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APPLICABLE TO	Diocese of Maitland-Newcastle Employees, Clergy, Contractors, Volunteers and other Workers of all agencies and parishes
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RELATED DOCUMENTS	<p>Counselling and Disciplinary Policy Integrity in the Service of the Church Integrity in Ministry Performance Management Policy Catholic Schools Office Code of Conduct Diocese of Maitland Newcastle Code of Conduct Workplace Grievance Policy</p> <p>Legislation: Age Discrimination Act 2004 (Cth) Anti-Discrimination Act 1977 (NSW) Australian Human Rights Commission Act 1986 (Cth) Disability Discrimination Act 1992 (Cth) Fair Work Act 2009 (Cth) Privacy Act 1988 (Cth) Racial Discrimination Act 1975 (Cth) Sex Discrimination Act 1984 (Cth) Workplace Gender Equality Act 2012 (Cth) Work Health and Safety Act 2011 (NSW)</p>

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Purpose

The Diocese of Maitland-Newcastle, will deliver services consistent with the principles and standards detailed in the resources [Integrity in the Service of the Church](#) and [Integrity in Ministry](#). This includes providing a safe and equitable workplace free from Bullying, Harassment and Discrimination.

This policy outlines the principles the Diocese of Maitland-Newcastle will follow when addressing workplace Grievances including, but not limited to:

- Bullying, Harassment and Discrimination;
- Equal Employment Opportunity and perceived unfairness in the workplace;
- Perceived breaches of policy; and
- Interpersonal conflict between Workers.

Policy Statement

The Diocese of Maitland-Newcastle will promote practices which promote respectful, safe and collaborative workplaces. These include preventing Bullying, Harassment and Discrimination in the workplace, and ensuring that Grievances are adequately addressed and where possible, resolved in the best interests of all parties involved.

Bullying, Harassment and unresolved Grievances can create an intimidating, unpleasant and unhealthy work environment for everyone. This can result in poor performance, increased stress levels, low morale and a general breakdown in communication and trust between Workers.

As a Catholic Organisation, the Diocese of Maitland-Newcastle reserves the right to have regard to a person's suitability to work within the Catholic environment and their ability and willingness to support the teachings of the Catholic Church and Catholic values. It is critical that the Diocese of Maitland-Newcastle is able to attract and retain Workers who respect the teachings and practices of the Catholic faith.

Scope

This policy applies to all Workers of the Diocese of Maitland-Newcastle.

This policy does not apply to any Grievance involving a complaint about treatment of a Child or Vulnerable Persons. Any such matters must be immediately referred to the Office of Safeguarding.

Definitions

Bullying

Workplace Bullying is the repeated unreasonable treatment of a person by another or others in the workplace. It is behaviour which is considered unreasonable and creates a risk to the Worker's health and safety. Bullying can be *direct* or *indirect*:

<i>Direct Bullying examples</i>	<i>Indirect Bullying examples</i>
<ul style="list-style-type: none"> • Loud, abusive, threatening or offensive language • Repeated practical or offensive jokes • Interfering with someone's personal property or work equipment • Spreading rumours or innuendo 	<ul style="list-style-type: none"> • Persistent unjustified criticism or complaints • Excluding someone from workplace activities • Unreasonably denying access to information or resources • Setting unreasonable tasks or expectations • Deliberately changing work arrangements to inconvenience a particular Worker

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Child

Child means a person who is under the age of 18 years.

Diocese of Maitland-Newcastle

Diocese of Maitland-Newcastle means the Parishes within the Diocese and the following works:

- The Diocese of Maitland-Newcastle Catholic Schools Office;
- Catholic Schools within the Diocese of Maitland-Newcastle;
- Diocesan offices and shared services;
- St Nicholas Early Education;
- St Nicholas OOSH;
- Catholic Development Fund;
- CatholicCare Social Services Hunter Manning;
- Office of Safeguarding; and
- Development and Relief Agency

Discrimination

Unlawful Discrimination is when someone is subject to unfair treatment in employment because they belong to a particular group of people or have a particular personal characteristic that has been specified in law as a ground of Discrimination. Some grounds for Discrimination recognised in State and Federal legislation include:

- Sex or gender
- Marital status, pregnancy or potential pregnancy, parental status and family responsibilities
- Sexual preference, sexuality or gender identity
- Disability, impairment or handicap
- Displaying characteristic of any of these traits
- Race, ethnicity, nationality or descent
- Religious or political belief
- Trade union activity
- Victimisation
- Personal association with or relation to any person who is identified on the basis of any of these attributes

For example, a real estate agent tells an Aboriginal person they have no properties for rent but tells a Caucasian person that they do, this may be direct discrimination.

As a Catholic organisation, the Diocese of Maitland-Newcastle reserves the right to have regard to a person's suitability to work within the Catholic environment and their ability and willingness to support the teachings of the Catholic Church and Catholic values. It is critical that Catholic organisations are able to attract and retain staff members who respect the teachings and practices of the Catholic faith.

Direct Discrimination occurs if a person treats, or proposes to treat someone unfavourably as a result of their personal characteristics.

Indirect Discrimination occurs when there is a rule or condition that is the same for everyone but in effect disadvantages people from a particular group more than others. A rule or condition will not be considered discriminatory if it's reasonable in the circumstances. For example, an employer has a policy that people need to be 180cm or taller to do a certain job, which could indirectly discriminate against women and some ethnic groups.

In some circumstances workplace Discrimination will not be considered unlawful, such as:

- where the Discrimination occurred because the person is unable to perform the inherent requirements of a position and no reasonable adjustments could have been made by the employer;

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- where an act is taken against a person by an institution run in accordance with its religious beliefs, made in good faith and to avoid injury to the religious susceptibilities of adherents of that religion; or
- where there are genuine occupational requirements for a person of a particular sex, race or age to be appointed to a position.

Grievance

A Grievance, or complaint, is a statement (written or oral) raised by a Worker regarding a genuine work-related concern, such as an:

- Interpersonal conflict;
- A perceived breach of policy; or,
- A perceived unfairness in the workplace.

Harassment

Harassment is a form of Discrimination that makes a person feel intimidated, offended, insulted or humiliated because of their race, colour, national or ethnic origin, sex, religious beliefs, sexual preference, disability, or some other characteristic specified under law Harassment is determined by how the behaviour is received, not intended.

Some examples of Harassment include:

- Telling insulting jokes about particular racial groups;
- Making derogatory comments about someone's race, religion or gender;
- Asking intrusive questions about someone's personal life; or
- Making humiliating comments about a person's disability or physical attributes.

Sexual Harassment is behaviour that is characterised by the making of unwelcome and inappropriate sexual remarks or physical advances in the workplace or other work-related setting.

Manager

A Manager is a worker with additional responsibilities including supervising Workers and/or administering a service area. This includes, but is not limited to, Managers, team leaders, directors, principals, assistant principals, heads of services, parish administrators and business Managers.

Unreasonable complaint

Unreasonable complaints are complaints made with the intention of harassing, intimidating, embarrassing, or annoying another person.

Unreasonable Complainant Conduct

Unreasonable Complainant Conduct is behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint.

Victimisation

Victimisation is when someone is treated unfairly as a result of:

- Raising a workplace Grievance, either internally or externally;
- Supporting someone who has raised a workplace Grievance; or,
- Acting as a witness in a workplace investigation.

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Vulnerable Person

A Vulnerable Person is an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma, disability, or any other reason.

Worker

A Worker is a person who carries out work in any capacity for an employer or Person Conducting a Business Undertaking. This includes employees, clergy, trainees, apprentices, work experience students, volunteers, contractors and agency workers.

In the Diocese of Maitland-Newcastle, Worker includes those who carry out work in the Parishes within the Diocese and the following works:

- The Diocese of Maitland-Newcastle Catholic Schools Office;
- Catholic Schools within the Diocese of Maitland-Newcastle;
- Diocesan offices and shared services;
- St Nicholas Early Education;
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- Office of Safeguarding; and
- Development and Relief Agency

Workplace Investigations

Workplace investigations are inquiries that are conducted to gather facts and evidence in respect of a Grievance, employee complaint or alleged breach of policy, procedure or other standards. They are undertaken in a confidential, timely, independent, fair and reasonable manner in order to establish the facts in regard to presented allegation/s.

Provisions

All Workers must treat each other with respect and behave in accordance with the principles and standards in:

- the [Integrity in the Service of the Church document](#); and
- the [Integrity in Ministry](#) document; and
- applicable [Code of Conduct](#); and
- applicable workplace policies and procedures.

Behaviour which is Bullying, harassing, discriminatory or victimising is unacceptable and will not be tolerated under any circumstances. Any substantiated instances of such behaviour will be dealt with promptly, in accordance with the provisions in this policy and the [Counselling & Disciplinary Policy](#).

All Workers have the right to raise genuine work-related concerns and have those concerns treated seriously, confidentially, impartially, timely, and free from Victimisation. Workers are obligated to report any behaviour that appears to be Bullying, Harassing or Discriminatory.

In the first instance, Workers are encouraged to raise their concerns with the person(s) engaging in inappropriate behaviour, letting them know that their behaviour is not welcome or well-received. However, the Diocese of Maitland-Newcastle recognises that this is not always possible or appropriate and in such instances, the worker should raise their concerns with their Manager as per the provisions of the [Workplace Grievance Policy](#).

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Reasonable management action carried out in a reasonable manner is not bullying and harassment. A Manager taking reasonable steps to address performance and/or conduct issues of a Worker should not be cause for a Worker to raise a Grievance.

The Diocese of Maitland-Newcastle recognises that Unreasonable Complaints and/or Unreasonable Complainant Conduct have the power to raise substantial health, safety, resource or equity issues for the parties to a complaint. For these reasons, Unreasonable Complaints and/or Unreasonable Complainant Conduct are treated as unacceptable behaviour and are not tolerated. If a worker is found to have made an Unreasonable Complaint or demonstrated Unreasonable Complainant Conduct, their actions may be considered misconduct and subject to disciplinary action.

Responsibilities

Workers are responsible for:

- Complying with legislative obligations;
- Not engaging in behaviour which is Bullying, harassing, discriminatory or otherwise unacceptable in the workplace;
- Being aware of and identifying behaviour which is Bullying, harassing or discriminatory;
- Assisting to eliminate such behaviours, regardless of whether a Grievance is raised; and
- Assisting as required in Workplace Investigations.

Workers are encouraged to act as 'supportive bystanders' if they witness behaviour that appears to be discriminatory, harassing or Bullying. Such actions of a supportive bystander include discouraging the behaviour, directly intervening to support the victim, reporting the behaviour, and/or supporting the victim in addressing the behaviour.

Managers are responsible for:

- Complying with legislative obligations;
- Taking reasonable steps to prevent Bullying, Harassment, Discrimination and other unacceptable behaviour in the workplace, including reviewing this policy with Workers on an annual basis;
- Creating a safe work environment for all Workers;
- Role modelling behaviour in accordance with the Code of Conduct;
- Responding to Grievances raised by Workers in a timely and confidential manner; and
- Adequately addressing behaviour which is Bullying, Harassing, Discriminatory or otherwise unacceptable in the workplace.

The **Head of Human Resources** (or nominated delegate) is responsible for reviewing and monitoring compliance of this policy.

The **CEO** and **agency directors** are responsible for promoting and implementing positive workplace cultures which do not tolerate unacceptable behaviour.

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