



# Freedom from Harassment Policy

---

## Contents

Our Values.....	1
Policy Application.....	1
Definitions.....	2
Examples of Forms of Harassment.....	2
What is not workplace harassment.....	4
Policy.....	4
Responsibilities.....	4
Complaints.....	5
Breach of Policy.....	5
Governance.....	5

## Our Values

LTSA values a safe, inclusive, respectful work environment with a focus on providing our team members with an environment that supports their health, wellbeing, productivity, and effectiveness.

This policy seeks to ensure that La Trobe Student Association Ltd. (LTSA) complies with all obligations under relevant legislation and to ensure all LTSA team members experience a safe, inclusive and enjoyable work environment free from unlawful harassment.

## Policy Application

This policy does not form part of any contract of employment or any industrial instrument. It will be subject to regular review and may be amended by LTSA from time to time.

This policy applies to the following persons, collectively referred to in this policy as 'team members':

- a) prospective and current full-time, part-time and casual employees;
- b) Governing Board of Directors;
- c) volunteers;
- d) agents and contractors engaged from time to time; and
- e) elected student representatives and members of all LTSA bodies.

LTSA recognises that workplace harassment can take place through several different methods of communication including face to face, email, text messaging, virtual forums and social media platforms. As such, this policy applies to all methods of communication through which workplace harassment can take place.

This policy is not restricted to the workplace or work hours. The obligations in this policy are also applicable to any work-related events or functions. All team members are expected to comply with this policy at work related events or functions.



A “work related event or function” means any event or function that is connected to LTSA. These may include, for example:

- a) on-campus and off-campus LTSA events;
- b) conferences and any professional development training opportunities;
- c) work functions;
- d) end of year functions;
- e) virtual events;
- f) La Trobe University functions/events; and
- g) on social media platforms where team members and/or Governing Board of Directors and elected student representatives interact.

## **Definitions**

### **“Harassment”**

Unwelcome conduct that might reasonably cause a person to be offended, humiliated or intimidated because they have a protected attribute. Harassment can also happen if someone is working in an environment permeated by conduct or activities that make it hostile or intimidating. The behaviour can be overt or subtle, verbal, non-verbal or physical.

Where such conduct occurs towards a person due to a particular characteristic of that person (such as when based on sex, sexual orientation, pregnancy, marital status, age, disability, ethnicity or race,) this may be unlawful under discrimination and equal opportunity law, **even if it is limited to a single incident.**

### **“Victimisation”**

Subjecting a person to negative treatment because they have:

- a) asserted their rights under equal opportunity law;
- b) made a complaint under equal opportunity law; and
- c) helped someone else make such a complaint; and refused to do something because it would be discrimination, sexual harassment or victimisation.

## **Examples of Forms of Harassment**

### **Workplace Harassment**

Workplace harassment or bullying behaviour may include:

- a) abusive or offensive language or comments;
- b) aggressive and intimidating behaviour;
- c) belittling or humiliating comments;
- d) practical jokes or initiation;
- e) unjustified criticism or complaints;
- f) spreading misinformation or malicious rumours;
- g) unfair allocation of meaningless tasks or duties;
- h) excessive demands or impossible deadlines;
- i) deliberately changing work rosters to inconvenience an employee; and



- j) undermining work performance by deliberately withholding information vital for effective work performance.

### **Sexual Harassment**

Sexual harassment is any unwelcome sexual conduct which is reasonably likely to offend, insult, humiliate or intimidate.

Sexual Harassment is not sexual interaction, flirtation or friendship which is invited, mutual, consensual or reciprocated. In this situation, management would not become involved in the issue. However, the behaviour may be inappropriate behaviour and may be offensive to other team members in the work environment.

Sexual harassment is against the law and some types of sexual harassment can also be a criminal offence. These include indecent exposure, stalking and sexual assault, as well as obscene or threatening phone calls, letters, emails, text messages and posts on social networking sites.

Sexual harassment may include:

- a) comments about a person's private life or the way they look;
- b) sexually suggestive behaviour, such as leering or staring;
- c) brushing up against someone, touching, fondling or hugging;
- d) making remarks with sexual connotations;
- e) unsolicited demands or requests for sexual favours;
- f) intrusive questions about a person's private life or body;
- g) sexually suggestive comments or jokes;
- h) displaying offensive screen savers, photos, calendars or objects;
- i) repeated requests to go out;
- j) requests for sex; and
- k) sexually explicit emails, text messages or posts on social networking sites

### **Racial Harassment**

Racial harassment is any behaviour which is reasonably likely to offend, insult, humiliate or intimidate in relation to comments on a person's race, colour, nationality, accent or ethnic origin.

Racial harassment may include:

- a) racially oriented ridicule, e.g. derogatory reference to physical features, skin colour or cultural and religious observances or imitating someone's accent;
- b) displaying or circulating racist cartoons or literature or writing racist graffiti;
- c) isolation or segregation based on race or ethnicity; and
- d) wearing racist symbols (such as badges) or clothing with racist slogans in public.

## **Disability Harassment**

Disability harassment is any behaviour which is reasonably likely to offend, insult, humiliate or intimidate in relation to comments on a person's disability, perceived or otherwise.

The term 'disability' is broad and includes physical, intellectual, psychiatric, sensory, neurological and learning disabilities, including work-related injuries. The law protects people who have had a disability in the past and those who may have a disability in the future.

Disability harassment may include:

- a) humiliating comments or action about a person's disability, such as insults;
- b) comments or action which create a hostile environment;
- c) overbearing or abusive behaviour towards staff with intellectual disabilities; and
- d) disparaging remarks to staff who have made compensation claims.

## **What is not workplace harassment**

The GOO has responsibilities to manage their team members, particularly with regard to unsatisfactory performance of duties. Such comment and advice may include critical statements and feedback along with monitoring and review of work performance.

The act of correcting team members, highlighting areas for improvement, invoking performance counselling or misconduct procedures does not in itself constitute harassment.

## **Policy**

LTSA seeks to provide a work environment that is safe, inclusive and enjoyable for all. LTSA is actively committed to protecting the rights of team members, Board Directors, elected student representatives and clients to achieve their full potential in an environment which values and affirms diversity and is free from discrimination, harassment, victimisation and vilification.

LTSA will take all reasonable steps to ensure that team members, Board Directors, elected student representatives and clients will be treated fairly and with dignity and respect whilst working or receiving services at LTSA.

Discrimination and harassment will not be tolerated at LTSA under any circumstances and may in fact be unlawful under State or Commonwealth law.

## **Responsibilities**

### **LTSA GOO**

It is the responsibility of the LTSA GOO to ensure that:

- a) all coordinators and team members are aware of their obligations, responsibilities, and rights in relation to the prevention of unlawful harassment;
- b) any matter which does not comply with these principles is identified and addressed as promptly and sensitively as possible;
- c) ongoing support, guidance and advice is provided to all coordinators and team members in relation to these principles and practice;
- d) education and training campaigns are conducted within LTSA to eliminate harassment; and
- e) all documentation pertaining to complaints is kept secure and confidential.

### **LTSA GOO and Governing Board of Directors Chair**

The GOO and Governing Board of Directors Chair have a responsibility to:

- a) ensure that their workplace is free from harassing behaviour;

- b) inform all team members, elected student representatives and clients clearly of what is and is not acceptable behaviour and advise that if claims of harassment are substantiated, then disciplinary procedures may be invoked;
- c) inform team members, elected student representatives and clients of how to resolve informal complaints;
- d) inform team members, elected student representatives and clients who experience discrimination and harassment of their rights and provide them with the appropriate policy and procedures to resolve their concerns;
- e) ensure that team members, elected student representatives and clients who make a complaint are always not victimised for doing so and respect their privacy and confidentiality;
- f) ensure that the policies and procedures in relation to the resolution of a grievance/complaint are followed; and
- g) seek appropriate assistance from the GOO when required.

### Team Members

Individual team members and elected student representatives have a responsibility:

- a) not to participate in harassing behaviour within the workplace; and
- b) behave in a respectful, tolerant and equitable manner to all members of the LTSA community.

### Complaints

Complaints of harassment will be taken seriously and will be handled in accordance with LTSA's Complaint Handling Procedure.

Complaints made in pursuance of this policy will be treated confidentially. To the extent possible LTSA will maintain confidentiality throughout of the course of the complaint resolution procedure with details disclosed only to relevant parties and only to the extent necessary to properly deal with the complaint.

Anyone who makes a complaint about harassment is protected from being victimised.

Team members will not be disadvantaged for raising a complaint, even if it is not upheld, unless the complaint was untrue or vexatious.

### Breach of Policy

LTSA treats any breach of its policies or procedures seriously. LTSA encourages reporting of concerns about non-compliance and will manage compliance in accordance with the *Higher Education General Staff Award 2020*, National Employment Standards (NES), Disciplinary Policy and employment contract terms.

### Governance

<p><b>Related Policies &amp; Procedures</b></p>	<ul style="list-style-type: none"> <li>• LTSA Code of Conduct</li> <li>• LTSA Complaints Handling Procedure</li> <li>• LTSA WHS Policy</li> <li>• LTSA Equal Opportunity Policy</li> <li>• LTSA Anti-Bullying Policy</li> <li>• LTSA Social Media Policy</li> <li>• LTSA Disciplinary Policy</li> </ul>
<p><b>Legislation Mandating Compliance</b></p>	<ul style="list-style-type: none"> <li>• Racial Discrimination Act 1975 (Cth)</li> <li>• Equal Opportunity Act 2010 (VIC)</li> <li>• Australian Human Rights Commission Act 1986 (Cth)</li> </ul>

## LTSA Ltd. Freedom from Harassment Policy

---

	<ul style="list-style-type: none"><li>• Sex Discrimination Act 1984 (Cth)</li><li>• Disability Discrimination Act 1992 (Cth)</li><li>• Age Discrimination Act 2004 (Cth)</li></ul>
<b>Policy Owner</b>	Governance and Operations Officer (GOO)
<b>LTSA Governing Board of Directors Approval</b>	15 <sup>th</sup> March 2021
<b>Review Date</b>	15 <sup>th</sup> March 2024
<b>Version</b>	2