



Discrimination, Harassment, Bullying & Victimisation Training Package

Policies & Procedures Instruction Booklet



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Introduction

This instruction booklet has been prepared to accompany the Discrimination, Harassment and Workplace Bullying Training Package. It contains a list of the policies and procedures included in this program as well as instructions for their use.

For support or additional coaching to assist in implementing the policies and procedures listed in this booklet:

Email: louised@collegeforadultlearning.com.au

Telephone: 1300 907 870

This training package contains:

- ❖ 1 x 60 minute video tutorial *"How to Ensure your Workplace is Protected from Discrimination, Harassment & Bullying"*
- ❖ 1 x 50 minute Webinar *"Introduction to Discrimination, Harassment & Workplace Bullying: Protecting Employees and Businesses"*
- ❖ 1 x 50 minute Webinar *"Workplace Bullying in Australia 2013"*
- ❖ Instructions Booklet
- ❖ Electronic folder containing 9 policies and procedure templates ready for immediate download & implementation.

Follow the instructions in this booklet to implement the policies and procedures discussed in the video tutorial.

Disclaimer

This information is provided as guide only. It is not a substitute for legal advice. This information has been prepared to supplement the training program on Discrimination, Harassment and Workplace Bullying and to support employers to meet their obligations under the *Equal Opportunity Act 2010*. There may be other laws that also apply to your workplace.

We recommend that you seek further advice.

This information pack contains templates for the key policies and procedures referred to in the training program.

This is NOT a complete set of workplace policies and procedures and it does not address any policies as they may relate to Workplace Health and Safety.

For information and templates to assist you to implement WHS policies and procedures, you should contact your state regulator.

In Victoria, go to WorkSafe Victoria at: www.worksafe.vic.gov.au



The Role of Workplace-Based Policies, Procedures, Training and Investigations

Your workplace Policies and procedures let your managers and employees know how they must behave and, what is expected of them as employees at your organisation.

They form the basis for how the work will be done and, more importantly, how your workforce will engage and communicate with each other and with other external groups, such as suppliers and customers, while they are at work.

Well written policies and procedures leave no room for guesswork when it comes to what's appropriate or how an employee should act in any given situation and well written policies and procedures encourage a diverse and inclusive work culture that encourages employee engagement and leaves no room for anti-social or illegal behaviour to take root.

There is no doubt that workplace bullying and harassment is an area of focus in employment law at present. Regardless of what form it takes, the law makes such behaviour is unacceptable and employers also have a legal duty to guard against it.

Understanding the distinction between acceptable and unacceptable conduct and, for those responsible for taking it, the difference between what is "reasonable administrative action" taken in a reasonable manner, and what is not, is crucial in implementing effective workplace policies and adopting an overall approach that aims to prevent as well as manage incidences of workplace discrimination and harassment is the best way for employers to discharge this duty and protect their employees and their business.

Policies and Procedures

Employers can promote safe workplaces and minimise the risks associated with discrimination, harassment and bullying complaints by implementing a comprehensive suite of policies and associated procedures for dealing with such complaints.

The policies and procedures must be well communicated and accessible to employees and should be the subject of regular review by the employer.

This instruction booklet contains a list of the policies and procedures that were referred to in the video tutorial and that you should implement without delay.

As noted in the disclaimer, this is not a complete list of policies and procedures and the College for Adult Learning strongly recommends you develop a full set of workplace related policies and procedures to complement this initial set.

All workplaces are required by law to provide a safe and healthy workplace for their employees so, if you don't already have policies for WHS then we would suggest that be your next step!

Informing Employees & Managers

It's not sufficient to simply file these policies and procedures in your server. To be compliant you must make sure that your employees know where they are and they also need to know what they say. There are a number of ways to ensure all employees receive this information.

Here are some suggestions you might like to think about:

1. Put a note on employee payslips
2. Discuss it at the next team or work meeting
3. Make sure it is included in all new employee inductions
4. Hang up posters to draw attention to them

You must also be able to show an investigator that your employees have seen and read the policies. So while all these suggestions are useful you must also ensure that all your employees sign an employee declaration form that states that they have seen, read and understand the policies listed on the form.

It's a good idea to commence this practice immediately with all new employees and then (perhaps at their performance appraisal) slowly collect declarations from existing staff.

You can find a template for an 'Employee Declaration Form' in your pack of policies.

You can find a draft email to send to staff in your pack as well.

Using Workplace Posters to Get the Message Across

The Victorian Equal Opportunity and Human Rights Commission produce an excellent Poster to use in workplaces. We have included a copy of it in your pack.

Workplace Training

Conducting training for managers and employees ensures that management and employees understand their obligations under the law and your company policies and are aware of the procedures for dealing with discrimination, harassment and bullying complaints.

To be sure your employees and management team understand both their rights and their obligations it is always useful to run a short (approximately 1 hour) training session on a regular basis.

Implementing the Policy documents

The templates provided for you in the table following have been written generically to suit most workplaces. We recommend that you carefully read each policy and procedure and adapt/change it to suit your organisation's specific work requirements.



Instructions for Implementation

1. Download the 9 policy documents and read each one carefully.
2. The text refers to 'company'. If your organisation is not a company you should change this reference to 'organisation', 'agency' or other appropriate name.
3. When you are happy with the content in the policy document you just need to insert your company logo in the space provided in the header and insert your company name in the space provided as <Business> throughout the document and again in the document footer.

You can do this easily by using the 'find/replace' function in MS Word.

4. On the cover page of each document in the table: insert today's date and nominate a 'responsible department'. This might be HR or, you might like to change this to 'responsible person' and insert the CEO's name in the space provided.
5. On the last page of the document check the list of 'other relevant policies' with any other policies you have in the organisation and, if appropriate also list them there.
6. In the table at the end of the document list your name (if you are responsible for implementing these policies), then sign and date it. You could also insert a date for the next review of the policy say 12 months from today's date.

Version Control

All templates in this set have been labelled as ©2013 Vs1. If you maintain a different version control system then change the footer details accordingly.

If you change or update a document then you should change the version number in the footer as well as note this in the table at the end of the document 'Previous Reviews'.

This will mean all staff will know which document is the most current version.

Risk Assessment

We discussed the risk assessment in the video tutorial. It's often worth checking your workplace with a critical eye to see where your risks lie. This simple risk assessment will assist you to identify the areas of risk in your workplace so that you can pro-actively work on them now rather than waiting until you get a complaint.



List of Templates in this Package

Document Name	Document Function	How to use it
Policy tracking sheet	This template will help you create your own policy tracking sheet – a central record-keeping tool to track decisions made based on your policies.	If you have a complaint or issue in regard to a policy record it on this sheet. You should also ensure documentation of policy-related decisions is stored in relevant employee files.
Policy Review Template	You must regularly review & update your policies. This document provides evidence that you do so. Add any additional policies you have in your workplace to the document.	At the end of each policy there is also a review date. You must review all your company policies on a regular basis (we recommend annually) to ensure they remain in line with any relevant legislation and suitable to the changing nature of your business.
Risk Assessment Checklist	The video tutorial talks about conducting a risk assessment to see how vulnerable your workplace might be to discrimination, harassment and bullying. This is a simple checklist you can use.	Use this checklist to get a score for where your workplace is vulnerable and then develop some strategies to help support your staff in the risk areas identified.
Workplace Harassment Tool	This tool will help you to identify and improve workplace harassment-specifically bullying in your workplace.	Tick your score and identify your rating
Equal Opportunity Workplace Poster	This poster by the Vic Human Rights Commission is designed to be put up in the workplace so all staff can see it. It reinforces that your company is an equal opportunity workplace.	We suggest you post this up in the lunchroom and high traffic areas. You should put a contact name on the poster (in space provided) to encourage employees to speak up if they have an issue or problem so you can deal with it before it gets out of control.
Company Mission, Vision and Values	Employees need to know what is expected of them in the workplace. It helps to understand what the company mission, vision and values are so that staff can align them with their behaviour.	This template is incomplete as you need to fill it in. it provides you with some examples. Delete all red text in the document when you add your own text.
Staff sign-off-Policy declaration	You must ensure all staff know where your policies & procedures are, what they say and how they can access them. You may be required to prove that employees have seen and understand your policies & procedures	It's a good idea to get all staff to sign-off/declare that they have seen and read the company policies & procedures. You can use this template by adding your other existing policies to it.
Staff Email - draft	Notify all staff about these policies/p	Keep a record of this notification for reporting purposes.
Incident Response Form	This form can be used to document all Equal Opportunity complaints.	Use it for discrimination, harassment, bullying & victimisation claims.

POLICIES & PROCEDURES

Below is a list of the selected Policies/Procedures included in this learning pack. Please note it does NOT contain any WHS policies nor is it a complete set of workplace policies/procedures.

1. Complaint Resolution Policy & Procedure	This template will help you create your own workplace complaint resolution policy and procedure. It covers topics relevant to the <i>Equal Opportunity Act 2010</i> . You may wish to customise, add or remove topics.	Add in your company name and a 'contact person' to whom employees can go to with issues and/or complaints.
2. Code of Conduct Policy	This is a generic code of conduct that includes agreed expectations for appropriate behaviour. You should change this to reflect the nature of your workplace and to encourage an EEO workplace.	All businesses need a code of conduct or behaviour so that employees and managers know what is expected of them & what the standard of behaviour is.
3. Equal Opportunity Policy	This policy covers discrimination, bullying, sexual harassment, racial & religious vilification, victimisation and gossip.	This policy goes to the heart of compliance for Discrimination, harassment & bullying and must be included in your core policies.
4. Discipline & Termination Policy & procedure	This policy & procedure provides a step by step process to manage unacceptable behaviour and terminate employment.	This complements the performance improvement and misconduct policy and procedure.
5. Training & Development Policy	Training & development is an important part of job performance and EEO.	This policy is included here because you need to train your staff especially your managers in EEO.
6. Flexible work arrangement policy & procedure	You are required by law to respond to employees who request flexible work arrangements. This policy outlines the conditions and types of flexible arrangements that could be considered.	To comply with the law you must have a policy and process to show how you manage any requests for a flexible work arrangement. Contains the application forms & management response forms.
7. Performance Management Policy	This policy outlines the supervision and performance management process for new and ongoing staff.	You must have a performance management policy to show that you regularly meet with and review employee's work & attitude. This would be the forum to detect employee problems/ issues & to do something about them before they escalate to a formal claim. The need for training can also be picked up in this process.
8. Performance Improvement & Misconduct Policy & Procedure	This policy deals with job performance and it outlines the procedure required to improve job performance, written warnings and termination. It also includes Gross or serious misconduct & the procedure to deal with this.	This is complemented by the discipline and termination policy and procedure.
9. Information Management Policy	This is referred to in the 'complaint resolution policy' and the 'performance management policy'.	You must have a policy that states that personal employee documents are stored securely and confidentially. Accessed only by an 'authorised' person.



Where to go for Further Information and Assistance

Business Vic

Provides employer members with advice, training, mediation, support and specialist consultancy and is an excellent site for general information.

There are a number of business offices state-wide where you can drop in for information, help or brochures etc.

Telephone: (03) 9652 9249

www.businessvic.gov.au

Vic Equal Opportunity and Human Rights Commission

Provides an independent complaint handling service to help employees address issues of sexual harassment or discrimination (based on disability, race, sex, age, sexuality, pregnancy or marital status). Also takes up discrimination complaints from job seekers, customers, students and tenants.

Telephone: 1300 292 153

www.humanrightscommission.vic.gov.au

Fair Work Australia

Fair Work Australia is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions including hearing applications for unfair dismissals, unlawful terminations, enforcement of minimum wages and employment conditions, adverse action, unlawful discrimination and dispute resolution.

Telephone: 1300 799 675

www.fairwork.gov.au

Fair Work Ombudsman

Works with employees, employers, contractors and the community to promote harmonious, productive and cooperative workplaces. This includes investigating workplace complaints and enforcing compliance with Australian workplace laws.

Telephone: Fair Work Infoline on 13 13 94

www.fwo.gov.au

WorkSafe Vic

Is responsible for administering OHS legislation and certain industrial laws, and for managing all OHS functions in Victoria. They conduct a range of investigations and compliance activities under OHS legislation, and provide information to all employees who have been unable to resolve their complaints through their employer's internal grievance process. They also help injured workers back into the workforce.

Telephone: 1800 136 089

www.worksafe.vic.gov.au

Unions & Employer Bodies

These organisations provide support and advice to employers and employees to help them better understand their rights and obligations in the workplace. They also provide information, training, advocacy, support, mediation and conciliation, investigation and access to alternative dispute resolution to all union members.

Examples include:

- The Australian Industry Group (AIG)
- VECCI
- The Business Council of Australia (BCA)
- The Australian Chamber of Commerce and Industry (ACCI)
- The Australian Council of Trade Unions (ACTU)
- The Australian Workers Union
- The Master Builders Association Vic
- The Construction, Forestry, Mining and Energy Union (CFMEU)

Traineeship and Apprenticeship Services

Provides information, advice and support to both employers and trainees, apprentices (and their parents and guardians if they are under 18 years of age) who are engaged on training contracts. Registers employers to employ and train apprentices and trainees.

Telephone: (03) 9637 2000

www.education.vic.gov.au

Work Cover VIC

Provides information and a complaint resolution service for employers and employees and/or representatives on procedures, rights and obligations under the *Workers Rehabilitation and Compensation Act 1986*.

www.workcover.com



The College for Adult Learning gratefully acknowledges the resources and information provided by the Equal Opportunity and Human Rights Commission and Fair Work Australia.

This booklet has been prepared and distributed by the College for Adult Learning as part of a Small Business Multi-media Package on Discrimination, Harassment, Bullying & Victimisation.

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