



DISCRIMINATION AND HARASSMENT POLICY

Our Commitment

Calvary Family Church is dedicated to ensuring all Pastors, other employees and volunteers are able to work in an environment that is free from any form of workplace harassment and sexual harassment. Calvary Family Church will adhere to anti-discrimination laws noting that exemptions exist in such laws for certain types of discrimination by religious organizations including in the area of employment.

In our endeavour to promote an environment free from unlawful discrimination, all forms of workplace bullying and sexual harassment, any complaints will be treated in a sensitive, equitable and confidential manner. All employees, volunteers and members who make complaints (complainant) or are a witness of unlawful discrimination, bullying or sexual harassment will be protected against victimisation. The church's commitment to this is demonstrated by the following aims:

- Handle all complaints in a sensitive, equitable and confidential manner.
- Ensure all employees, volunteers and members who make complaints (complainant) or are a witness of unlawful discrimination, bullying or sexual harassment will be protected against victimisation.
- Implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities.
- Provide an effective procedure for complaints based on the principles of natural justice.
- Promote appropriate standards of conduct at all times.

Our commitment to expressing the love of Christ leads us to the view that all people should be able to live, work and learn in an environment that is free from abuse of any kind. Our commitment is to cultivate an environment where a diversity of people, regardless of age, gender, race and culture can thrive and grow holistically. That is, we are committed to the church being a safe place for all people. Church ministry and service roles obviously involve an inherent requirement to uphold and publicly act in accordance with the ethos, tenets and beliefs of Calvary Family Church, including demonstrating a commitment to our statement of faith and participating in our religious practices.

This Policy recognises and is aligned with all statutory and compliance requirements enshrined in State and Federal law.

Policy Scope

This Policy is to be upheld by Pastors, other employees and volunteers of Calvary Family Church. It relates to:

- a. The provision of services, programs, activities within the church premises.
- b. Interactions with service providers, suppliers and members of the public in the course of undertaking duties.
- c. All aspects of employment, which includes appointed volunteers with responsibilities.
- d. The workplace, which extends beyond the venue's physical boundaries and set times of work, and includes after-hours work, staff meetings, excursions, camps, conferences, functions and approved activities.

Definitions

Attribute

The law defines an attribute as a characteristic that a person has or a characteristic that is often associated to a person. Such attributes are:

- Sex
- Relationship status
- Pregnancy
- Parental status
- Impairment
- Age
- Family responsibilities
- Race
- Religious belief or activity
- Political belief or activity
- Trade Union activity
- Lawful sexual activity
- Gender identity
- Sexuality
- Association with, or relation to, a person identified on the basis of any of these attributes

Contact Officer

A person assigned to assist a Complainant in making a complaint and during the complaint process. This should be someone that is not a witness to any incident and is not involved in determining whether the complaint is substantiated and/or any action that is to follow. The Contact Officer is not permanently assigned to one individual as different individuals may be best placed to perform this role for different complaints.

Discrimination

Discrimination may be directly or indirectly imposed on individuals and occurs when someone is treated unfavourably because of an attribute or affiliation with a specific individual or group with an attribute. However, there is an exemption in relation to religious organisations, in that it is a genuine occupational requirement of all positions, both employee and volunteer, at Calvary Family Church that they hold the beliefs of the church and will conduct themselves in a way that is consistent with those beliefs.

Direct Discrimination

Direct discrimination is treating a person less favourably or proposing to treat a person unfairly on the basis of an attribute or because they belong to a particular group with an attribute.

Indirect Discrimination

Indirect Discrimination occurs when there is a requirement (rule, policy, practice, procedure) that is the same for everyone, but has an unequal affect or result on a group of people because of an attribute. Unless this type of requirement is “reasonable”, it is likely to be indirect discrimination. It does not matter that there was no intention to discriminate.

Workplace Harassment

Workplace harassment (sometimes referred to as bullying) is the repeated, less favourable treatment of a person by another (or others) in the workplace, which may be considered unreasonable and inappropriate workplace practice. It may include behaviour that intimidates, degrades, humiliates or offends a person and is persistent, systematic and ongoing. This behaviour can be demonstrated by either overt behaviour (openly in front of co-workers, clients or customers) or covert behaviour (subtle behaviour which is not easily detected). Specific examples of workplace bullying include, but are not limited to:

- Verbal Behaviour: yelling, screaming, insults, unexplained rages, inappropriate comments about a person’s personal lifestyle, unjustified criticism and sarcasm.
- Non-Verbal Behaviour: isolating individuals from social interactions or areas that are freely accessed by other employees, offensive or degrading material on walls, computer screens, e-mail, etc.
- Physical Behaviour: offensive hand or body gestures, unwelcomed contact, pushing, shoving, fighting or damage to personal property.
- Professional Behaviour: threats of pay-back for complaining about workload issues, withholding information/resources, supplying incorrect information/resources or overloading employees with impossible deadlines.

Sexual Harassment

Sexual harassment is any event in which:

- A person is subjected to an unsolicited act of physical intimacy (such as patting, pinching or touching in a sexual way);
- An unsolicited demand or request (whether directly or by implication) for sexual favours from the other person;
- A person makes a remark with sexual connotations relating to the other person; or
- A person engages in any other unwelcome conduct of a sexual nature in relation to the other person.

and, the perpetrator of the above behaviour does so:

- With the intention of offending, humiliating or intimidating the other person; or
- In circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Examples of sexual harassment include, but are not limited to:

- Requests for sex.
- Displays of sexually graphic material including emails, posters, pin-ups, cartoons, graffiti or messages left on notice boards, desks or common areas.
- Sexually explicit conversations or jokes.
- Persistent questions or insinuations about a person's private life.
- Uninvited touching or deliberately brushing against someone.
- Sex-based insults, taunts, teasing or name-calling.
- Staring at a person or their body parts.

Complaint

A complaint is the term used to describe the event in which a Pastor, paid staff or volunteer communicates, verbally or written, their experience with, or witness of, any form of discrimination, workplace bullying or sexual harassment.

Victimisation

Victimisation is the term used to describe the unfavourable treatment of an individual or subjecting them to some form of detriment because the individual:

- Has made a complaint or has proposed to make a complaint in accordance with this Policy;
- Has acted as a witness or has proposed to act as a witness in a complaint;
- Has supported a victim or intends to support a victim of a harassment complaint;
- Has been made a Respondent (alleged perpetrator) in a formal complaint investigation.

COMPLAINTS PROCEDURES

Calvary Family Church will investigate allegations of breaches of this Policy, including any reports of discrimination, harassment (including sexual harassment), vilification, victimisation or bullying, impartially and thoroughly in accordance with the complaint procedure in this policy. The Pastors will take any complaint seriously and act to ensure the safety and wellbeing of all those to whom they have a duty of care. A different process will apply to the following specific types of complaint:

- Where there is a complaint made regarding child abuse, especially child sexual abuse, the procedures for reporting such abuse outlined in the Child Protection Policy will be followed.
- Illegal or criminal behaviour will be reported to the police or the appropriate official authority. This does not preclude the church undertaking its own investigation and management actions in relation to an incident.
- All other disputes, conflict and grievances will be dealt with in accordance with the grievance procedure.

Disciplinary action may be taken against anyone where a complaint has been substantiated (which, in the case of a volunteer, would include revocation of an appointment and/or exclusion from attendance at certain places and times).

Procedure

Complainants may seek to resolve their complaint through an informal or formal procedure.

Informal Complaint

Informal procedures emphasise resolution rather than factual proof or substantiation of a complaint. The intent of this approach is to provide the Complainant with the knowledge and skills necessary to deal with the situation themselves. However, a Complainant is not required to exhaust informal attempts at resolution before a formal procedure commences.

Informal action is usually appropriate where:

- The allegations are of a less serious nature but the individual subjected to the behaviour wants it to cease; or
- The individual subjected to the behaviour wishes to pursue an informal resolution.

A Complainant taking informal action should take note of the date/time the incident(s) occurred and provide a brief description of what has happened to the Company's Contact Officer. The designated Contact Officer will give the Complainant advice and support on how to deal with their concern(s).

After talking to a Contact Officer, the Complainant may decide the following course of action:

- Approach the alleged perpetrator and identify that their conduct is inappropriate and to ask the alleged perpetrator to cease the offensive behaviour immediately; or
- Ask their Contact Officer to speak to the alleged perpetrator, on their behalf, to convey the Complainant's concerns and reiterate the Company's policy.
- The Contact Officer should document the incident and store the information as private and confidential in a secured location.

Formal Complaint

The formal procedure focuses on proving whether a complaint is substantiated.

A Complainant may decide to follow the formal process in the following circumstances:

- When informal attempts at resolution have failed;
- A person alleging harassment has been victimised;
- Serious complaints of misconduct have been alleged;
- The person alleging harassment has indicated they want to make a formal complaint at the onset of the process.

The Complainant must put the complaint in writing. This is to include:

- What the Complainant saw or experienced;
- Who was involved;
- Whether there were any witnesses;
- Other relevant information.

If the Complainant wishes to pursue the complaint, the Complainant or Contact officer is to provide details of the Complaint.

Formal Complaint Investigation

The Senior Pastor (or in the case of allegations against the Senior Pastor, the Board) will appoint an appropriate internal or external person to investigate the complaint.

All procedures will be undertaken with discretion and confidentiality to protect the reputation of the person being investigated.

The complaint investigator will privately interview the Complainant:

- Ensure a support person is present if required or if the Complainant requests a third party to be present;
- Explain the process of investigation;
- Ensure confidentiality;

- Obtain information and written documentation in support of the allegation;
- Ask the Complainant what they would like to happen as a result of the investigation;
- Keep a detailed record of all information and statements made by the Complainant;
- Inform the Complainant that a false complaint will be treated seriously.

The Complaint investigator will privately interview the Respondent:

- Provide reasonable written notice at the interview. This should include:
 - Time and place of interview;
 - General nature of the matter to be discussed;
 - The employee's right to have a person of their choice (including Union representative) present; and
 - The names of the persons who will be in attendance.
- Explain the process of the investigation and meeting;
- Put the allegations to the Respondent;
- Allow them time to respond to the allegations;
- Record all responses in detail;
- Inform the respondent that disciplinary action may be taken in the event that inappropriate behaviour is proven.

The complaint investigator will privately interview any witnesses:

- Inform the witness that the matter is confidential;
- Obtain written and signed statements from the witness;
- Make further inquiries deemed relevant to establish whether the alleged incident occurred;
- Keep detailed records of all information.

Notice of Outcome

Based on the investigation, Senior Pastor (or if the allegations were against the Senior Pastor, the Board) will determine if action will be taken against the Respondent.

If there is not sufficient evidence to substantiate the complaint, Senior Management will advise the Complainant and Respondent, in writing, of the finding and that no further action will be taken.

Action Taken

If, on the balance of probabilities, the complaint is substantiated, the church will take appropriate action to resolve the complaint. Appropriate action against the respondent may include any combination of the following:

- Asking for a formal apology;
- Create an agreement with the Respondent that will stop the offending behaviour;
- Counselling with pastoral covering
- Conciliation / mediation conducted by an impartial third party to seek a mutually acceptable solution;
- Disciplinary action in the form of verbal, written or final warning;
- Demotion/transfer;
- Dismissal.

In determining the action to be taken against the Respondent, the following factors will be considered:

- Severity and frequency of discrimination, bullying or harassment;
- Weight of the evidence;
- Wishes of the Complainant;
- Whether there have been previous incidents or prior warnings.

After the Event

In order for complaints to be dealt with fairly and justly, Complainants and Respondents must feel secure in the knowledge that the church’s procedures will be followed without retribution.

Any form of victimisation of a Complainant, Witness or Respondent will not be tolerated. All records of the incident are to be kept as private and confidential at a secure location.

Preventative Action

The church plans to prevent discrimination, workplace bullying and sexual harassment by taking the following steps:

- Include information regarding acceptable workplace behaviour in the induction process;
- Provide specific workplace harassment training;
- Insist that all Team Leaders lead by example and demonstrate appropriate workplace behaviour; and
- Provide a suitably trained Contact Officer for assisting Employees.

Written by:	Joshua Shingles	Date Written:	December 2017
Authorised by:	Scott Short	Review Date:	December 2018