



DISCRIMINATION, BULLYING AND HARASSMENT PREVENTION POLICY

Summary	NUAA recognises that workplace bullying is a serious work health and safety issue and is committed to providing a workplace that is free from bullying.
Applies to	Whole of Organisation
Policy Status	APPROVED

Policy Review		
Frequency	Responsible Officer	Authorisation
3 years	CEO	Board of Directors
Version tracking		
Review	Date Authorised	Next Review Due
1	11 April 2022	April 2025

Legislation, clinical guidelines, or other requirements	<ul style="list-style-type: none"> • Sex Discrimination Act 1984 (Cwlth) • Racial Discrimination Act 1975 (Cwlth) • Disability Discrimination Act 1992 (Cwlth) • Age Discrimination Act 2004 (Cwlth) • Australian Human Rights Commission Act 1986 (Cwlth) • Anti-Discrimination Act 1977 (NSW) • Discrimination Act 1991 (ACT) • Fair Work Act 2009 (Cwlth) • Work Health & Safety Act 2011 (Cwlth) • Work Health & Safety Act 2011 (NSW);
Contractual obligations	<ul style="list-style-type: none"> • None
Supporting documents	<ul style="list-style-type: none"> • Code of Conduct • Complaint Form • Privacy and Confidentiality Policy • WHS Policy • Complaints, Disputes and Grievances Policy

PURPOSE

NUAA recognises that workplace bullying is a serious work health and safety issue and is committed to providing a workplace that is free from bullying. NUAA 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 NUAA staff are required to treat others with dignity, courtesy, and respect.

This Discrimination, Bullying, and Harassment Policy applies to all forms of communication — both verbal and written—including email, text messages, instant messaging services, social media, and networking forums.

SCOPE

This policy applies to:

- All NUAA associates, volunteers, board members and all staff—including executive team members, line managers and supervisors; full-time, part-time or casual, fixed-term, temporary or permanent staff; job candidates; student placements, apprentices and contractors
- How NUAA provides services to people accessing the service, and how NUAA interacts with other members of the public
- All aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- On-site, off-site or after-hours work; work-related social functions; conferences and instances where staff may be as a result of their NUAA duties

DEFINITIONS

Discrimination

Direct discrimination is 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.

Indirect discrimination is when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share.

ROLES AND RESPONSIBILITIES

Position	Responsibility
NUAA Board of Directors	<ul style="list-style-type: none"> • Endorse this policy as being broadly in line with organisational aims and operational objectives. • Comply with this policy and be informed of its purpose and application. • Ensure grievances are handled in line with this policy.
NUAA Executive	<ul style="list-style-type: none"> • Comply with this policy and be informed of its purpose and application. • Undertake reasonable measures to empower all employees/staff to comply with this policy.
NUAA Policy Committee	<ul style="list-style-type: none"> • Ensure that this policy is maintained and reviewed.
NUAA Leads and Specialists	<ul style="list-style-type: none"> • Comply with this policy and be informed of its purpose and application. • Undertake reasonable measures to empower all reporting staff to comply with this policy/procedure. • Ensure new employees/staff are educated on all relevant policies and procedures at their orientation
NUAA Employees	<ul style="list-style-type: none"> • Comply with this policy and be informed of its purpose and application. • Contribute to the dissemination of this policy to all relevant personnel and connected individuals • Provide feedback on the policy as required
NUAA Volunteers	<ul style="list-style-type: none"> • Comply with this policy on instruction from NUAA employees
NUAA Associates contractors and sub-contractors	<ul style="list-style-type: none"> • Comply with this policy as directed by contract conditions

POLICY DETAILS

Discrimination can be against the law if it is based on a person's:

- age
- disability
- race—including colour, national or ethnic origin, or immigrant status
- sex, pregnancy, marital or relationship status, family responsibilities, or breastfeeding
- sexual orientation, gender identity, or intersex status.

Discrimination on these grounds is against the law, although some limited exceptions and exemptions apply.

Employers have a legal responsibility to take all reasonable steps to prevent discrimination on these grounds. Employers can also be liable for the discriminatory acts of their employees. This is called vicarious liability.

Bullying

Bullying is illegal and unacceptable at NUAA.

A worker is bullied at work if a person or group of people repeatedly act unreasonably towards them, or a group of workers. This behaviour creates a risk to health and safety.

Unreasonable behaviour includes victimising, humiliating, intimidating, or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances. Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse, or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- 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.

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

Harassment

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

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

Sexual harassment

Sexual harassment is unlawful and unacceptable at NUAA. Sexual harassment is unwelcome sexual behaviour that could be expected to make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, spoken, or written and 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

Sexual harassment can include behaviours that are difficult to interpret and place fellow employees in a difficult situation such as out-of-hours contacts, excessive contacts for advice and support, and other contact that is outside the bounds of a normal working relationship where there is no established personal relationship.

Workplace sexual harassment can happen 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 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.

NUAA 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.

Victimisation

Victimisation is subjecting, or threatening to subject someone, to a detriment because they have:

- asserted their rights within the workplace;
- 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 very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

NUAA has a zero-tolerance approach to victimisation.

Gossip

It is unacceptable for staff at NUAA 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.

Resolving issues at NUAA

NUAA strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed, or victimised to take appropriate action by following the process outlined in the Complaints, Grievances and Disputes Policy.

Staff who do not feel safe or confident to take such action may seek assistance from the Employment Assistance Program and/or an external representative of their choice.

While workers are encouraged to use the actions set out in this policy, they have a right to seek advice from and/or lodge a complaint with external bodies, including the NSW Police, the NSW Equal Opportunity and Human Rights Commission, the Australian Human Rights Commission, the Fair Work Ombudsman, the Fair Work Commission and SafeWork NSW. Making a complaint to an external body does not preclude NUAA from investigating a matter as set out in this policy and no employee will be penalised for taking external action.

Employee Assistance Program (EAP)

NUAA staff are entitled to six professional counselling sessions from our EAP for free each year. To access the EAP, contact [WorkHappy](#) T: 1300 796 640 | D: 02 7801 8059.

EAP counselling is confidential, and nothing discussed with a counsellor will be communicated back to NUAA. EAP counselling is available free to NUAA staff regardless of whether the issue is related to a workplace problem or some other issue for the staff member.

OUTCOMES

By effectively implementing our workplace Discrimination, Bullying, and Harassment Prevention Policy, NUAA will attract and retain talented staff and create a positive environment for staff.