



Workplace Discrimination & Harassment Policy

Version 3
March 15, 2025

TCDA Pty Ltd
ACN 617 607 253
ABN 93 656 571 166

TCDA Director: Paul Singh
Responsible Officer: Paul Singh
Signed:

A handwritten signature in black ink, appearing to be 'Paul Singh', is written over a light blue circular stamp or watermark.

Date: March 15, 2025
Revision: 1

1. INTRODUCTION & PURPOSE

TCDA is committed to providing a safe, flexible and respectful environment for staff and clients free from all forms of discrimination, bullying and sexual harassment. We aim to promote respectful relationships, diversity and inclusion, and maintain a workplace culture that reflects our core values of integrity, courage, accountability, respect, and excellence.

All TCDA staff, volunteers, and contractors are required to treat others with dignity, courtesy and respect. By effectively implementing our Workplace Discrimination and Harassment Policy, we will attract and retain talented staff and create a positive environment for all participants in our dance community.

2. LEGISLATIVE FRAMEWORK

This policy operates within and complies with the following legislative framework:

- Sex Discrimination Act 1984 (Cth), including amendments through 2023 - prohibiting discrimination and harassment on the basis of sex, gender identity, sexual orientation, and other attributes^[^1]
- Racial Discrimination Act 1975 (Cth) - prohibiting discrimination on the basis of race, color, descent, national or ethnic origin^[^2]
- Disability Discrimination Act 1992 (Cth) - prohibiting discrimination against people with disabilities^[^3]
- Age Discrimination Act 2004 (Cth) - prohibiting discrimination on the basis of age^[^4]
- Australian Human Rights Commission Act 1986 (Cth) - establishing processes for handling complaints of discrimination and harassment^[^5]
- Fair Work Act 2009 (Cth) - particularly provisions related to workplace bullying and adverse action based on protected attributes^[^6]
- Work Health and Safety Act 2011 (NSW) - requiring the management of psychological hazards in the workplace^[^7]
- Anti-Discrimination Act 1977 (NSW) - prohibiting discrimination in various areas of public life in New South Wales^[^8]
- Privacy Act 1988 (Cth) - governing the handling of personal information in investigations^[^9]

3. SCOPE & APPLICATION

This policy applies to:

- All staff, including: managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers
- How TCDA provides services to clients and how it interacts with other members of the public
- All aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- On-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their TCDA duties
- Staff treatment of other staff, of clients, and of other members of the public encountered in the course of their TCDA duties
- Digital communications and online spaces related to TCDA activities

4. DEFINITIONS & EXAMPLES

4.1 Discrimination

Definition: Discrimination occurs when a person is treated less favourably than another person because of a personal characteristic protected by law.

Discrimination can occur:

Directly: When a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law.

Examples in a dance studio context:

- Refusing to consider a qualified teacher for a position because of their age
- Not allowing a student to participate in certain classes because of their cultural background
- Providing fewer performance opportunities to students with disabilities

Indirectly: When an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

Examples in a dance studio context:

- Scheduling all staff meetings at a time that disadvantages staff with family responsibilities
- Having a dress code that inadvertently disadvantages people of certain cultural backgrounds
- Requiring physical capabilities that unnecessarily exclude people with disabilities

4.2 Protected Characteristics

Protected personal characteristics under Federal and NSW discrimination law include:

- Age, whether young or old, or because of age in general
- Disability, disease or injury, including work-related injury
- Race, colour, descent, national origin, or ethnic background
- Sex, gender identity, sexual orientation, intersex status
- Marital status, relationship status, pregnancy or family responsibilities
- Religion, political opinion, industrial activity
- Irrelevant criminal record, spent convictions
- Profession, trade, occupation or calling
- Association with someone who has, or is assumed to have, one of these characteristics

4.3 Bullying

Definition: Workplace bullying is repeated, unreasonable behaviour directed toward a worker or group of workers that creates a risk to health and safety.

Examples in a dance studio context:

- Aggressive or intimidating conduct or language toward staff or students
- Belittling or humiliating comments about teaching methods or dance ability
- Spreading malicious rumours about colleagues
- Deliberately excluding someone from workplace activities or information
- Unreasonable work demands or withholding information needed to perform effectively
- Deliberately changing arrangements to inconvenience particular staff members
- Inappropriate use of social media to criticize or belittle colleagues

4.4 Sexual Harassment

Definition: Sexual harassment is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated.

Examples in a dance studio context:

- Intrusive comments about a person's physical appearance or body
- Unwelcome touching during dance instruction that goes beyond what is necessary for proper technique correction
- Suggestive comments or jokes of a sexual nature
- Unwanted invitations to go out on dates
- Inappropriate or excessive comments on dance attire or costumes
- Sharing sexually explicit material in the workplace
- Making sexually suggestive gestures or staring in a way that makes someone uncomfortable

4.5 Victimization

Definition: Victimization is subjecting or threatening to subject someone to a detriment because they have made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, harassment or victimisation.

Examples in a dance studio context:

- Reducing a teacher's classes after they report witnessing harassment
- Excluding a student from performances after they or their parent make a complaint
- Giving unfavourable references or performance reviews because someone has complained about discrimination

4.6 Digital Harassment

Definition: Digital harassment refers to bullying, discrimination, or sexual harassment that occurs through electronic communication channels.

Examples in a dance studio context:

- Sending inappropriate text messages or emails to staff or students
- Posting demeaning comments about colleagues on social media
- Sharing photos or videos of staff or students without consent
- Creating fake social media profiles to harass others
- Excluding specific individuals from digital communication groups related to work
- Sending excessive messages demanding immediate responses outside of work hours

5. SPECIFIC PROHIBITED BEHAVIORS

5.1 Unacceptable Workplace Conduct

Discrimination, bullying and sexual harassment are unacceptable at TCDA and are unlawful under federal and state legislation.

Staff (including managers) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

5.2 Gossip

It is unacceptable for staff at TCDA to talk with other staff members, clients or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

5.3 Merit at TCDA

All recruitment and job selection decisions at TCDA will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

6. ROLES & RESPONSIBILITIES

6.1 Staff Rights and Responsibilities

All staff are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- Work free from discrimination, bullying and sexual harassment
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture

All staff must:

- Follow the standards of behavior outlined in this policy

- Offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- Avoid gossip and respect the confidentiality of complaint resolution procedures
- Treat everyone with dignity, courtesy and respect
- Report incidents they witness following the organizational chain of command as outlined in the organizational chart included in the induction package

6.2 Additional Responsibilities of Managers and Supervisors

Managers and supervisors must also:

- Model appropriate standards of behaviour
- Take steps to educate and make staff aware of their obligations under this policy and the law
- Intervene quickly and appropriately when they become aware of inappropriate behaviour
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- Help staff resolve complaints informally
- Refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- Ensure staff who raise an issue or make a complaint are not victimised
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- Seriously consider requests for flexible work arrangements

7. REPORTING PROCEDURES

7.1 Process for Raising Concerns

TCDA strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by:

1. **Initial steps:** If comfortable doing so, tell the person that their behaviour is unwelcome and ask them to stop
2. **Seek advice:** Discuss the matter confidentially with your supervisor, following the organizational chart outlined in your induction package
3. **Formal complaint:** If the issue cannot be resolved informally, make a formal complaint following the process in the TCDA Complaint Handling Policy
4. **Alternative reporting options:** If your direct supervisor is involved in the complaint, report to the next level of management in accordance with the organizational chart

7.2 Reporting Timeframes

In alignment with TCDA's Complaint Handling Policy:

- Acknowledgment of complaints will occur within 3 business days
- Simple complaints will have resolution attempted within 10 business days
- Complex complaints will receive regular updates at least every 14 days

- Final response will be provided within 45 days, with explanation for any delays

7.3 Documentation Requirements

When making a complaint, provide:

- Clear details of what happened, when and where the incident occurred
- Names of any witnesses
- Any evidence that supports your complaint
- What outcome you are seeking

All complaints will be documented and handled in accordance with TCDA's Privacy Policy.

7.4 Chain of Command Reporting

Staff should follow the reporting chain of command in line with the organizational chart included in the induction package. This helps ensure:

- Appropriate management of complaints
- Efficient resolution processes
- Clear communication channels
- Accountability at all levels

8. INVESTIGATION PROCESS

8.1 Principles of Investigation

When a formal complaint is made, TCDA will:

- Act promptly and take the matter seriously
- Maintain confidentiality as much as possible
- Ensure procedural fairness for all parties
- Document all aspects of the investigation
- Base decisions on evidence
- Take appropriate action based on the findings

8.2 Investigation Steps

1. **Initial assessment:** Determine if the complaint requires formal investigation
2. **Appoint investigator:** Either internal or external depending on the nature of the complaint
3. **Gather information:** Interview relevant parties and collect evidence
4. **Make findings:** Based on the balance of probabilities
5. **Take action:** Implement appropriate responses to the findings
6. **Follow up:** Monitor to ensure the situation is resolved and no victimisation occurs

8.3 Outcomes

Potential outcomes from an investigation include:

- Finding that discrimination, harassment or bullying occurred → disciplinary action, training, etc.
- Finding that discrimination, harassment or bullying did not occur → no further action
- Finding inconclusive → monitoring of the situation and preventive measures
- Identification of system issues → review of policies and procedures

9. SUPPORT SERVICES & RESOURCES

9.1 Internal Support

TCDA will provide appropriate support to all parties involved in a complaint, which may include:

- Adjustments to work arrangements during an investigation
- Regular check-ins with affected individuals
- Access to relevant policy documents and information
- Feedback on investigation progress within confidentiality limits

9.2 External Support Resources

Staff experiencing discrimination, bullying or harassment may also access external support services:

- **Australian Human Rights Commission:** 1300 656 419 - handles complaints under federal anti-discrimination laws
- **NSW Anti-Discrimination Board:** 1800 670 812 - handles complaints under NSW anti-discrimination law
- **Fair Work Commission:** 1300 799 675 - handles workplace bullying complaints
- **Employee Assistance Program:** Contact details available from management
- **Lifeline:** 13 11 14 - 24-hour crisis support and suicide prevention services
- **Beyond Blue:** 1300 22 4636 - mental health support

10. TRAINING REQUIREMENTS

10.1 Induction Training

All new staff members will receive training on this policy as part of their induction package, including:

- Review of this policy and related procedures
- Discussion of behavioral expectations
- Information on how to report concerns
- Understanding the organizational chain of command
- Scenarios and examples relevant to a dance studio environment

10.2 Ongoing Training

Refresher training will be provided:

- Annually at the teachers' meeting
- When significant changes are made to the policy
- When workplace issues indicate the need for reinforcement
- After incidents, to prevent recurrence

10.3 Documentation

Training completion will be documented in each staff member's Employee folder, including:

- Date of training
- Content covered
- Acknowledgment of understanding
- Commitment to comply with policy requirements

11. POLICY REVIEW

This Workplace Discrimination and Harassment Policy will be reviewed annually each March to ensure it remains effective and compliant with current legislation.

The review process will:

- Evaluate the effectiveness of the policy
- Consider any incidents that have occurred
- Incorporate feedback from staff
- Assess compliance with current legislation
- Update content as needed

The Director is responsible for ensuring this review occurs and for implementing any necessary changes.

12. RELATED DOCUMENTS

This policy should be read in conjunction with the following TCDA policies and documents:

- TCDA Complaint Handling Policy (specifically for reporting and investigation processes)
- TCDA Child Safe Child Friendly Policy (for incidents involving minors)
- TCDA Code of Conduct (for general behavioral expectations)
- TCDA Internal Grievance Procedure (for staff-to-staff conflict resolution)
- TCDA Safe Workplace Policy (for safety and wellbeing considerations)
- TCDA Diversity and Inclusion Policy (for positive workplace culture initiatives)
- TCDA Privacy Policy (for handling personal information in investigations)
- TCDA organizational chart (for reporting structure)
- TCDA teacher induction package (for initial training and guidance)

13. RESOLVING ISSUES AT TCDA

TCDA strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by contacting the Principal, Kellie Singh or the Manager, Paul Singh.

Staff who do not feel safe or confident to take such action may seek assistance from Senior TCDA Teachers for advice and support or action on their behalf.

REFERENCES

[^1]: Sex Discrimination Act 1984 (Cth), particularly sections regarding discrimination and harassment in employment. [^2]: Racial Discrimination Act 1975 (Cth), prohibiting discrimination based on race, color, descent, or national or ethnic origin. [^3]: Disability Discrimination Act 1992 (Cth), prohibiting discrimination against people with disabilities in various areas of public life. [^4]: Age Discrimination Act 2004 (Cth), prohibiting discrimination on the basis of age in employment and other areas. [^5]: Australian Human Rights Commission Act 1986 (Cth), establishing processes for handling complaints of discrimination. [^6]: Fair Work Act 2009 (Cth), specifically Part 3-1 on general protections and Part 6-4B on workplace bullying. [^7]: Work Health and Safety Act 2011 (NSW), requiring employers to manage risks to physical and psychological health. [^8]: Anti-Discrimination Act 1977 (NSW), prohibiting discrimination on various grounds in NSW. [^9]: Privacy Act 1988 (Cth), governing the handling of personal information, including in workplace investigations.