CatholicCare
DIOCESE OF BROKEN BAY

Agency

Care & Respect at Work: Preventing Bullying, Harassment & Discrimination

Policy

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Policy statement

CatholicCare Diocese of Broken Bay (CatholicCare) is committed to providing a work environment that is free from unlawful discrimination, bullying, harassment, sexual harassment, and victimisation. CatholicCare has developed practices to ensure compliance with equal opportunity and anti-discrimination laws that prohibit unlawful discrimination, harassment, sexual harassment, and victimisation in the workplace.

Workplace bullying, harassment, sexual harassment, and victimisation are conduct and behaviour which is incompatible with our culture and values. They also represent a risk to health and safety in the workplace and adversely impacts the business in the provision of our services.

CatholicCare expressly prohibits any conduct or behaviour that is defined in this policy as bullying, harassment or sexual harassment, and will take reasonable steps to prevent it from occurring and to responding to it quickly if it does occur.

This policy sets out:

- The responsibilities of persons engaged by or working in connection with CatholicCare in respect to workplace bullying, unlawful discrimination, harassment, sexual harassment, and victimisation.
- CatholicCare's approach to preventing and responding to such behaviour in our workplace(s) and in the delivery of our services; and
- Guidance on how to identify, report, and help prevent conduct and behaviour which is contrary to the values and expectations of our organisation occurring within or in connection with our organisation.

This policy is not intended to modify the operation of the applicable legislation or to separately provide, by way of this policy, rights which workers have under applicable legislation.

Scope

This policy applies to:

- All CatholicCare staff and to anyone whilst performing work for us or doing something in connection with their work for us. It includes directors, executive members, managers, employees, volunteers, contractors and consultants, work experience students, commissioned agents, and consultants (collectively referred to as ‘Workers’).
- All conduct in the course of employment, which extends beyond the workplace and outside of normal work hours, including all work related or sponsored events.

Guidelines

Workplace bullying

CatholicCare prohibits any conduct or behaviour, whether intentional or unintentional, that may be considered to be workplace bullying. Bullying creates a risk to health and safety. Examples of such conduct include but are not limited to:



A single incident of unreasonable behaviour is not considered to be workplace bullying however it may have the potential to escalate and should not be ignored.

Workplace conflict

Not all workplace conflict or disagreement, will be bullying. Conflict, which is low level, task based, and does not pose a risk to health and safety will not amount to bullying. However, if a worker believes that conduct amounts to bullying, or that the conduct may escalate to bullying, the worker should follow the *Resolving Workplace Issues (Staff Grievance) Practice Guidelines.*

Reasonable management action

CatholicCare may take reasonable management action to effectively direct and control the way work is carried out by workers.

It is reasonable for managers and supervisors of CatholicCare to allocate work and to give fair and reasonable feedback on a worker's performance and conduct. These actions are not bullying if they are carried out in a reasonable manner, taking the particular circumstances into account.

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



Unlawful workplace discrimination

All people engaged or connected with CatholicCare must not engage in any conduct that may constitute unlawful workplace discrimination. Unlawful workplace discrimination occurs when a Manager or Coordinator takes adverse action against a person who is a worker or prospective worker because of the following attributes of the person:

- Race,
- Colour,

- National origin,
- Religion,
- Political opinion,
- Age,
- Medical status,
- Disability,
- Gender,
- Being or having been subjected to domestic abuse,
- Marital or relationship status,
- Pregnancy,
- Breastfeeding,
- Family or carer's responsibilities,
- Sexual orientation/ gender identity and intersex status,
- Industrial activity or trade union membership, or
- Personal association with a person who has any of these attributes.

Direct and indirect discrimination

There are two kinds of discrimination, direct and indirect:

1. Direct discrimination occurs if a person treats or proposes to treat someone unfavourably due that person's personal characteristics.

   Direct Discrimination Examples:

   - Refusing to employ someone solely because of their age despite them being able to undertake the requirements of the position.
   - Terminating someone's employment solely because of their family responsibilities.
   - Not promoting someone solely because of their disability despite them being able to undertake the duties of the position.

2. Indirect discrimination can occur when there is a rule or condition that is the same for everyone but in effect disadvantages people from a particular group more than people from other groups. The rule may seem equitable and unbiased at face value. A rule or condition is not discriminatory if it is reasonable in the circumstances.

   Indirect Discrimination Examples:

   - Prescribing an inflexible working hours policy where such rigidity in hours is not required.
   - Scheduling meetings or training sessions at times that would disadvantage people with carer's responsibilities e.g. very early or very late in the day.
   - A requirement that all staff speak fluent English regardless of their role when this is not an inherent requirement for all roles within the organisation.

Lawful workplace discrimination

Treating someone differently is not necessarily unlawful discrimination and in many circumstances' workplace discrimination will not be considered unlawful. Discrimination on the ground of religion may be exempt in relation to employment of people by religious institutions where such discrimination is required by the tenets and doctrines of the religion, is not arbitrary and is consistently applied or where religion is an inherent requirement of a particular job.

Examples of where discrimination is lawful are:

- Where a religious body will only select persons of the religion upon which the religious body is based for ordination, appointment as a priest or minister; action is taken against a person by an organisation in circumstances where the organisation is run in accordance with its religious beliefs and the action is taken to avoid injury to the religious susceptibilities of those persons who are adherent of that religion,
- Where there are genuine occupational requirements for a person of a particular sex, race or age to be appointed to a role,
- Where a person is being performance managed because their daily duties have been changed while they are undertaking a performance management program to improve their performance, and
- Where a person has a disability and the discrimination occurred because the person is unable to perform the inherent requirements of a role because of their disability and no reasonable adjustments could have been made by the employer to allow them to perform the inherent requirements of the role.

Harassment and victimisation

All people engaged or connected with CatholicCare must not engage in any conduct that may constitute harassment or victimisation. Harassment is any form of behaviour that:

- Is unwelcome or unwanted or unreciprocated,
- Targets the person because of discriminatory grounds or attributes (such as a person's race, age, disability, sexual orientation etc.),
- Offends, intimidates, or humiliates another person, and
- Occurs in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

Harassment may take many forms, including written, verbal, non-verbal, physical, or non-physical. Harassment may arise from the behaviour of an individual or a group. The behaviour does not need to be intended or directed against a particular person for it to constitute harassment. It is also irrelevant that the recipient failed to indicate, at the time, that they objected to the behaviour.

Victimisation includes unfavourable treatment of a person because the person has made or been involved in making a complaint about discrimination, harassment, or bullying, or participates in an investigation.

Sexual harassment

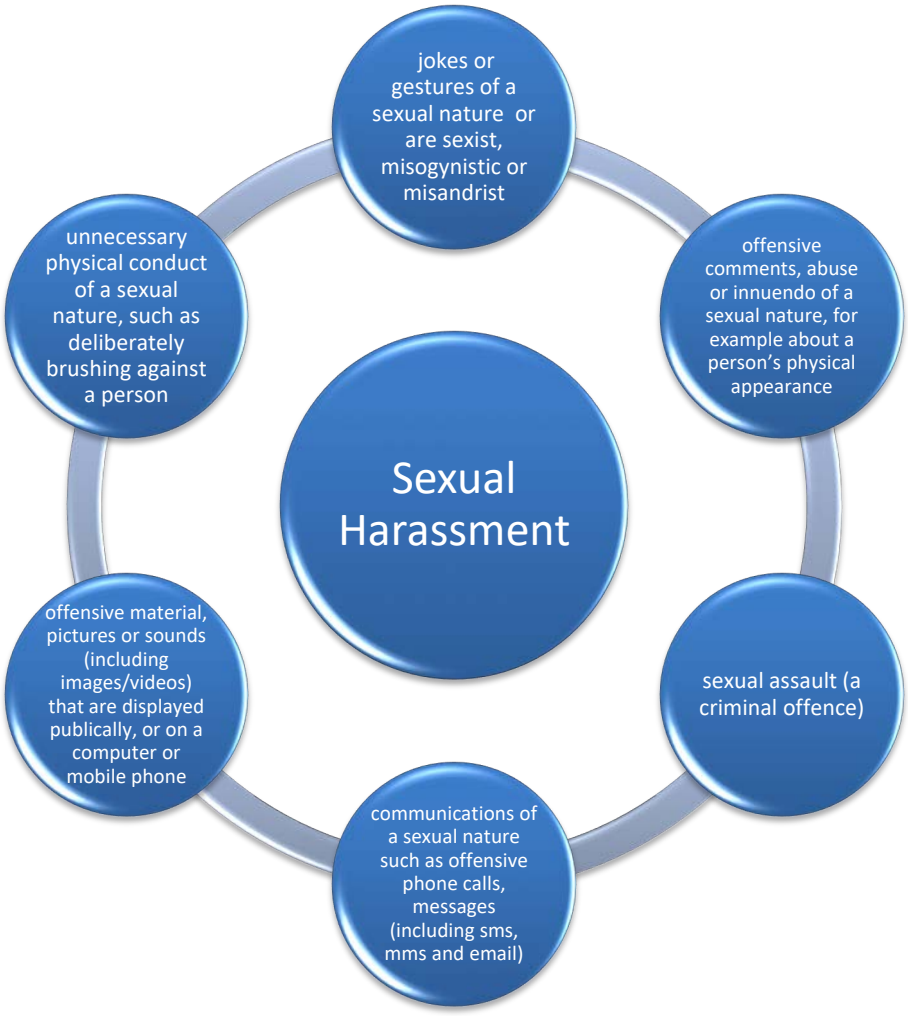
Sexual harassment is a form of discrimination that is:

- Conduct of a sexual nature,
- That is unwelcome or unwanted, and
- That offends, humiliates, or intimidates the person.

Sexual harassment can be written, verbal, physical or implied, and may range from a single act to a series of events. Sexual harassment can be by a person of any gender. This policy also prohibits sexual harassment or harassment on the ground of sex such as unwelcome conduct of a seriously demeaning nature and harassment based upon a person's adopted gender.

Sexual harassment is not behaviour which is based on mutual attraction, friendship, and respect. If the behaviour is consensual, welcome, and reciprocated it is not likely to amount to sexual harassment.

The following behaviours for example, could amount to a type of sexual harassment:



Interactions between discrimination, harassment (including sexual harassment) and workplace bullying

Discrimination and harassment (including sexual harassment) are distinct from bullying, although a person may be bullied, harassed, and discriminated against at the same time. Unlike bullying, however, discrimination and harassment may be single incidents and are based on some characteristic of the affected person.

Responsibilities of workers (including all employees)

All workers, including employees, have a duty and can help to ensure that discrimination, harassment, sexual harassment, and workplace bullying does not occur. Each worker must:

- Take reasonable care for their own health and safety,
- Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, and
- Comply, so far as is reasonably practicable, with any reasonable instruction given by CatholicCare and co-operate with any reasonable policies and procedures of CatholicCare including this policy.

What to do if you are experiencing or witnessing inappropriate conduct

If you are experiencing conduct which is described as bullying, discrimination, harassment, or sexual harassment and you do not feel comfortable addressing this with the person/persons involved directly, or where you have attempted to resolve the issue yourself without success, you should report the issue to your manager, or a more senior manager, or a Human Resources Business Partner. You can report verbally, via email or through an Incident Report. If you do not feel safe or comfortable reporting internally you can report through our independent whistleblowing service provider, "WBS" or a relevant external agency. You should follow the *Resolving Workplace Issues (Staff Grievance) Practice Guidelines.*

If you witness or become aware of conduct which breaches (or is suspected to have breached) this policy, you must immediately report this conduct to your manager, a more senior manager, a member of People & Culture, or CatholicCare's independent whistleblowing service provider, "WBS". See the *Whistleblowing Policy* for further details.

All managers and workers have a duty to advise CatholicCare, a representative of the People & Culture team or "WBS" if he or she observes conduct or behaviour that may be in breach of this policy even though no grievance or complaint has been raised.

Support person

At any stage of the grievance process a worker may choose to be accompanied by a support person of their choice. The support person cannot speak on behalf of a worker during discussions. Their role is to offer emotional support, help the worker formulate what to say, speak to the worker during the discussion to provide advice, and undertake supportive actions such as take notes. For further details on this refer to *Resolving Workplace Issues (Staff Grievance) Practice Guidelines.*

Compliance

All staff are required to comply with the obligations outlined in this Policy and all other applicable CatholicCare policies and related documents. Failure to comply with this Policy may subject the staff member to disciplinary action and/or notification to external agencies. The nature of any disciplinary action will be determined by CatholicCare in its absolute discretion in accordance with the *Managing Unsatisfactory Performance & Misconduct Policy.*

Staff are required to ask their manager or supervisor if they are uncertain or do not understand any aspect of this policy.

This policy and related procedures do not constitute a part of the employment contract.

External assistance

If the complainant is not happy with the outcome of the grievance process, or at any time throughout the complaint process, they may seek advice or make a complaint with an external agency.

For example: Workers covered by the Fair Work Act can apply to the Fair Work Commission for an order to stop bullying or sexual harassment. CatholicCare will comply with any legal requirements connected to bullying or sexual harassment disputes. Staff who have made an application will be protected from any potential negative consequences connected to their application and will be supported throughout the process.

Other avenues include SafeWork NSW, the Australian Human Rights Commission, or Anti-Discrimination NSW who can investigate complaints.

Related policies and practice guidelines

This policy is to be read in conjunction with the following CatholicCare policies and procedures:

- *Code of Conduct and Ethics Framework*
- *Managing Unsatisfactory Performance & Misconduct Policy*
- *Resolving Workplace Issues (Staff Grievance) Practice Guidelines*
- *Social Media Policy*
- *Social Media Practice Guidelines*
- *Whistleblowing Policy*
- *Work Health Safety Policy*

Links and references

- *Anti-Discrimination Act 1977 (NSW)*
- *Age Discrimination Act 2004*
- *Australian Human Rights Commission Act 1986*

- *Disability Discrimination Act 1992*
- *Fair Work Act 2009*
- *Racial Discrimination Act 1975*
- *Role of Support Person*
- *Sex Discrimination Act 1984*
- *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021*

Glossary

Workplace bullying

Defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Bullying can occur at all levels in the workplace i.e. upwards, downwards, or laterally. This means that bullying behaviour can not only be toward a worker by their supervisor but also by a worker toward their supervisor and between fellow workers or peers".

Unreasonable behaviour

Includes victimisation, humiliation, intimidation, or threats. Whether behaviour is unreasonable is objective and not subjective. This means deciding whether the behaviour is unreasonable depends on whether a reasonable person (a third party) might see the behaviour as unreasonable in the circumstances and not how the worker sees the behaviour.

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 regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

Workplace

The definition of the workplace will essentially be determined by the nature of the job requirement and the degree of connectivity with the role and work environment. This can include an office location; a "workplace" can be a worker's home, car, at conferences, on social media, whilst in training etc.

Sign off and review

This document remains valid until it is either superseded by a new version or officially revoked.

CatholicCare values your input and welcomes feedback on this document. Your suggestions help us improve and better support your work. Please send any feedback to policy.updates@catholiccaredbb.org.au.

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9.0	Executive Manager People & Culture	24 March 2026	3 years	March 2029

Review due as per timetable and/or when there are legislative changes

Revision history

Version	Description	Author	Amendment date
9.0	Reviewed and some points have been expanded for clarity.	Senior HR Business Partner/Policy Specialist	24 March 2026