

	Anti -Bullying, Harassment and Discrimination Policy	
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1.0 INTRODUCTION

Our Rainbow House employs and provides services to a cross-section of people from diverse social, political and cultural backgrounds. Our organisation is committed to racial and social justice. We respect the differing cultures, backgrounds and abilities of our community members and value the individual skills each brings to our organisation.

We recognise that racism can be structural, systemic and institutional, and we are committed not only to preventing discrimination, but to actively promoting racial justice through our governance, programs, partnerships and organisational culture.

In implementing this policy, we commit to providing a safe and respectful environment for representatives of Our Rainbow House and our stakeholders, free from all forms of discrimination, bullying, harassment and victimisation, ensuring all members of the Our Rainbow House community are treated with dignity, courtesy and respect. This includes actively identifying and addressing power imbalances and inequities that may impact people based on race or ethnicity.

2.0 REFERENCE

Anti-Discrimination Act 1991 - Australia
Australian Human Rights Commission Act 1986 (Cwth) - Australia
Corporations Act 2001- Australia
Crime and Corruption Act 2001- Australia
Criminal Code Act 1899- Australia
Employment Code Act (2019) – Zambia
Industrial and Labour Relations Act (1993) – Zambia
Our Rainbow House Child Protection Code of Conduct
Our Rainbow House Child Protection Policy and Procedure
Our Rainbow House Code of Conduct
Our Rainbow House Communications Policy and Procedure
Our Rainbow House Complaints Handling Policy and Procedure
Our Rainbow House Gender Equality, Disability and Social Inclusion Policy
Our Rainbow House Whistleblowing Policy and Procedure
Our Rainbow House Safeguarding Vulnerable People Policy and Procedure
Public Interest Disclosure Act 2013- Australia
Sex Discrimination Act (1984) – Australia
Work Health and Safety Act 2011- Australia
Workplace Gender Equality Act 2012 (Cwth) – Australia
and associated Regulations and Codes of Practice

3.0 DEFINITIONS

Bullying is repeated, unreasonable behaviour directed toward a person (or group of people), whether intentional or unintentional, that creates a risk to health and safety. This includes behaviour that is victimising, humiliating, intimidating or threatening.

Examples of bullying include (but are not limited to):

- abusive, insulting or offensive language or comments
- aggressive and intimidating conduct
- belittling or humiliating comments
- victimisation
- practical jokes or initiations
- unjustified criticism or complaints
- deliberately excluding someone from work-related activities
- 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 person
- spreading misinformation or malicious rumours (gossip), and
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular person or persons.

Discrimination occurs when a person (or a group of people) is singled out for worse treatment, compared to others in similar circumstances, because of one or more of the following protected attributes:

- race, (including colour, descent or ancestry, nationality, ethnic origin);
- age (whether younger or older);
- impairment (including biological, functional, learning, physical, sensory, mobility, cognitive, psychological, psychiatric or disease);
- religious belief or activity;
- sex or gender identity;
- relationship status (including being married, single, divorced, separated, de facto or in a same sex relationship);
- sexuality;
- pregnancy, breastfeeding, parental status (including being or not being a parent, guardian, foster parent, adoptive parent, or stepparent);
- family responsibilities (including the responsibility to care for and support a dependent child or immediate family member);
- lawful sexual activity as a sex worker;
- trade union activity;
- political belief or activity;
- irrelevant criminal conviction (one that does not relate to an inherent requirement of the role);
- association with someone else who is identified because of one of these attributes.

Direct discrimination may involve:

- making offensive 'jokes' about another person based on one or more of the above attributes;
- expressing negative stereotypes about particular groups, or using stereotypes as a basis for decisions about work e.g. 'Women with young children shouldn't work.' or 'Older workers can't learn new skills.'
- using selection processes based on irrelevant attributes, such as those above, rather than on the skills really needed for the job.

Indirect discrimination occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able, to comply with the rule due to one or more of the above attributes. The fact that the disadvantage was not intended is not an excuse. For example:

- Requiring everyone to be available for all shifts might be unfair to a person with responsibilities to care for children or an elderly parent.

- Only hiring people who have never had a back injury or a workers' compensation claim might rule out an employee whose health has returned and can do the job well.
- Not considering the provision of some reasonable adjustments to allow a person with an impairment to perform the essential parts of the job in a different way.

Discrimination in the workplace is prohibited by anti-discrimination legislation in both Australia and Zambia.

Harassment occurs when a person behaves in a manner that causes another person (or group of people) to feel offended, humiliated, intimidated or frightened. It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence.

Unlawful harassment can include (but is not limited to) behaviour such as:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails;
- displaying offensive or pornographic posters or screen savers;
- making derogatory comments or taunts about an individual's race or religion;
- asking intrusive questions about someone's personal life, including their sex life.

It is important to note that from a legal perspective it is irrelevant whether the harassing behaviour was intended or not.

Open-Door Practices are employment and communication practices that favour transparency and make managers and leaders accessible to employees.

Our Rainbow House community shall mean all representatives of Our Rainbow House, students, guardians and family members, caregivers, sponsors, donors and visitors, i.e., anyone directly or indirectly involved in Our Rainbow House activities.

Racial Justice is the fair and just treatment of all people across racial and ethnic groups, achieved through both the removal of discriminatory barriers and the proactive addressing of systemic, institutional and structural inequalities. It includes ensuring equitable access to opportunities, resources, representation, and decision-making power.

Representative shall mean any board member, staff member, volunteer, student placement, apprentice, contractor, sub-contractor or any other person who is caused to undertake tasks or duties on behalf of Our Rainbow House.

Sexual Harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person. Sexual harassment has nothing to do with mutual attraction or consenting friendships, whether sexual or otherwise. Sexual harassment is unlawful in pre-employment activities and in the workplace. The workplace includes any place a person goes for the purpose of carrying out any function in relation to their role and can also extend to social functions.

Some examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings;
- Staring or leering at a person or at parts of their body;
- Unwelcome patting, pinching, touching or unnecessary familiarity, such as unnecessarily brushing up against a person;
- Offensive comments or questions about a person's physical appearance, dress or private life;
- Sexually explicit pictures or posters or screen savers (words and images);
- Sexually explicit telephone calls, letters, faxes, emails or voicemail messages;
- Inappropriate 'humour' such as smutty or suggestive jokes or comments;
- Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality, or tales of sexual performance;
- Requests for sex;
- Insults or taunts based on sex;
- Sexually explicit physical contact.

Some types of sexual harassment may also constitute offences under the criminal law. A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

Social Justice is the fair treatment of all people in a society, including respect for the rights of minorities and equitable distribution of resources among members of a community.

Victimisation is the action of singling someone out for cruel or unjust treatment.

4.0 SCOPE

This policy applies to:

- all members of the Our Rainbow House community;
- how Our Rainbow House delivers our programs;
- how representatives of Our Rainbow House treat other representatives, stakeholders, and members of the public encountered in the course of their Our Rainbow House duties.
- on-site, off-site or after-hours work; work-related social functions; conferences – wherever and whenever representatives may be as a result of their Our Rainbow House duties;
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport.

5.0 PURPOSE

The purpose of this policy is to ensure that:

- all members of the Our Rainbow House community have a clear understanding of our organisation's expectations in relation to appropriate behavior in the workplace;
- a positive workplace culture is promoted at Our Rainbow House;
- the diversity of all people is celebrated;
- a working environment that is free from all forms of discrimination is promoted and expected; and
- clear mechanisms for reporting breaches of these expectations are available.

6.0 RESPONSIBILITIES

All members of the Our Rainbow House community contribute to the creation of a discrimination-free and inclusive workplace, and a healthy workplace culture by:

- complying with this policy;
- supporting our organisation in maintaining a safe work environment;
- not participating in discriminatory or harassing behaviour;
- actively supporting racial justice principles, including recognising and challenging bias, discrimination, and inequitable practices where they occur; and
- reporting any form of bullying, harassment or discrimination.

Those persons in positions of authority have a particular obligation to ensure acceptable standards of conduct are observed at all times, including:

- modelling appropriate behaviour;
- promoting this policy;
- promoting racial justice and inclusion in decision-making processes, including awareness of power imbalances affecting racial and cultural groups;
- ensuring that organisational practices, recruitment, partnerships and communications are reviewed through a racial equity lens;
- enforcing workplace behavioural standards;
- treating all complaints seriously and responding to them promptly;
- acting fairly to resolve issues, making sure relevant parties are heard;
- referring formal complaints about breaches of this policy to the appropriate officer for investigation;
- ensuring those who raise an issue or make a complaint are not victimised; and
- monitoring the work environment and seeking expert help for complex or serious matters.

It is the responsibility of the board to ensure this policy is communicated to all representatives involved in the recruitment process and/or staff management.

7.0 POLICY STATEMENT

Our Rainbow House has a zero-tolerance approach to bullying, harassment, discrimination and victimization. We are also committed to advancing racial justice by taking proactive steps to address systemic inequities, not only responding to incidents of discrimination.

These behaviours:

- will not be tolerated by Our Rainbow House and do not constitute appropriate behavior from any representative, regardless of position held;
- pose a significant health and safety risk due to the harm that can be caused to a person's health and wellbeing;
- may be unlawful if it is linked to, or based on, one of the above-specified protected attributes covered by anti-discrimination legislation. Such instances will be dealt with by the relevant authorities (such as the police) as part of the criminal justice system.

Breaches of this policy may result in disciplinary action.

No person will be penalised or disadvantaged as a result of raising legitimate concerns or complaints relating to discrimination, harassment or bullying. All complaints should be made in a timely manner.

All staff, board members and volunteers will receive training as part of their induction process. This will include training in diversity, inclusion and anti-racism, as well as awareness of systemic racism, unconscious bias, and practical approaches to advancing racial justice in organisational settings.

8.0 PROCEDURES

8.1 Reasonable Management Action

Our Rainbow House may take reasonable management action to effectively direct and manage the way work is carried out. It is reasonable for managers and supervisors to allocate work and give feedback on a representative's performance. These actions are not considered to be workplace bullying if they are carried out in a lawful and reasonable way, taking the circumstances into account.

Reasonable management action can include:

- setting reasonable performance goals, standards and deadlines;
- informing a worker of their unsatisfactory work performance;
- deciding not to select a worker for promotion where a reasonable process was followed;
- informing a worker of their inappropriate behaviour in an objective and confidential way;
- rostering and allocating working hours where the requirements are reasonable;
- transferring a worker for operational reasons;
- implementing organisational changes or restructuring;
- taking disciplinary action including suspension or termination of employment when warranted.

Resolution

The resolution process focuses on a two-stage process:

- Informal process
- Formal process

Informal Process

Where a person believes that they have been the subject of discrimination, harassment or bullying they may seek to resolve the issue personally by approaching the person concerned (either on their own or with a support person) and:

- notifying that their behaviour is causing distress, is unwelcome and unacceptable;
- asking for it to stop immediately and for it not to occur again; and
- keeping a record of the action taken.

Any person who has concerns about, or becomes aware of, unacceptable behaviour has an obligation to actively intervene to prevent such conduct continuing and may seek to resolve any concerns directly with the parties under this clause, if appropriate.

Assisted Resolution

Where assisted resolution is deemed appropriate or requested by the person raising the complaint, it may include but is not limited to:

- clarifying a misunderstanding;
- an apology.
- a facilitated discussion
- an agreed plan of action to avoid future incidents
- requiring attendance at awareness-raising sessions about appropriate behaviour;
- a warning given to the relevant party.

Formal Process

Where the allegation cannot be resolved through the informal process, or the person raising the complaint does not wish to address the issue directly, a formal process may be undertaken. This will require the person to make the complaint in writing. All formal complaints should be addressed using the processes outlined in the *Our Rainbow House Complaints Handling* and *Our Rainbow House Whistleblowing Policies and Procedures*. (www.ourrainbowhouse.org.au/governance).

8.2 Promoting Racial Justice – Strategies and Practice

Our Rainbow House is committed to embedding racial justice across its governance, operations, partnerships and programs. We recognise that achieving racial justice requires ongoing, intentional action.

Our Rainbow House will promote racial justice through the following strategies:

Locally informed and equitable decision-making

- We seek to ensure that decision-making processes include the voices and leadership of people from the communities we work with.
- We actively reflect on power imbalances in partnerships and governance structures.
- We prioritise participatory and locally informed program design and delivery.

Inclusive representation and communications

- We ensure communications, storytelling and imagery reflect dignity, agency and respect.
- We avoid reinforcing stereotypes or deficit-based narratives.
- We seek consent and input from communities in how their stories are represented.

Anti-racism capability building

- All staff, board members and volunteers receive training in anti-racism and racial justice, including unconscious bias, cultural awareness, and structural racism.

- Ongoing learning is encouraged as part of organisational practice.

Equitable and respectful partnerships

- We build relationships based on mutual respect, shared decision-making and accountability.
- We recognise the expertise and leadership of local partners.
- We actively work to reduce power imbalances in international partnerships.

Organisational reflection and accountability

- We periodically review policies, practices and decision-making through a racial justice lens.
- We encourage feedback and reflection from stakeholders on inclusion and equity.
- We use complaints and feedback processes to identify systemic issues, not just individual incidents.

9.0 REVIEW

Date of next review: 18/05/2028 or after any serious incident, to determine if the policy and associated procedure has been effective.