



Anti-Discrimination, Harassment and Workplace Bullying Policy

Purpose:	The purpose of this policy is to articulate The Rainforest School's approach to addressing unlawful discrimination, harassment and workplace bullying within the School Community. It is also to provide staff at The Rainforest School with direction, guidance and support in creating a learning and working environment where all students, staff and parents/careers are valued and respected.	
Scope:	The policy applies to the School Board and association members, all staff, students, (sub)contractors, volunteers and describes how the school provides service and how it 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 functions; conferences – wherever and whenever staff may be as a result of their Rainforest School duties. Staff treatment of other staff, of students and families, and of other members of the public encountered in the course of their Rainforest School duties.	
References:	Anti-Discrimination Act 1991 (Qld) Australian Human Rights Commission Act 1986 (Cth) Age Discrimination Act 2004 (Cth) Disability Discrimination Act 1992 (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Work Health and Safety Act 2011 (Qld) Education (Accreditation of Non-State Schools) Regulations 2017 (Qld) The Rainforest School Complaints Handling Policy & Procedures The Rainforest School Staff Code of Conduct The Rainforest School's Work Health and Safety Policy	
Supersedes:	Version 2 – 9 th May 2020	
Authorised by:	Principal	Date of Authorisation: 20/05/2022
Review Date:	Every 2 years	Next Review Date: May 2024
Policy Owner:	The Rainforest School - Principal	

1. Statement

The Rainforest School is committed to providing an environment that is free from discrimination, harassment and workplace bullying where staff and students are treated with dignity, courtesy and respect.

The Rainforest School provides procedures by which all staff and students can have a complaint of discrimination, harassment and workplace bullying addressed in a sensitive, fair, timely and confidential manner. By effectively implementing our 'Anti-Discrimination, Harassment and Workplace Bullying Policy' we will attract and retain talented staff and create a positive environment for everyone.



Unacceptable workplace conduct

Discrimination, workplace bullying and harassment are unacceptable at The Rainforest School and are unlawful under the following legislation:

- Anti-Discrimination Act 1991 (QLD)
- 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).

Staff (including Principal, Business Manager and the School Board) found to have engaged in such conduct might be counseled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

Anti-Discrimination Statement

All students and employees at The Rainforest School have the right to learn and work in an environment free from unlawful discrimination. The Rainforest School will provide a fair and safe learning and teaching environment where all students and employees have equal opportunities.

In accordance with relevant law, The Rainforest School will act to prohibit unlawful discrimination towards its students and employees, on the basis of “protected personal characteristics” relevant to the school, whilst students and employees are engaging in their education and work at The Rainforest School. Both direct and indirect unlawful discrimination are prohibited.

The Rainforest School is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur, including possible disciplinary action. Any instances of discrimination should be reported under the The Rainforest School’s Complaints Handling Policy & Procedure.

In accordance with relevant law, The Rainforest School will act to prohibit unlawful discrimination towards its students and employees, on the basis of “protected attributes” relevant to the school, whilst students and employees are engaging in their education and work at The Rainforest School. Both direct and indirect unlawful discrimination are prohibited.

In accordance with the relevant law, The Rainforest School prohibits unlawful discrimination against students in all facets of education at The Rainforest School 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
- exclusion or suspension of students
- assessment and examination
- access to resources and facilities
- treatment of a student in regard to training or instruction

In accordance with the relevant law, The Rainforest School prohibits unlawful discrimination against employees undertaking all categories of work, whether it be full-time, part-time, permanent, fixed-term, casual, work experience, vocational placement or voluntary, and in every aspect of work, including:

- recruitment, terms and conditions, training, promotion, termination of employment



All recruitment and job selection decisions at The Rainforest School will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics. It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

Anti-Workplace bullying Statement

All workers at The Rainforest School have the right to work in an environment free from workplace bullying. The Rainforest School is committed to taking action to protect workers from workplace bullying and to responding appropriately should such behaviour occur, including possible disciplinary action. Any instances of workplace bullying should be reported under The Rainforest School's Complaints Handling Policy and Procedure.

In accordance with relevant law, The Rainforest School prohibits workplace bullying towards its workers, whilst they are engaging in their work at The Rainforest School.

Under the Work Health and Safety Act 2011 (Qld), The Rainforest School recognises its duty in relation to workplace bullying includes, so far as is reasonably practicable:

- Elimination or minimisation of risks via the highest level of protection from hazards and risks as is reasonably practicable
- The provision of a safe work environment and safe systems of work
- Fair and effective representation, consultation, co-operation and issue resolution
- Provision of information, training, instruction and supervision
- Monitoring the health and safety of workers and the conditions at the workplace to ensure that work related illnesses and injuries are prevented

The Work Health and Safety Act 2011 (Qld) defines health as meaning physical and psychological health and therefore includes the mental and physical health of workers that may be negatively impacted by workplace bullying.

Anti (Sexual) Harassment Statement

All students and employees at The Rainforest School have the right to learn and work in an environment free from (sexual) harassment. The Rainforest School will provide a fair and safe learning and teaching environment where all students and employees have equal opportunities.

The Rainforest School is committed to taking action to protect students and employees from (sexual) harassment and to responding appropriately should such behaviour occur, including possible discipline. Any instances of (sexual) harassment should be reported under The Rainforest School's Complaints Handling Policy and Procedure.

In particular and in accordance with the legislation, it is The Rainforest School's policy that:

- An employee at the school must not (sexually) harass anyone in the course of their duties, including another employee, a student at the school or someone seeking to become a student at the school, or a student at another school
- An adult student at the school must not sexually harass another student or employee at the school or a student or employee at another school



2. Responsibilities

a) School

The legislation establishes a legal responsibility on employers to provide workplaces free from discrimination, (sexual) harassment and workplace bullying. The Rainforest School takes reasonable steps to prevent unlawful discrimination in the school, as follows:

- Develop and implement an anti- discrimination, (sexual) harassment & workplace bullying policy to assist in preventing any instances of discrimination, (sexual) harassment & workplace bullying.
- Educate and train relevant employees to assist in preventing any instances of discrimination, (sexual) harassment & workplace bullying and to appropriately respond to any instances of discrimination, (sexual) harassment & workplace bullying.
- Establish appropriate grievance and complaints procedures via its Complaints Handling Policy and Procedure to appropriately respond to any instances of discrimination, (sexual) harassment & workplace bullying.
- Remove any discriminatory or offensive materials, rules and practices to assist in preventing any instances of discrimination, (sexual) harassment & workplace bullying.
- Encourage employees and students to contribute to a healthy workplace culture to assist in preventing any instances of discrimination, harassment & workplace bullying.

b) Officers

In their legal role as Officers, The Rainforest School's Board Members, the Principal and Senior Executive Team undertake their role and responsibilities under the legislation as detailed in The Rainforest School's Work Health and Safety Policy. Specifically, in relation to discrimination, (sexual) harassment and workplace bullying, Officers at The Rainforest School have a responsibility to ensure that The Rainforest School acts to:

- take reasonable steps to prevent discrimination, (sexual) harassment and workplace bullying from occurring, as far as is reasonably practicable
- appropriately respond to any occurrences of discrimination, (sexual) harassment and workplace bullying.

c) Staff

All staff are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, workplace bullying and 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:

- not engage in discriminatory conduct, harassment or workplace bullying and must uphold the school's policy
- follow the standards of behaviour outlined in this policy and the 'Staff Code of Conduct'



- offer support to people who experience discrimination, workplace bullying or harassment, including providing information about how to make a complaint
- not gossip and respect the confidentiality of complaint resolution procedures, unless in the context of dealing with the claim
- treat everyone with dignity, courtesy and respect.

If staff believe that this type of behaviour is occurring in the school, they should make a complaint under the school's Complaints Handling Policy and Procedure.

Gossip

It is unacceptable for staff at The Rainforest School to talk with other staff members, students or families about any complaint of discrimination, harassment or workplace bullying, unless in the context of dealing with the claim.

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

d) Students

All students at The Rainforest School have a responsibility not to engage in discriminatory conduct and to uphold the school's policy. If students believe that this type of behaviour is occurring in the school, they should make a complaint under the school's Complaints Handling Policy & Procedure.

e) Additional responsibilities of Principal, Managers and the School Board

Principal, Managers and the School Board must also:

- model appropriate standards of behaviour
- 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
- help staff resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure staff 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. Policy Implementation

The Rainforest School takes reasonable steps to prevent discrimination, including the following:

- awareness – regularly raise awareness of discrimination, including by the development and implementation of an anti-discrimination policy, and via the clear support and promotion of the policy by the school board and executive management team.
- training – regularly educate and train employees appropriately on how to prevent and manage discrimination.
- complaints handling – establishment of an appropriate complaints handling policy and procedures.
- record keeping, monitoring, reporting – keep appropriate records, monitor and report on discrimination issues.



- culture – removal of any discriminatory or offensive materials, rules and practices, and encouragement of employees to contribute to a healthy school culture.

Resolving issues at The Rainforest School

The Rainforest School is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur, including possible disciplinary action. The Rainforest School strongly encourages any staff member who believes they have been discriminated against, bullied, harassed or victimised to take appropriate action as per The Rainforest School's Complaints Handling Policy and Procedures.

Staff who do not feel safe or confident to take such action may seek assistance from the Principal or Business Manager for advice and support or action on their behalf.

4. Definitions

a) 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, on the basis of an attribute* 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.

* see list below for personal characteristics/attributes protected by law

*For example, a worker is harassed and humiliated because of their race OR
A worker is refused promotion because they are 'too old'*

Indirectly, on the basis of an attribute happens if a person imposes, or proposes to impose, a term –

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

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

Protected personal characteristics under Federal 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
- sex
- employment activity
- 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



- religious beliefs or religious activity
- pregnancy and breastfeeding
- lawful sexual activity, sexual orientation, expunged homosexual conviction intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political belief or activity
- social origin
- medical record
- criminal record
- education
- 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 also 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.

b) Workplace bullying

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

- **Workplace bullying:** repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.
- **Repeated behaviour:** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
- **Unreasonable behaviour:** means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Workplace bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices. 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, which may include using electronic mediums
- threats, abuse or shouting
- unjustified criticism or complaints
- deliberately excluding someone from workplace activities, isolation
- 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 to the detriment of the worker
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- spreading misinformation or malicious rumours, which may include using electronic mediums
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.
- sarcasm and other forms of demeaning language



- coercion
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- unreasonable refusal of requests for leave, training or other workplace benefits.

If workplace bullying behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.

Workplace bullying is unacceptable in The Rainforest School and may also be against occupational health and safety law.

c) Harassment

Unlawful harassment is defined under federal and state legislation, as any form of behaviour where a person is made to feel intimidated or humiliated because of a particular characteristic(s) eg, race, sex as specified under anti-discrimination or human rights legislation.

Unlawful harassment can be verbal, written or physical, and has the intent or effect of creating an intimidating, hostile or offensive work and/or educational environment. Harassment can be a single incident, or repeated behaviour, and can occur even if the behaviour is not intended to offend. Silence does not mean that the behaviour is acceptable to the other person.

Examples of behaviours that may amount to harassment include:

- Asking intrusive questions about someone's personal life;
- Comments that put down or stereotype people;
- Offensive communications including digital communications (e.g Facebook, Instagram, Twitter, e-mails), written, images and telephone;
- Derogatory or demeaning jokes intended to offend on the basis of stereotyped characteristics.

Sexual harassment

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

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- intentionally 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.

Just because someone does not object to inappropriate behaviour in the workplace at the time, 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. 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. Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure, are also criminal offences and should be reported to the police.

The Rainforest School 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.

Adult student - an adult student means a student who has attained the age of 16 years

d) Victimisation

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. 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.

The Rainforest School has a zero-tolerance approach to victimisation.

Version Control

Approval Details

Approval authority	The Rainforest School (Governing Body)
Version Number	3
Date for next review	May 2024

Modification History

Version no.	Approval date	Implementation date	Details
2	09/05/2020	11/05/2020	Policy has been revised entirely.
3	20/05/2022	20/05/2022	Policy has been revised entirely.