

# Harassment Free Workplace



Review Date: 28/11/2025

## Definitions

### Harassment

Harassment is any unwanted physical, verbal or non-verbal conduct based on grounds of age, disability, gender identity, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

A single incident of unwanted or offensive behaviour can amount to harassment.

Harassment can take many forms and individuals may not always realise that their behaviour constitutes harassment. Examples of harassment include, but are not restricted to:

- insensitive jokes and pranks;
- lewd or abusive comments about appearance;
- deliberate exclusion from conversations;
- displaying abusive or offensive writing or material;
- unwelcome touching; and
- abuse, threatening or insulting words or behaviour.

## Sexual Harassment

Sexual harassment is defined in the Sex Discrimination Act 1984 (Cth) as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual harassment is any behaviour of a sexual nature, which is unwelcome, unsolicited, offensive, or frightening.

Sexual harassment can be physical, verbal, or written. It can include words, images, sounds or statements which are transmitted by telephone, or digital communication.

Examples of sexual harassment may include, but are not limited to:

- Offensive staring and leering;
- Suggestive comments about a person's physical appearance or sexual preference;
- Offensive comments or jokes;
- Questions or comments about another's sexual morality;
- Physical contact e.g. purposefully brushing up against another's body;
- Offensive name calling;
- Pinching, patting, touching, embracing;
- Repeated requests to go out with someone, especially after prior refusal;
- Sexually provocative remarks;
- Displays or sexually graphic material;
- Requests for sexual favours, especially as condition/payment for other "favours".

Serious sexual harassment is a criminal offence and will be reported to the police. These include:

- Attempted or actual rape
- Indecent exposure
- Sexual assault
- Sending obscene letters, texts or making obscene phone calls.

## **Bullying**

Bullying occurs when a person or group of people repeatedly behave unreasonably towards an individual or group, creating a risk to health, safety and wellbeing.

Bullying may involve any of the following types of behaviour:

- Aggressive or intimidating conduct
- Making belittling or humiliating comments
- Spreading of misinformation or malicious rumours
- Teasing, practical jokes or initiation of, or participation in “initiation ceremonies”
- Exclusion from preschool related events
- Unreasonable expectations
- Displaying offensive material and/or
- Pressure to behave in an appropriate manner
- The denial of access to information, supervision or resources such that it has a detrimental impact on the individual or group.

## **Reasonable management action taken in a reasonable way**

It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker’s performance. These actions are not considered to be workplace bullying or harassment if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

Examples of reasonable management action can include but are not limited to:

- Setting reasonable performance goals, standards and deadlines
- Rostering and allocating working hours where the requirements are reasonable
- Transferring a worker for operational reasons
- Deciding not to select a worker for promotion where a reasonable process is followed
- Informing and worker of their unsatisfactory work performance
- Meeting with a worker to discuss performance and/or conduct
- Informing a worker of their unreasonable or inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructuring
- Taking disciplinary action including suspension or termination of employment.

## Strategies - How will it be done?

### The Approved Provider will:

- Ensure all stakeholders are aware of this policy and procedure.
- Follow the complaints procedure set out in the Complaints and Feedback policy.
- Maintain confidentiality in any matters brought to their attention.
- Ensure our organisation is compliant by following legislated responsibilities in the National Law and Regulations.
- In the event that a complaint is raised against the Director, oversee the investigation process or organise an external body to conduct the investigation.

### The Nominated Supervisor will:

- Keep the Approved Provider informed of any complaint (formal or informal).
- Ensure that all stakeholders are aware of their rights and responsibilities.
- Manage any complaints process, following the Complaints and Feedback Policy and Procedure unless the complaint is directed against themselves, in which case the Nominated Supervisor will follow the direction of the Approved Provider, external investigator or Police.
- Ensure that the privacy of all parties is maintained and that the wellbeing of all stakeholders is supported.

### Educators will:

- Uphold National Law and Education and Care National Regulations, the National Quality Standards and relevant guidelines such as the Early Childhood Australia Code of Ethics.
- Support a complainant to follow the service's complaints process N.B. See EXCEPTION noted for Sexual Harassment in Procedure Appendix.
- Report any behaviour that contradicts our Codes of Conduct to a supervisor and assist in any resulting investigation as directed.
- Maintain confidentiality.

### Parents/Guardians, Visitors and Community Members will:

- Follow the Code of Conduct, if relevant.
- Follow the guidance of management in regards to their own behaviour or to lodge a complaint where necessary.

## Statutory Legislation & Considerations

Early Childhood Australia's Code of Ethics

Human Rights and Equal Opportunity Commission Act 1986

Fair Work Act 2009

NSW Anti-Discrimination Act 1977

Guide to the National Quality Standard (3) ACECQA (2015)

Early Years Learning Framework for Australia: Belonging, Being and Becoming, v. 2.0 2022

## Sources

Early Childhood Australia  
[www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)

## Links to other policies

- Complaints and Feedback
- Code of Conduct

## Evaluation

This policy will be updated whenever feedback or a complaint is received which may improve systems. Otherwise, it will be revisited every two years.

### Approved Provider Representative:

**Name:**...Narissa Cuskelly

**Role:** President

**Signature:** .....

**Date:** 28/11/2023

**REVIEW DATE:** .....

POLICY REVISIONS		
Policy Adopted	Approved Provider Representative	Review Date
28/11/2023	Narissa Cuskelly	28/11/2025