# **Bullying, Harassment and Discrimination Policy**

**Purpose**

The purpose of this Policy is to:

* Ensure that all Company Name (‘short name’) Workers are aware of:
	+ - how workplace bullying, harassment and discrimination can arise in the workplace; and
		- their responsibilities with respect to the management of such incidents.
* Ensure that all Company Short Name Workers are treated equally, with dignity, courtesy, and respect.
* Define behaviours that may be considered workplace bullying, harassment, and discrimination.
* Provide guidance to Workers on how to report acts of workplace bullying, harassment, and discrimination; and
* Reassure Workers that no action will be taken against them for reporting acts of workplace bullying, harassment, and discrimination.

**Scope**

This Policy applies to all Company short name Workers, contractors, subcontractors, outworkers, trainees, work experience students and volunteers (‘Workers’).

**Policy**

Company short name all Workers to be treated with respect, in a fair and reasonable way. Company short name is committed to providing all Workers with a work environment that promotes the safety and health of its Workers by being free of workplace bullying, harassment, and discrimination.

Company short name considers all types of workplace bullying, harassment, and discrimination to be unacceptable forms of behavior that will not be tolerated under any circumstances. Workers of Company short name must not engage in any such behavior towards any other Workers, suppliers, visitors, or persons who are otherwise considered a stakeholder of Company short name.

Company short name is therefore committed to ensuring that:

* Workplace bullying, harassment and discrimination complaints are treated seriously.
* Complaints are addressed promptly.
* Complaints are investigated impartially.
* Appropriate action is taken to ensure that misconduct does not continue; and
* Complainants and witnesses are not victimised in any way.

Workers who are found to have engaged in workplace bullying, harassment or discrimination, will be subject to disciplinary consequences, up to and including termination. Such disciplinary action will extend to any conduct victimizing an individual who makes a complaint or is otherwise involved in the complaint handling process.

Bullying, harassment, and discrimination may be considered workplace bullying, harassment, and discrimination even if experienced outside of the work premises. For example, bullying, harassment and discrimination will be deemed to have occurred in the workplace even if it occurs outside of work hours or via personal social media if its consequences reasonably extend to the workplace. For example, if a Worker harasses another Worker outside of the work premises, making the other Worker feel uncomfortable while at work, this will likely be deemed workplace harassment. Further, the workplace includes afterhours functions, external training sessions, end of year celebrations and business trips.

**Workplace Bullying**

**What is Workplace Bullying**

Workplace bullying is a form of workplace harassment and is the misuse or abuse of relative power. It involves repeated, unreasonable behavior directed towards a Worker, or group of Workers, in the workplace, that creates a risk to the physical and psychological health and safety of a Worker.

Examples of bullying include:

* publicly belittling someone’s opinions, or dismissing that person’s contribution without good reason, including in front of clients or work colleagues.
* deliberately and unreasonably isolating or excluding a person from work discussions.
* deliberately withholding workflow so that a person cannot meet their performance targets.
* excluding, isolating, ignoring or alienating a person.
* excessively and unreasonably scrutinising a person’s work.
* inappropriately or unreasonably criticising or punishing a person; and
* constantly and inappropriately changing and/or setting impossible deadlines, tasks or targets.

**What is NOT Workplace Bullying**

Actions that do not constitute bullying include:

* reasonable supervisory practices, including reasonable management requests, setting reasonable deadlines, tasks, and targets.
* use of reasonable work performance assessments, counselling, and disciplinary practices; and
* fair and legitimate actions by management to encourage and motivate Workers.

**Harassment**

**What is Workplace Harassment?**

Workplace harassment may be defined as any form of behavior that is not wanted or invited, and that a reasonable person may consider, in the circumstances, capable of humiliating, offending, intimidating, or degrading another person.

There is no requirement that the “harasser” must have intended to harass. Harassment may be a single incident or may occur on multiple occasions and can include, amongst other things:

* verbal abuse, offensive gestures, or jokes, or making comments that put a person or group of people down.
* stereotyping people because of their race, sexual orientation, pregnancy, disability, age or other protected attribute.
* insults, picking on or teasing someone.
* threats
* ignoring or isolating a person or group of people
* denying a person, the use of, or access to, vital tools or systems.
* unfair or manipulative complaints to management.
* displaying aggressive behaviour in issuing directions; and
* displaying or circulating racist or other offensive material such as graffiti or inappropriate comments on noticeboards.

**What is Sexual Harassment?**

Sexual harassment is unwanted or unwelcome behavior of a sexual nature, for which a reasonable person would have anticipated the possibility that the person harassed may be humiliated, intimidated or offended.

It is unlawful to sexually harass someone in the workplace or in any work-related context. Sexual harassment can take many different forms including physical contact, verbal comments, the display of offensive material and uninvited intimacy.

Such behavior can create a workplace that is uncomfortable and unpleasant. Sexual harassment covers a wide range of behaviors including, amongst other things:

* Unwelcome comments, gestures, or actions of a sexual connotation.
* Unwanted and deliberate physical contact:
* Subtle or explicit demands for, or offers of, sexual favours (especially if accompanied by implied or overt promises or threats concerning a person’s employment); and
* The transmission or display by any means (including electronic or on company or public property) of sexually explicit photographs, posters, tweets, messages, emails, reading matter, or any other written or pictorial material of a sexual nature.

It is also unlawful for a person to sexually harass or harass another on the ground of sex. This includes harassing another person by reason of their sex, or a characteristic that appertains generally to persons of that sex, or a characteristic that is generally imputed to persons of that sex.

**What is NOT Sexual Harassment?**

Mutual friendships or relationships that develop between Workers who meet at work are a private concern. Any such Worker must:

* act professionally at all times during the performance of work; and
* ensure the personal relationship does not interfere with the respective Worker’s own work or the ability of other Workers in the workplace to perform their work.

**Discrimination**

**What is Discrimination?**

Discrimination in the area of employment is unlawful and prohibited. Discrimination can take the form of either direct or indirect discrimination.

**Direct Discrimination** occurs when a person or group is subjected to less favorable treatment than another person or group in the same or similar circumstances, on the basis of one or more of the unlawful grounds described in anti-discrimination legislation (for instance, on the basis of sex, age, race or disability).

**Indirect discrimination** occurs when a condition, requirement or practice is implemented that is more difficult for one person or a group of persons to comply with, because of a protected

attribute set out in anti-discrimination legislation, in circumstances in which others are able to comply with that condition, requirement or practice. The considered, requirement or practice must be considered unreasonable in the circumstances.

**Grounds for Discrimination**

The following grounds of discrimination, protected attributes, are unlawful or prohibited under legislation and are prohibited under this policy:

* race.
* colour
* sex
* religion
* political opinion
* national extraction
* social/social origin
* age
* medical record
* criminal record
* martial or relationship status
* impairment
* mental, intellectual or psychiatric disability
* physical disability
* nationality
* sexual orientation
* trade union activity
* age – specific characteristics
* imputed-age characteristics
* sensory disability
* neurological disability
* learning disability
* physical disfigurement
* disorder, illness, or disease affecting thought processes, perceptions of reality, emotions, or judgment
* presence of organisms capable of causing disease or illness (e.g., HIV)
* immigration status
* pregnancy or potential pregnancy
* breastfeeding
* family responsibilities
* intersex status and/or
* gender identity

The above protected attributes are based on Australia’s federal anti-discrimination laws. Company short name recognizes the anti-discrimination laws of other jurisdictions as and where they are relevant to its Workers.

It also may be unlawful to discriminate against another person because they are associated with a person who has attributes relating to one of the protected attributes.

**Exceptions to the Rule**

Discrimination in the area of employment may not be unlawful where:

* the ground of discrimination constitutes a "genuine occupational qualification"; or
* the Worker cannot perform the inherent requirements of the position in question, or requires services, facilities, or other adjustment to do so, but the provision of those will impose an unjustifiable hardship on Company short name.

Other exceptions may be available under the laws of other jurisdictions.

**Making a Complaint**

The company short name *Grievance Policy and Procedure* outlines the steps a Worker should undertake in making a complaint in relation to a grievance involving workplace bullying, harassment and/or discrimination. However, complaints that are frivolous or vexatious may result in disciplinary action against the complainant.

**Responsibilities**

**Company short name Responsibilities**

It is company short name responsibility to ensure that:

* Workers are familiar with this Policy and acknowledge that workplace bullying, harassment and discrimination are unlawful.
* Workers are trained on the contents of this Policy.
* Workers are familiar with the Company short name Grievance Policy; and
* all grievances are dealt with in a fair and consistent manner in accordance with the Grievance Policy.

**Manager Responsibilities**

Managers are required to:

* take steps to ensure that all work practices and behaviours are equitable, including fair allocation of workloads and transparent selection methods.
* lead by example to ensure that diverse skills and backgrounds are recognised and respected.
* ensure the workplace is free from bullying, harassment and unlawful discrimination by managing any breaches.
* provide Workers with equal access to prompt, confidential, fair and sensitive processes to deal with grievances or complaints; and
* ensure Workers have equal access to relevant learning and development opportunities.

**Worker Responsibilities**

Workers are expected to:

* make themselves familiar with the contents of this Policy.
* recognise and respect the contribution of each Worker.
* treat their colleagues equally and with respect.
* develop an awareness of the impact their behaviour has on others; and
* report any instances of bullying, harassment or discrimination that they witness.

**Relevant Reference Material**

The following documents may provide relevant supplementary information:

* Company short name Code of Conduct
* Company short name Grievance Policy
* Fair Work Act 2009 (Cth)
* Australian Human Rights Commission Act 1986 (Cth)
* Racial Discrimination Act 1975 (Cth)
* Sex Discrimination Act 1984 (Cth)
* Disability Discrimination Act 1992 (Cth)
* Age Discrimination Act 2004 (Cth)
* Work Health and Safety Act 2011 (Cth)

**Contact**

Should any clarification be needed for the contents of this Policy, the reader should contact your manager or the HR team via phone (Company Phone Number) or email (Company Email).

**Monitor and Review**

This Policy will be reviewed two (2) years from date of adoption.

**Approval**

This Policy was drafted on 23 March 2022 and approved by [NAME], [POSITION TITLE], on [DATE].