

9.1 A PMSA employee, volunteer or contractor, who reasonably believes that he or she has been subject to conduct which may constitute discrimination, sexual harassment, bullying vilification and / or victimisation in connection with his or her employment or engagement with the PMSA, is encouraged to:

(a) discuss the matter with any of the following people:

- Supervisor / Manager
- Head of Department or Principal
- HR Manager
- Contact Officer (if available in the relevant school)

Any of the above named positions may provide advice, support and information on available options that may assist a person to respond to their grievance.

Where an individual may have been subject to inappropriate behaviour in the workplace, they may make a complaint in accordance with the PMSA Employee Complaints Policy and Procedure.

Where an individual may have been a witness to inappropriate behaviour in the workplace, they are to report the alleged incident or concerns to his or her immediate supervisor/manager or in the case where the person allegedly engaged in the inappropriate behaviour is the supervisor/manager, the matter should be reported to the next level of management or to the HR Manager.



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10. COMPLAINTS PROCEDURE

Where an individual has not been able to satisfactorily resolve a concern by raising the matter with the relevant parties to the complaint, or does not feel comfortable in doing so, an individual may make a formal complaint under the PMSA Employee Complaint Policy and Procedure.

11. TREATMENT OF EMPLOYEES WHO MAKE COMPLAINTS

Any victimisation of or detrimental action towards any person who has made a complaint, been a party to a complaint or been involved in the investigation of a complaint of any inappropriate behaviour in accordance with this policy will be treated seriously, and may result in disciplinary action, under the PMSA Employee Discipline Policy and Procedure.

Any intentional misuse of this policy, including by knowingly making a false or vexatious complaint of discrimination, sexual harassment, bullying, vilification or victimisation will be treated seriously and may result in disciplinary action or where the person is a volunteer or contractor their engagement with the PMSA may be terminated or otherwise restricted.

12. BREACHES OF THIS POLICY

The PMSA may take action, under the PMSA Employee Discipline Policy and Procedure, against any individual when a breach of this policy is identified. Where inappropriate workplace behaviours such as discrimination, sexual harassment, bullying, vilification and victimisation are found to be substantiated, the consequences for the person against whom the complaint is made will be determined under the PMSA Employee Discipline Policy and Procedure and will depend on the relevant individual circumstances.

The consequences may include, but are not limited to, an apology, counselling, participation in further training, or disciplinary action including termination of employment.

Where the person who has been found to have engaged in the inappropriate conduct is a volunteer or contractor their engagement with the PMSA may be terminated or otherwise restricted.

13. DEFINITIONS

For the purpose of this policy:

“PMSA” is the Presbyterian & Methodist Schools Association which includes the PMSA Corporate Office, Brisbane Boys’ College, Clayfield College, Somerville House and Sunshine Coast Grammar School.

“PMSA Employee” refers to a person employed by the PMSA under the PMSA Enterprise Agreement, a Modern Award or an Individual Contract

“PMSA School” means Brisbane Boys’ College, Clayfield College, Somerville House and Sunshine Coast Grammar School. This also includes PMSA Early Learning Centres, unless expressly stipulated otherwise.

“Principal” refers to the person who has the executive authority for the School or the School Principal’s delegated representative.



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"Student" includes any person regardless of age who is enrolled or on exchange/study tour at any PMSA school, or Early Learning Centre.

"Volunteer" is an individual who offers their services to the PMSA for no remuneration. This includes, but is not limited to, Council, Board, Foundation, Association and Committee members.

"Equal Opportunity" means ensuring that employment policies and practices are based on and operate according to the principles of merit.

"Discrimination" Queensland and Federal Legislation prohibits indirect or direct discrimination by one person of another person, on the grounds of an attribute.

It is unlawful for any person to discriminate against another person based on the following attributes:

- Age
- Breastfeeding
- Family or Carers Responsibility
- Gender Identity
- Impairment
- Lawful sexual activity
- Parental Status
- Pregnancy
- Sex
- Sexuality
- Race
- Relationship Status
- Religious belief or activity
- Political belief or activity
- Trade Union Activity
- Association with, or relation to, a person identified on the basis of any of these attributes

The following are examples of behaviour that amount to discrimination:

- Offensive jokes, comments or derogatory statements about another employee's racial or ethnic background, sex, sexual preference, age, disability or physical appearance.
- Stereotyping people and using this as means of denying them an opportunity in the workplace.
- Displaying pictures (even in personal lockers), computer graphics or posters which are offensive or derogatory.
- Excluding an employee from activities, events or meetings because of an attribute.

"Direct Discrimination" means treating a person less favourably, or proposing to treat a person less favourably, on the basis of an attribute or because they belong to a particular group with an attribute.

Examples of direct discrimination include:

- Unfair treatment of a female applying for work in a male dominated industry;
- Lack of promotion or appointment due to racial / ethnic origin;
- Not employing a female because they have family responsibilities.

"Indirect Discrimination" occurs when there is a requirement (rule, policy, practice, procedure) that is the same for everyone, but has an unequal effect or result on a group of employees because of an attribute. Unless this type



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of requirement is “reasonable”, it is likely to be indirect discrimination. It does not matter that there was no intention to discriminate.

An example of indirect discrimination is where an employer implements a mandatory height for selection into a position which may amount to discrimination against women and certain racial groups.

“Sexual Harassment” happens if a person:

- a) subjects another person to an unsolicited act of physical intimacy (such as patting, pinching or touching in a sexual way); or
- b) makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
- c) makes a remark with sexual connotations relating to the other person; or
- d) engages in any other unwelcome conduct of a sexual nature in relation to the other person and the person engaging in the conduct described in paragraphs (a), (b), (c) or (d) does so-
- e) with the intention of offending, humiliating or intimidating the other person; or
- f) in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Examples of sexual harassment include, but are not limited to:

- Requests for sex;
- Displays of sexually graphic material including emails, posters, pin-ups, cartoons, graffiti or messages left on notice boards, desks or common areas;
- Sexually explicit conversations or jokes;
- Persistent questions or insinuations about another employee’s private life;
- Uninvited touching or deliberately brushing against another employee;
- Sex-based insults, taunts, teasing or name-calling;
- Staring at a person or their body parts.

“Vilification” refers to a public act or statement that is capable of inciting others to hate, have serious contempt for, or severely ridicule a person or a group of people. Under Queensland legislation, perceived or actual vilification because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, homosexuality (lesbian or gay), HIV or AIDS status or transgender status is illegal.

“Victimisation” refers to less favourable treatment of a person or persons or subjecting them to some form of detriment because the person:

- Has made a complaint or has proposed to make a complaint in accordance with the Policy;
- Has acted as a witness or has proposed to act as a witness in a complaint;
- Has supported a victim or intends to support a victim of a complaint;
- Has been made a respondent in a formal complaint investigation.

“Worker” means a person who carries out work in any capacity for PMSA including work as a PMSA employee; a contractor or subcontractor; an employee of a contractor or subcontractor; an employee of a labour hire company who has been assigned to work at PMSA; a trainee; a student gaining work experience or a volunteer.

“Workplace Bullying” is repeated, unreasonable behaviour, directed towards a Worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risk and abuse.

“Repeated behaviour” refers to the persistent nature of the behaviour and can involve a range of behaviours over time.



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“Unreasonable behaviour” means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:

- Abusive, insulting or offensive language or comments;
- Unjustified criticism or complaints;
- Continuously and deliberately excluding someone from workplace activities;
- Withholding information that is vital for effective work performance;
- Setting unreasonable timelines or constantly changing deadlines;
- Setting tasks that are unreasonably below or beyond a person’s skill level;
- Denying access to information, supervision, consultation or resources such that it has a detriment to the worker;
- Spreading misinformation or malicious rumours;
- Changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers;
- Excessive scrutiny at work.

A single incident of unreasonable behaviour does not constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour and is likely to be considered unacceptable workplace conduct.

What does not constitute workplace bullying:

Bullying does not include reasonable management action taken in a reasonable way in connection with an individual’s employment. These actions are usually not considered to be bullying if they are carried out in a reasonable manner, taking the particular circumstances into account.

Examples of reasonable management action include, but are not limited to:

- Setting reasonable performance goals, standards and deadlines;

14. AMENDMENT REGISTER

Date of Issue	Page No	Details of and reason for amendment
17/08/2015	All	Approved by PMSA Council.