Discrimination, Harassment & Workplace Bullying Policy

Version 3 - 2026

ASSYRIAN CHRISTIAN SCHOOLS

ACS

Written By	Chief Executive Officer, Principal, Human Resources Manager
Approved By	Governance Committee
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Relevant to	All Assyrian Christian Schools Staff, Students and Affiliates
Related College Documents	• Child Protection Policy • Complaints and Grievance Policy and Procedures • Student Behaviour Management Policy • Wellbeing Policy • Duty of Care Policy • Privacy Policy • Anti-Bullying Policy • Communications Policy • Code of Conduct Policy • WHS Policy
Legislation	• Education Act 1990 (NSW) as amended by the Education Amendment Government Schools Registration) Act 2004 (NSW) • the Children and Young Persons (Care and Protection) Act 1998 • the Child Protection (Working with Children) Act 2012 • the Children's Guardian Act 2019 ("Children's Guardian Act") • Civil Liability Act 2002 • Multi-enterprise agreement (MEA) • Work Health and Safety Act 2011 (NSW) • Work Health and Safety Regulation 2017 (NSW) • Fair Work Act 2009 (Cth) • Anti-Discrimination Act 1977 (NSW) • Discrimination Act 1991 (ACT) • Age Discrimination Act 2004 (Cth) • Disability Discrimination Act 1992 (Cth) • Racial Discrimination Act 1975 (Cth) • Sex Discrimination Act 1984 (Cth) • SafeWork NSW Code of Practice: Managing Psychosocial Hazards at Work
Next Policy Review	2028

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Discrimination, Harassment and Workplace Bullying Policy

1. PURPOSE

1.1 The purpose of this policy is to make staff and affiliates aware of:

1.1.1 What 'unlawful workplace discrimination', 'harassment' and 'bullying' mean;

1.1.2 The procedures Assyrian Christian Schools (ACS) has in place to deal with workplace complaints relating to discrimination, harassment and bullying; and

1.1.3 Who you can talk to at the school if you wish to make a complaint.

1.2 ACS' policies which are made from time to time are made pursuant to the requirements set out in Section 47 of the *Education Act* and of the NESA for registration of the school.

2. SCOPE

2.1 This policy applies to all employees, contractors and volunteers engaged by ACS and applies to behaviour:

2.1.1 In the workplace, including while working inside the regular working hours and working outside normal working hours;

2.1.2 While undertaking work activities including interaction with parents or other third parties and while working away from ACS (e.g. school trips or sport activities); and

2.1.3 At work-related events. e.g. conferences and social functions.

3. DEFINITIONS

3.1 Discrimination is treating one person or group less favourably than another or causing them disadvantage.

3.2 Unlawful discrimination is discrimination which the law has defined as unacceptable.

3.3 Unlawful harassment is a type of unlawful discrimination.

3.4 Workplace bullying is repeated, unreasonable behaviour directed toward a staff member, other individual, or group that may cause harm, including risk to health and safety. Refer to the *Work, Health and Safety Act 2011 (NSW).*

3.5 Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, intimidate or threaten another person. Such behaviour can include an individual's or group's actions or practices which humiliate, intimidate or threaten another person.

3.6 A hostile workplace environment on the ground of sex exists where a person subjects others in a workplace to a work environment that is offensive, intimidating or humiliating to a person of the relevant sex, having regard to factors such as the nature of any statements, conduct or material, and the frequency, duration and location of the conduct. This can occur without the conduct being directed at a specific individual and is distinct from, but may overlap with, sexual harassment.

4. RATIONALE

4.1 Everyone at ACS has the legal obligation not to discriminate against, or harass for any unlawful reason, or bully for any reason any employee, agent, contractor, supplier, volunteer, parent, student or visitor.

4.2 Positive duty: In addition to responding to complaints, ACS has a positive duty under the Sex Discrimination Act 1984 (Cth) to take proactive and reasonable measures to eliminate, as far as possible, sex discrimination, sexual harassment, sex-based harassment, hostile workplace environments on the ground of sex, and related victimisation. ACS meets this duty through measures including staff training, this Policy and related policies, risk assessment of workplace practices, and the reporting and response mechanisms set out below. ACS will review these measures periodically to ensure they remain effective, rather than relying solely on individuals to raise complaints.

5. BREACHES OF THIS POLICY

5.1 The Principal or delegate will be informed of all suspected breaches of this policy. The Principal or delegate is responsible for initiating action to investigate suspected breaches and will liaise with appropriate officers of ACS to ensure that breaches are dealt with, and appropriate corrective action taken.

5.2 All suspected breaches of this policy should, in the first instance, be reported to the relevant supervisor, who will forward the information to the Principal.

5.3 Breaches of this policy will be managed in accordance with the relevant Enterprise Agreement, the Code of Conduct, and other rules of ACS relating to staff discipline and relevant laws.

5.4 Breaches of this policy may result in disciplinary action which may include, but is not limited to, limitation or removal of access to ACS' systems or termination of an employee's or contractor's engagement with ACS.

6. ROLES AND RESPONSIBILITIES

A. Chief Executive Officer

6.1 The CEO has overall responsibility for the implementation and management of this policy.

B. Executive and Middle Leaders

6.2 Supervisors, and members of the Senior Executive have a responsibility to, where possible:

6.2.1 Ensure staff within their areas of responsibility are aware of appropriate practices

6.2.2 Act in the best interests of ACS

6.2.3 Model in their own conduct the principles of this policy

6.2.4 Allocate resources to support the requirements of this policy

6.2.5 Critically review processes and provide considered opinion and approval when appropriate.

6.2.6 Acknowledge and understand that addressing risks associated with inappropriate behaviours is a legislative duty under the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulations 2017 (NSW), including the duty to manage psychosocial hazards such as bullying, harassment and conflict, consistent with the SafeWork NSW Code of Practice: Managing Psychosocial Hazards at Work.

C. Staff and Affiliates

6.3 Staff and affiliates are required to comply with this policy and any other documents or procedures to which this policy refers.

7. POLICY GUIDELINES

7.1 Unlawful Discrimination

7.1.1 There are many Federal and State laws which presently make discrimination unlawful on a variety of grounds (**unlawful reasons**) including:

- Sex, marital or relationship status, pregnancy, breastfeeding or family responsibilities;
- Sexuality or sexual preference;
- Race, colour, descent, nationality, national origin, ethnicity or ethno-religious origin;
- Religious belief or activity;
- Political belief or activity;
- Trade union activity;
- Disability or impairment;
- Gender identity;
- Age;
- Responsibilities as a carer; or
- Service in the voluntary defence forces.

7.1.2 Whether it is unlawful to discriminate against a person for one of these reasons will depend on the particular circumstances associated with being employed in NSW.

7.2 How can unlawful discrimination occur?

7.2.1 Discrimination can occur in the recruitment process, during the course of employment or upon termination of employment. Discrimination can also occur in the provision of goods or services. Staff members should not discriminate against co-workers, contractors, volunteers, parents or students.

7.2.2 Discrimination can be direct or indirect.

Direct discrimination occurs where someone is treated less favourably because of their sex, age, racial group etc. An example of direct discrimination is when an employee misses out on an internal promotion because they are considered too old for the job.

Indirect discrimination occurs where everyone is treated on the same terms according to a rule, policy or directive but which has the effect of being less favourable to people of a particular sex, age group, race, religion etc and which is not reasonable in all the circumstances. An example of indirect discrimination would be a policy stating that ACS will not engage part-time teachers – this would impact on teachers who may wish to work part-time due to carers' responsibilities and would most likely exclude a large proportion of women – and this restriction is not reasonable.

7.2.3 There are exceptions from anti-discrimination law which may apply in some situations – for example, because of the requirements of a particular job. It may be reasonable for only women to supervise in a girls' boarding school.

7.3 Unlawful Harassment

7.3.1 Unlawful harassment is any form of conduct or behaviour which affects a person that:

a) is unwelcome (not wanted) or uninvited (not asked for); and

b) is based on one of the unlawful reasons; and

c) a reasonable person would have anticipated might humiliate, offend or intimidate the person exposed to the conduct.

7.4 What are the types of Unlawful Harassment?

7.4.1 Types of unlawful harassment include, but are not limited to:

a) sexual harassment;

b) verbal abuse or comments that degrade or stereotype people because of their race, sex, sexuality, pregnancy, disability, etc;

c) jokes based on race, sex, sexuality, pregnancy, disability etc;

d) mimicking someone's accent, or the habits of someone with a disability;

e) offensive gestures based on race, sex, sexuality, pregnancy, disability, etc;

f) bullying a person because of their race, sex, sexuality, pregnancy, disability, etc;

g) ignoring or isolating a person or group because of their race, sex, sexuality, pregnancy, disability, etc; or

h) display or circulation of racist, pornographic or other offensive material (including in electronic format).

7.4.2 Harassment might not be unlawful, if it is not based on one of the unlawful reasons. However, ACS expects its staff to treat each other and other people with whom they come into contact, as representatives of ACS, with respect and courtesy.

7.4.3 In some cases, a single action or incident can create unlawful harassment. In other cases, there may need to be a persistent pattern of behaviour before unlawful harassment has occurred.

7.5 Unlawful Sexual Harassment

7.5.1 Unlawful sexual harassment is one form of harassment which the law does not allow. A person sexually harasses another person if:

a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person; or

b) engages in other unwelcome conduct of a sexual nature in relation to the person;

7.5.2 in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated **the possibility** that the person exposed to the conduct would be offended, humiliated or intimidated.

7.5.3 Unlawful sexual harassment includes, but is not limited to:

a) pressure or demands for dates or sexual favours;

b) unnecessary familiarity - for example, deliberately brushing against a person or constantly staring at a person;

c) unwanted physical contact - for example, touching or fondling;

d) sexual jokes or innuendo;

e) offensive telephone calls;

f) offensive sexual gestures;

g) unwelcome comments or questions about a person's sex life;

h) display, circulation of sexual material, including magazines, posters or pictures (including in electronic format);

i) sending email or text messages which contain sexual content or tone; or

j) sexual assault.

7.5.4 It is important to understand that some of these forms of sexual harassment are also criminal behaviour and may be treated as a criminal offence.

7.5.5 Mutual attraction between people is not sexual harassment. Conduct which is welcome or consensual is not unlawful, and friendships (sexual or otherwise) which develop between people who meet at work are a private concern provided they do not impact on the workplace or ACS.

7.5.6 However, you should take great care before engaging in conduct you believe to be welcome. Always remember that some people may not feel comfortable telling you that your behaviour is offending them and is not welcome. This may be because of their personality or may be because they are too worried about the possible impact on their employment if they complain. It is your responsibility to ensure that you do not engage in conduct which is not welcome. Similarly, it is your responsibility to tell someone if you do not feel comfortable with their behaviour, or at least to raise the issue with your manager or supervisor or another appropriate person.

7.5.7 You should also remember that even conduct which is welcome may not be appropriate in the workplace. If you are unsure whether conduct is appropriate, you should speak to your Principal or Deputy Principal.

7.5.8 Further, any personal friendships that develop should not adversely impact on ACS, your responsibilities to do your work or on the performance or productivity of your co-workers.

7.6 Workplace Bullying

7.6.1 The following types of behaviour, particularly if directed towards an individual repeatedly, may include, but are not limited to, bullying:

- Demeaning language;
- Threats;
- Verbal abuse;
- Outbursts of anger or aggression;
- Physical or verbal intimidation;
- Unreasonable demands;
- Excluding or isolating; and
- Ganging up.

7.6.2 Performance management and directions in relation to the performance of work or conduct required by the school are not bullying or harassment.

7.7 What are Your Obligations?

7.7.1 Everyone at ACS has the legal obligation not to discriminate against, or harass for any unlawful reason, or bully for any reason any employee, agent, contract worker, contractor, supplier, parent, student or visitor.

7.7.2 You must always consider how your behaviour will be viewed by the person or people you are dealing with. You might unlawfully harass someone, bully someone or unlawfully discriminate against someone even if you do not mean to do or say anything offensive. It is not a legally acceptable defence to say that you did not mean or intend to humiliate, offend or intimidate somebody else.

7.7.3 It is sometimes difficult to know whether someone will find your behaviour acceptable. What is offensive to one person may not be offensive to another. You should be careful not to risk being misunderstood and, as a result, becoming the subject of a complaint.

7.8 Victimisation

7.8.1 You must not victimise a person because they have made or propose to make a complaint of unlawful discrimination, harassment or bullying or because they have provided information in relation to a complaint. Victimisation means subjecting a person to some detriment, for example, ostracising an employee or excluding them from an opportunity or activity.

7.9 What can you do if you feel you are being unlawfully harassed or discriminated against or bullied?

7.9.1 If you feel that you are being unlawfully harassed, discriminated against or bullied, there is action which you can take that may resolve the problem, such as:

a) do not ignore circumstances where you feel you are being unlawfully discriminated against, harassed or bullied, thinking it will go away. Ignoring the behaviour could be taken as tacit approval by the person causing the harassment, discrimination or bullying;

b) where you feel comfortable ask the person to stop, or make it clear that you find the behaviour offensive or unwelcome. Maybe the alleged discriminator/harasser/bully is not aware that his/her behaviour is intimidating or unwelcome and will stop once they are told. It may be useful to speak with the Principal or Deputy Principal in the first instance to seek guidance on how to do this; and/or raise the issue as a grievance with the Head of School under this policy, **as soon as possible** after the incident(s) has occurred.

7.9.2 If you feel that you are being victimised because you have made or propose to make a complaint of unlawful discrimination, harassment or bullying or because you have provided information in relation to a complaint you should raise the issue as soon as possible with the Principal.

7.9.3 If your issue is about the Principal, you should raise it as a grievance, in writing, with the Chief Executive Officer.

7.9.4 If your issue is about the Chief Executive Officer, then you should raise it as a grievance, in writing, with the Chair of the Board.

7.10 Although you may feel the need to tell a trusted friend or work colleague about the matter, you should be careful. Accusations of unlawful discrimination/harassment can harm the reputation of those involved and could lead to legal action for defamation. Matters of this kind must be dealt with confidentially on a need-to-know basis. Do not discuss this matter generally with colleagues or members of the school community. It is in everyone's best interest if rumours are not allowed to spread.

7.11 What will ACS do if you have a complaint?

7.11.1 All complaints will be treated seriously and generally in accordance with this statement. ACS will determine the most appropriate method of dealing with the grievance. This may include (among other things):

a) requesting further information from you;

b) requesting information from other co-workers or third parties;

c) meeting with you or others involved in the grievance;

d) reviewing and responding to the grievance or arranging for an appropriate person to review and respond to the grievance or

e) facilitating a meeting between you and the person(s) that the grievance is about.

On receipt of a grievance ACS will generally take the following steps:

a) determine the best method of handling the grievance;

b) advise you of the likely steps that will be undertaken by ACS in relation to the grievance;

c) advise the person(s) that the grievance is about of the nature of the grievance and seek their response;

d) collect any additional information ACS considers necessary to properly review the grievance; and

e) advise both you and the person(s) that the grievance is about of ACS' response to the grievance and if appropriate, any proposed action to be taken.

7.11.2 However, there may be circumstances in which some of the steps outlined above are not appropriate and ACS will determine, in its absolute discretion, on a case-by-case basis the most appropriate method of handling the grievance.

7.11.3 ACS will take whatever action it considers appropriate if there has been unlawful discrimination or harassment or bullying, including disciplining or dismissing offenders.

7.11.4 You should also be aware that if you lie about or exaggerate a complaint, ACS will view this as a very serious matter, and you may be disciplined or dismissed.

7.12 General

7.12.1 This policy summarises some of the rights and obligations which are created by the legislation. The policy is not intended to go beyond the legislation. This policy is not a term of any contract, including any contract of employment. This policy may be varied from time to time.

ACS

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