Op Shop

Anglican Parish of XXXXXXX– Diocese of Bendigo

**SEXUAL HARASSMENT, DISCRIMINATION & BULLYING POLICY**

This policy covers::

* workplace behaviours and the laws relating to them
* The options available to workers and volunteers who are subjected to unlawful workplace behaviours and the organisation’s obligations, and
* what we can do to make sure you as volunteers are not subject to unlawful behaviours

The potential unlawful workplace behaviours are:

* Sexual harassment
* Discrimination
* Bullying

**SEXUAL HARASSMENT**

Sexual harassment laws exist at both a state and federal level and apply to all volunteers, this means:

* Volunteers have the same legal rights and protections as paid staff
* sexual harassment of volunteers, while they are doing their volunteer work, is unlawful, and
* volunteers must not sexually harass others in the workplace (including staff, volunteers, customers and members of the public)
* Op Shop Committee/Parish Council has a responsibility to take reasonable steps to prevent sexual harassment

**Sexual harassment:**

Sexual harassment is an unwanted conduct of a sexual nature. It involves behaviour that could reasonably be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, verbal or written. Sexual harassment has nothing to do with genuinely mutual attraction and consenting friendship.

Examples of this behaviour may include**:**

* staring or leering in a sexual manner
* unnecessary familiarity such as deliberately brushing up against you or unwelcome touching
* suggestive comments or jokes
* insults or taunts of a sexual nature
* intrusive questions or statements about your private life
* displaying posters, magazines or screen savers of a sexual nature
* sending sexually explicit emails or text messages
* inappropriate advances on social networking sites
* accessing sexually explicit internet sites in the workplace
* request for sex or repeated unwanted requests to go out on a date
* behaviour that may also be considered an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

A single incident is enough to constitute sexual harassment – it doesn’t have to be repeated.

It is also against the law to victimise someone because they have made a complaint about sexual harassment.

**What can a volunteer do if they have been sexually harassed?**

A volunteer who feels they have been sexually harassed by a staff member, volunteer, customer or member of the public (while performing their volunteer duties) should report this to the coordinator. The volunteer also has the option of making a complaint to the Office of Professional Standards on **1800 135 246**. Complaints can also be made through the Human Rights Commission enquiry line on 1300 292 153.

**What are the Opportunity Shop’s obligations?**

Under the sexual harassment laws, we have a responsibility to take reasonable measures to eliminate sexual harassment from our Op shop. This means taking steps to prevent this behaviour and not waiting for a complaint before addressing the issue. The Op Shop is committed to treating its volunteers with dignity, fairness and respect and making a clear statement about how concerns and complaints are managed. All complaints will be documented and recorded as a step by step account of the incident and remain confidential, unless by law it needs to be reported externally.

**DISCRIMINATION**

Anti-discrimination laws exist at both state and federal level and applies to volunteers, as well as paid workers. See full list of protected characteristics at <http://www.humanrightscommission.vic.gov.au/discrimination>. There are some exemptions under the *Equal Opportunity Act 2010* which include religious bodies.

**Discrimination:**

Discrimination can be direct or indirect. **Direct discrimination** is treating, or proposing to treat someone unfavourably because of their personal characteristics protected by law, such as sex, race, gender, sexual orientation, religious beliefs or disability.

**Indirect discrimination** is when a person imposes or proposes to impose a condition, requirement or practice that has, or is likely to have the effect of disadvantaging a person because of a personal characteristic protected by law.

Under Equal Opportunity Act 2010, an organisation may be required to make reasonable adjustments for a volunteer with a disability in certain circumstances. This will depend on the circumstances. Op. Shop Coordinators should contact the Registrar if support is required

**What can a volunteer do if they feel they have been discriminated against?**

Report their concerns to the Op shop coordinator. All concerns or complaints will be dealt with in the strictest confidence. All complaints will be documented and recorded as a step by step account of the incident and remain confidential. The volunteer also has the option of making a complaint to the Office of Professional Standards on **1800 135 246**.

**BULLYING**

Bullying laws exist at both a state and federal level.

**What is bullying?**

Bullying occurs when:

* an individual or group of individuals **repeatedly behave unreasonably** towards a volunteer at the op shop
* the behaviour creates a risk to health and safety
* This includes behaviour that victimises, humiliates, intimidates or threatens others.

**What isn’t bullying?**

Sexual harassment and discrimination whilst unlawful, are not workplace bullying.

***Reasonable management action***: which is carried out in a reasonable way. This could include feedback on unsatisfactory performance, requesting duties to be undertaken provided they are lawful, safe and within the worker’s capabilities, requesting a worker change their behaviour.

***Workplace Conflict***: differences of opinion and disagreements are generally not considered workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. In some cases, if conflict isn’t managed or addressed it may escalate. Speaking up to resolve issues early is encouraged to avoid escalation.

Whist reasonable management action or workplace conflict can make people feel uncomfortable, they are generally not considered workplace bullying. The best thing to do is raise concerns with Op Shop coordinator when issues arise, so they can be addressed in a timely manner.

**What can a volunteer do if they feel they have been bullied?**

A volunteer who believes that he or she has been bullied can report the incident to Op Shop coordinator using the concerns and complaints process. Alternatively, report the Office of Professional Standards on **1800 132 246** who will be responsible for handling the complaint resolution and investigation, where required.

**Related Op Shop Policies**:

See also Volunteer concerns and complaints policy

**External reporting**:

**Office of Professional Standards – Kooyoora Ltd** – independent complaints handling 1800 135 246 for the Diocese of Bendigo

**Government Agencies**:

**Anti-bullying** - Fairwork Commission – <https://www.fwc.gov.au/disputes-at-work/anti-bullying>

**Anti-discrimination** –

<http://www.humanrightscommission.vic.gov.au/discrimination>

https://www.humanrightscommission.vic.gov.au/home/our-resources-and-publications/know-your-rights-brochures/item/125-volunteers-and-the-equal-opportunity-act-2010-know-your-rights-sep-2011

**Sexual Harassment**: <https://www.humanrights.gov.au/sexual-harassment-information-employees>