



Marian College

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An Inclusive Community Growing in Faith and Love
• *Serving Others* • *Striving to Succeed* • *Creating and Nurturing the Future*

Harassment Policy

Introduction

Marian College, inspired by the Brigidine Sisters and Gospel teachings, aims to create a nurturing educational environment focused on strength and kindness. The College commits to providing quality education tailored to individual learning, promoting personal growth, and celebrating both effort and achievement.

Our Vision Statement guides us towards our goals and future as an educational community where we focus on

- Growing in Faith and Love
- Serving Others
- Striving to Achieve
- Thinking for the Future

Purpose

The purpose of this policy is to provide a safe working environment that is based on mutual respect and is free from harassment. Marian College does not tolerate harassment in relation to any of its employees, job applicants, and other persons who may interact with the College.

Policy

Harassment is not acceptable in any circumstances and is strictly prohibited.

Employees engaged in any type of harassment or victimisation may be subject to disciplinary action including summary dismissal and legal proceedings. Appropriate sanctions will be applied against other persons who have subjected any employee to harassment or victimisation.

It is the responsibility of all managers to model appropriate behaviour, identify situations where harassment may arise, and take prompt action to prevent and address any inappropriate behaviour.

It is the responsibility of each employee to ensure that their own behaviour is consistent with this harassment policy. It is equally their responsibility to intervene if safe to do so or report inappropriate behaviour. Failure to take any action may be seen as aiding and abetting the perpetrator.

Victimising a person who has reported harassment in good faith, or who is assisting a person who has reported harassment, is prohibited.

Marian College will provide training to ensure that all managers and employees are aware of their obligations under this policy and their role in supporting a safe, respectful, and inclusive workplace.

Harassment in the workplace is also a psychosocial hazard. Workplace safety laws impose obligations on employers with respect to psychological hazards.

Definitions *(if applicable)*

For the purpose of this policy the following terms are defined as follows:

Insert term	Insert definition
<p>Workplace bullying and harassment</p>	<p>Workplace bullying and harassment “repeated, unreasonable behaviour directed toward an employee, or group of employees, or a student or group of students, or toward another person or group of people who are in an area under the control of the College, and which creates a risk to health and safety”. Within the definition, the highlighted words have the following meaning:</p> <ul style="list-style-type: none"> ● “Repeated unreasonable behaviour” means repeated behaviour that a reasonable person, having regard to all of the circumstances would expect, and is usually associated with victimisation, humiliation, undermining or threatening behaviour, and ● “Behaviour” includes actions, or words, of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening, and ● “Risk to health and safety” includes risk to the mental or physical health of a person. <p>Some examples of workplace bullying and harassment are:</p> <ul style="list-style-type: none"> ● Verbal abuse, yelling, screaming; or ● Excluding or isolating employees/students/other people; or ● Assigning meaningless tasks or giving employees/students/other people impossible assignments; or ● Continually criticising someone; or ● Sabotaging someone’s work or their ability to do their job by withholding vital information and resources; or ● Belittling someone’s opinions; or ● Unexplained job changes; or ● Failure to give credit where it is due; or ● Taking credit for someone else’s work. <p>The above list is intended to be illustrative and is by no means exhaustive.</p> <p>It should also be noted that a single incident of bullying-style behaviour may not constitute workplace bullying or harassment. However, this policy makes it clear that the College acknowledges its general duty to provide a safe workplace and accordingly, such instances of single incident bullying-style behaviour will not be ignored or condoned.</p>
<p>Harassment</p>	<p>Harassment involves unwelcome behaviour that intimidates, offends, or humiliates a person. Harassment related to particular personal characteristics such as race, age, sex, disability, religion, or sexuality is a form of unlawful discrimination and can lead to disciplinary action as well as legal action being taken against the perpetrator and in some cases the employer.</p>
<p>Sexual Harassment</p>	<p>Sexual harassment is found in many forms, from relatively mild sexual banter to actual physical violence.</p>

Sexual harassment is when a person is subjected to unwelcome and uninvited sexual conduct by another person. Sexual harassment can also result when a sexually intimidating or offensive work environment is created.

Sexual harassment occurs when a particular behaviour and/or language occurs where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person being harassed would feel offended, humiliated, or intimidated. It can be physical, verbal, written, or pictorial.

Work-related sexual harassment covers behaviour which takes place:

- At our usual workplace and during usual working hours
- Off-site work-related events such as conferences, seminars, and functions
- Between colleagues after hours, for example, phone calls to their home, or posts on social media.

It is important to remember that it is the way the victim perceives the behaviour that is important in determining whether or not harassment has taken place, not the intent of a particular individual.

Examples of sexual harassment include but are not limited to:

- Displaying pornographic literature in the workplace.
- Offensive gestures.
- Persistent or intrusive inquiries into someone's private life, sexuality, or physical appearance.
- Requests for sexual favours.
- Sexually offensive phone calls, messages on email, voicemail, or in writing.
- Staring or leering at a person or particular parts of their body.
- Unwanted physical contact, touching, brushing against another person.
- Verbal comments or abuse (e.g. persistent jokes or innuendos of a sexual nature).
- Repeated requests to go out.
- Displaying offensive screensavers, photos, calendars, or objects.
- Sexually explicit emails, text messages, or posts on social networking sites (refer to our Social Media Guidelines).
- Stalking.

It is not considered sexual harassment when a person welcomes another person's attention. However, what may be considered to be socially acceptable may not be appropriate professional behaviour in the workplace.

Sex-Based Harassment

Sex-based harassment is unwelcome conduct of a demeaning nature that is related to an individual's sex, or a characteristic relating generally to that person's sex but is not sexual in its nature.

Sex-based harassment occurs where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person

	<p>being harassed would feel offended, humiliated, or intimidated. It can be physical, verbal, written, or pictorial.</p> <p>Examples of sex-based harassment include but are not limited to:</p> <ul style="list-style-type: none"> ● Making inappropriate comments and jokes to a person based on their sex. ● Displaying images or materials that are sexist, misogynistic, or misandrist. ● Making sexist, misogynistic, or misandrist remarks about a specific person requesting a person to engage in degrading conduct based on their sex.
Hostile Environment	<p>This occurs when a reasonable person would have anticipated the possibility of conduct in the workplace environment being offensive, intimidating, or humiliating to a person on the grounds of their sex or a characteristic associated with their sex, having regard to all of the circumstances. A hostile environment need not be directed at a specific individual but one where a person of that sex would find offensive, intimidating, or humiliating. Examples include:</p> <ul style="list-style-type: none"> ● Where sexually crude conversations, innuendo or offensive jokes are part of the accepted culture. ● Offensive jokes resulting in people of one sex feeling unwelcome or excluded by the general environment. ● Displaying sexually obscene or pornographic materials. <p>An environment can also be hostile on the basis of race, religion, nationality, disability, age, or other legally safeguarded characteristics where that conduct in the workplace interferes with an employee's job performance and presents a psychosocial hazard.</p>
Racial Harassment	<p>Racial harassment is also found in many forms. Examples include:</p> <ul style="list-style-type: none"> ● abusive, threatening, or insulting words and behaviour ● deliberate exclusion from conversations ● displaying abusive writing and pictures ● insensitive jokes related to race pranks

What is Not Unlawful Harassment?

Reasonable management action taken in a reasonable way does not constitute harassment. This includes:

- setting reasonable performance goals and standards including work deadlines
- reasonable work performance assessment, counselling, disciplinary and termination practices
- rostering and allocating working hours where the requirements are reasonable.

Victimisation

Victimisation occurs when a person is being threatened or subjected to detriment because they have made a complaint or allegation or they are taking legal action relating to discrimination or

harassment which they made in good faith. A person who is helping another person in relation to their complaint, allegation, or legal action is also protected against victimisation.

In certain circumstances, victimisation may also be unlawful and lead to legal action.

Preventative Measures

Marian College will ensure that all employees and managers understand their obligations under this policy, which will include initial training on commencement of employment with Marian College and periodic training subsequently.

In consultation with employees, Marian College will identify situations where there is a risk of harassment or a hostile environment, assess the risk, and then develop and implement reasonable measures to eliminate or minimise the risk of harassment or a hostile environment occurring. The process of monitoring and assessing the risks will be conducted on an ongoing basis.

Marian College may also use surveys, exit interviews, use of counselling services, and absenteeism to obtain data that may indicate areas of risk.

Once a complaint or allegation is imminent or has been made, or legal action has commenced, Marian College will assess the risk of victimisation and implement appropriate preventative measures.

Response Procedures

If you believe you have been the subject of discrimination, you should take prompt action in accordance with the procedures set out in *What to Do if You Feel You Have Been Discriminated Against, Harassed, or Bullied*.

Marian College may respond by conducting an investigation, facilitating mediation, providing further training, taking disciplinary action against employees, imposing sanctions against non-employees, offering counselling, or initiating legal action. Marian College may also implement temporary measures in consultation with the affected employee such as changing their work area.

Leader's Responsibilities

Line managers and supervisors are responsible for ensuring that workers are treated fairly and with respect, and in particular:

- Model appropriate standards of behaviour.
- Take steps to educate and make workers 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 workers resolve complaints informally.
- Refer formal complaints about breaches of this Policy for investigation.
- Ensure staff who raise an issue or make a complaint are not victimised.

Staff and Senior Leadership Responsibilities

All staff and senior leaders:

- Are expected to treat all workers, including, volunteers, clients, suppliers, contractors, and any other person in the course of their work, fairly, professionally, and with respect.

- Are expected to avoid behaviour that could be interpreted as harassing and act to prevent others from engaging in harassment, where this is reasonably practicable.
- Where they have witnessed harassment in the workplace they are expected to intervene if it is safe to do so or report this to the Assistant to the Principal -Staff Development.

Implementation

This Policy is implemented through a combination of:

- Effective communication of this policy.
- Staff training.
- Effective incident notification procedures which facilitate reporting of harassment.
- Ongoing monitoring of situations and workers' health and safety to identify any new or heightened risk of harassment, a hostile environment, or victimisation and either eliminate them or, if that is not reasonably practicable, minimise those risks so far as is reasonably practicable.
- Ongoing monitoring to identify situations where harassment, a hostile environment, or victimisation is occurring and taking corrective action fairly and promptly.

WHERE TO GO FOR FURTHER INFORMATION

- The Principal; or
- Any other College employee you consider appropriate; or
- The Victorian WorkCover Authority's "Guide to Workplace Bullying – Prevention and Response" available on their website www.worksafe.vic.gov.au.

Breach of Policy

Where an employee breaches this Policy, Marian College will take disciplinary action, including in the case of serious breaches, summary dismissal. Any staff member who causes, instructs, induces, aids, or permits any behaviour that breaches this Policy will also be subject to disciplinary action, including in the case of a serious breach, summary dismissal. Engaging in unlawful harassment may result in legal action being taken against the perpetrator and Marian College.

Supporting Documentation:)

- Employment Policy for KEM Schools
- KEM Professional Standards Policy
- School Media Guidelines
- Marian College Staff Anti-Bullying Policy
- Marian College Anti-Discrimination Policy
- Occupational Health and Safety Policy
- What to do if you feel you have been Discriminated Against, Harassed, or Bullied Procedures

Legislation and Standards:

Fair Work Act 2009

Victoria

Occupational Health and Safety Act 2004

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