

## Purpose

Vative Healthcare and Nursing Academy are committed to providing an environment free from unlawful and unacceptable discrimination and harassment for its staff, representatives and students. Vative Healthcare and Nursing Academy seek to ensure that its staff, representatives and students do not engage in behaviour that discriminates against other persons either directly or indirectly. This policy and procedure may also deal with bullying and harassment behaviour that may not be specifically covered by Federal or State legislation.

## Standards and Conditions

The following table represents areas which this policy and procedure relate to in accordance with Federal and State contract guidelines.

ASQA: Standards	Delegate Requirements	HESG: VET Funding Contract
	R4	

## Responsible Parties

All Vative Healthcare and Nursing Academy staff, representatives, subcontracting parties and students are bound by this policy. The Chief Executive Officer is responsible for ensuring all statutory obligations are adhered to as depicted in the 'Legislative Requirements' policy and procedure.

## Policy Outline

Under Australian law it is a requirement of every workplace to ensure it provides an environment free from all forms of harassment and discrimination, including victimisation and bullying. In doing so all staff and students are treated fairly and have the opportunity to feel safe, valued and respected.

By definition, harassment includes any form of behaviour that is unwanted, unwelcome or unreciprocated by relevant persons. This may manifest as verbal or physical harassment,

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but can also include any act that may be perceived as humiliating, offensive, intimidating, threatening, discriminatory or otherwise contributing to an unpleasant workplace or experience for the persons.

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

Definitions of some forms of harassment and discrimination include:

#### Racial Harassment

Involves a person or persons being threatened, abused, insulted or taunted in relation to their race, descent, nationality, colour, language, ethnic origin or any other racial characteristics. It may include but is not limited to derogatory remarks, innuendo or slur, gestures, intolerance, mockery, displays of material prejudice towards a race, racial jokes, discrimination, exclusion or unfair treatment.

#### Sexual Harassment

Involves any verbal or physical conduct of a sexual nature which is inappropriate, unwelcome or uninvited. It may include but is not limited to sexual-related physical contact such as kissing, embracing, pinching or other suggestive gestures, intimidation, coercion, requests for or promising of sexual favours, questions about a person's private or sexual life, sexist or explicit jokes, unwelcome phone calls, emails or other forms of non-work-related communication, offensive noises or displays of sexually graphic or suggestive material.

#### Discrimination

Involves the unfair or unequal treatment of another person based solely on class or category. Equal opportunity laws prohibit discrimination on the grounds of sex, marital status, pregnancy, family responsibility, family status, race, religious beliefs, political conviction, gender history, impairment, age or sexual orientation. All forms of victimisation are also treated as a type of discrimination.

#### Harassment

Involves any behaviour intended to disturb, offend or upset. It may include any unwelcome or uninvited verbal or physical action that results in a person feeling intimidated, offended, humiliated or embarrassed.

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### Victimisation

Involves any process which results in the unfavourable treatment of a person on unjust terms. It may include but is not limited to; unfair punishment, treating a person poorly for their involvement in a complaint, to swindle or defraud a person, adverse changes to another's work environment or denial of access to work related resources.

### Bullying

Involves any behaviour that suggests a real or perceived power over another party or otherwise undermines a person or group, generally comprised of repeated, persistent acts over a period of time. It may include but is not limited to verbal abuse, physical assault, intimidation, humiliation, unjustified criticism, sarcasm, insults, false or malicious rumours, exclusion or isolation, inflicting unnecessary work stresses, sabotage of a person's work or their ability to work by withholding resources or information.

## Harassment & Discrimination Statement

- It is the right of all staff, representatives and students to work and study in an environment free of any form of harassment and discrimination.
- All reports of harassment and discrimination will be treated seriously, in an unbiased, respectful and sensitive manner. Any form of harassment and discrimination is considered unacceptable behaviour and will not be tolerated by Vative Healthcare and Nursing Academy.
- If the management of Vative Healthcare and Nursing Academy are informed of any event involving harassment or discrimination, it is their responsibility to take immediate and appropriate action to address it with the relevant manager and/or Chief Executive Officer.
- In dealing with all complaints, the rights of all individuals involved should be respected and confidentiality should be maintained.

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- All complaints presented to Vative Healthcare and Nursing Academy should be resolved by a process of discussion, cooperation and conciliation wherever possible. The aim is to achieve an acceptable outcome for the involved parties while minimising any potential damage.
- Both the person making the complaint, and the person against whom the complaint has been made, will receive information, support and assistance in resolving the issue from Vative Healthcare and Nursing Academy management.
- Victimisation is unacceptable and will not be tolerated. No person making a complaint, or assisting in the investigation of a complaint, should be victimised.
- Harassment or discrimination should not be confused with legitimate comment and advice (including constructive feedback) given appropriately by staff, representatives, subcontracting parties and students. Educators should be conscious of how they present their feedback to students to ensure the message is not misinterpreted.
- Staff, representatives and students should not make any frivolous or malicious complaints. All staff, representatives and students are expected to participate in the complaint resolution process confident that the procedure is designed to ensure fair resolution.

## Procedure Outline

### Workplace Harassment & Discrimination

Vative Healthcare and Nursing Academy ensure that all staff are adequately informed in dealing with harassment and discrimination in order to fulfil their roles and responsibilities in creating and contributing to a harassment and discrimination free workplace.

Vative Healthcare and Nursing Academy management will provide opportunities for communication and mentoring amongst staff to ensure that they all understand and can appropriately apply the procedure involved in identifying and addressing all forms of harassment and discrimination.

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All staff are required to abide by the company's 'Code of Conduct'.

### Informal complaint

In the event that a person considers that they have been or are being harassed, they should be encouraged to inform the other party that their behaviour is objectionable and should not continue, provided they are comfortable with confronting the alleged offender.

We recognise that complaints of bullying, harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that the alleged victim may not feel comfortable raising the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior manager of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential support.

If you are the alleged victim of bullying or harassment and feel comfortable doing so, you should make it clear to the alleged bully or harasser on an informal basis that their behaviour is unwelcome and ask the individual to stop. If you feel unable to do this verbally then you should hand a written request to the individual (your confidential support can assist you with this).

In instances where the person is not comfortable discussing matters with the offending party, a senior manager or CEO should be informed of the situation so that adequate interventions can be put in place.

### Formal Complaint

Where the informal approach fails, or where the bullying or harassment is more serious, you should bring the matter to the attention of management as a formal written complaint and again your confidential support can assist you with this. Wherever possible, you should keep notes of the bullying or harassment instances. A written complaint should include:

- the name of the alleged bully or harasser;
- the nature of the alleged incident of bullying or harassment;
- the dates and times when the alleged incident of bullying or harassment occurred;
- the names of any witnesses; and
- any action already taken by you to stop the alleged bullying or harassment.

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On receipt of a formal complaint, we may take action to separate you from the alleged bully or harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged bully or harasser to another work area or suspension of the employee (with contractual pay) until the matter has been resolved.

The person managing the complaint (investigator) will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential supporter or another work colleague of your choice, and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be subject to disciplinary action.

On conclusion of the investigation, a report of the findings and of the investigator's decision will be sent, in writing, to you and to the alleged bully or harasser.

#### General

If the report concludes that the allegation is substantiated, appropriate action may be taken against the bully or harasser.

Staff members making a complaint of bullying or harassment, will not be victimised for having brought the complaint forward. However, if the report concludes that the complaint is both untrue and appears to have been brought with malicious intent, appropriate action will be taken against the complainant.

Appropriate action in relation to an employee of Vative Healthcare and Nursing Academy may include disciplinary action in accordance with the employer's disciplinary procedure.

#### Classroom Harassment & Discrimination

All students in contact with Vative Healthcare and Nursing Academy have the right to discuss matters of harassment with the relevant Educator without making a formal complaint; all discussions are dealt with in confidence.

The right to lodge a formal complaint of misconduct against the offending party is available through the 'Appeals, Complaints, Grievance and WHS Form', attached to the policy of same name, and as an attachment to the 'Student Handbook'. Our procedure for managing

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student complaints is outlined in Appeals, Complaints & Grievances policy and procedure located in Quick Links at the bottom of our website, [www.vativehealthcare.edu.au](http://www.vativehealthcare.edu.au).

### Relevant Commonwealth laws pertaining to Harassment and Discrimination

- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Human Rights and Equal Opportunity Commission Act 1986
- Disability Discrimination Act 1992
- Workplace Relations Act 1996
- Equal Opportunity for Women in the Workplace Act 1999

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