Workplace Bullying, Harassment and Discrimination Prevention Policy

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1 Purpose

Allity acknowledges its responsibility and commitment to provide a workplace environment that encourages diversity and where the dignity of all employees, board members, contractors, sub-contractors, students, volunteers and residents are respected. Allity recognises that bullying, harassment and discrimination can affect the physical and mental health and wellbeing of all employees.

Allity has a zero tolerance approach to bullying, harassment or discrimination and will ensure that procedures are in place to protect employees from these incidents. Allity will also provide an effective process to manage any complaints. Disciplinary action, if warranted, will depend on the seriousness of the incident(s), and will range from counselling to summary dismissal.

By effectively implementing our Workplace Bullying, Harassment and Discrimination Prevention Policy we will attract and retain talented people and create a positive environment for our employees.

2 Scope

This policy applies to:

- All employees, volunteers, students, contractors and sub-contractors.

- All aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport.

- Any work-related context, including on-site, off-site or after hours work; work conferences, work-related social functions, business trips and wherever employees may be as a result of their Allity duties.

- Treatment of other employees, of residents and other members of the public encountered in the course of Allity duties.

Allity strongly encourages any employees, volunteers, students, contractors or sub-contractors who feel they have been bullied, harassed or discriminated against, or have witnessed these behaviours taking place, to take action by making it clear that such behaviour is unwelcome and offensive and by following this policy and the Grievance Resolution Procedure.

3 Policy

Employees

It is the obligation and responsibility of all employees covered by this policy (including volunteers, students, contractors and sub-contractors) to:


- Treat everyone with dignity, courtesy and respect.

- Ensure they understand and are committed to the rights and entitlements of all employees, to attend work and perform their duties without fear of bullying, harassment and discrimination.

- Immediately report any behaviour which may be deemed to constitute bullying, harassment or discrimination.
• Offer support to people who experience discrimination, bullying or harassment, through providing information about how to make a complaint.

Managers
In addition to the above, it is also the responsibility of Managers to ensure that:

• They model appropriate standards of behaviour, and take all reasonable steps to eliminate bullying, harassment and discrimination.
• Steps are taken to educate and make employees aware of their obligations under this policy and the law and display the policy in the workplace (i.e. Noticeboards and intranet).
• They act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard.
• Complaints are taken seriously, treated confidentially and managers intervene quickly and appropriately when they become aware of inappropriate behaviour.
• They help employees resolve complaints informally (with assistance from People and Culture if required).
• They refer complaints about breaches of this policy to their Manager/General Manager and/or People and Culture for investigation.
• Employees who raise an issue or make a complaint are not victimised.
• Recruitment decisions are based on merit and no discriminatory requests for information are made.

People and Culture
It is the responsibility of People and Culture to provide advice and/or support as follows:

• Of recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics.
• To employees, giving them the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.
• Giving relevant and sound advice to all parties on the application and interpretation of this policy.
• On education initiatives in relation to the policy and ensuring distribution of the policy.
• To managers undertaking investigations as required.
• Undertaking review of the policy on a regular basis or as required by legislative updates.

Resolution
Any complaints/grievances will be addressed in accordance with the Allity Grievance Resolution Policy and Procedure.

Anyone who believes they are the subject of bullying, harassment or discrimination should take firm, positive and prompt action and refer to the Grievance Resolution Policy and Procedure

Resources and Training
Allity provides induction to employees on policies and procedures. The Workplace Bullying, Harassment and Discrimination Prevention Policy and the Grievance Resolution Policy and Grievance Resolution Procedure are available to all staff on the Allity AQMS located on the Intranet.

Allity may amend or vary this policy in its discretion from time to time. This policy may be reviewed regularly to ensure continued compliance with all legislative requirements.
4 References

<table>
<thead>
<tr>
<th>Document No.</th>
<th>Title</th>
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<tbody>
<tr>
<td>D100-15-1706</td>
<td>Employee Behaviour Standard (NSW, QLD, VIC only)</td>
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<tr>
<td>D100-15-1181</td>
<td>Code of Employment Principles (SA only)</td>
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<tr>
<td>D100-15-</td>
<td>Grievance Resolution Policy</td>
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<tr>
<td>D100-15-</td>
<td>Grievance Resolution Process</td>
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<tr>
<td>Legislation</td>
<td>Age Discrimination Act 2004</td>
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<td>Legislation</td>
<td>Australian Human Rights Commission Act 1986</td>
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<tr>
<td>Legislation</td>
<td>Disability Discrimination Act 1992</td>
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<td>Legislation</td>
<td>Racial Discrimination Act 1975</td>
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<td>Legislation</td>
<td>Work Health and Safety Act 2011</td>
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<td>Legislation</td>
<td>NSW Anti-Discrimination Act 1977</td>
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5 Definitions

The following words, acronyms and abbreviations are referred to in this document:

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<tr>
<th>Item</th>
<th>Definition</th>
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<td>Discrimination</td>
<td>Discrimination is the unfavourable treatment of one group or individual by another group or individual based on a difference. Under State and Federal Legislation, it is generally unlawful to discriminate on the basis of race, religion, marital or relationship status, disability, sexual preference, gender identity, union membership, political beliefs, irrelevant criminal or medical records, family or carer’s responsibilities or age. This list is not exhaustive. Discrimination can be either direct or indirect. Direct Discrimination means treating, or proposing to treat, someone less favourably on the basis of a personal characteristic protected by law. For example - the refusal to employ a person because of their ethnic background, or an employee is refused promotion because they are ‘too old’. Indirect Discrimination occurs where a person imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law and that is not reasonable. For example - a policy requiring all employees to read and write English fluently when this is not necessary for the job.</td>
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<td>Unreasonable Behaviour</td>
<td>Behaviour that is offensive, humiliating, intimidating, degrading or threatening. This may include but is not limited to: Verbal abuse. Excluding or isolating employees. Giving a person the majority of unpleasant or meaningless tasks. Humiliation through sarcasm or belittling someone’s opinions. Constant criticism or insults. Spreading misinformation or malicious rumours. Deliberately setting work routines or procedures to inconvenience employees. Displaying written or pictorial materials which may degrade or offend</td>
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<td>Repeated Behaviour</td>
<td>Behaviour is considered ‘repeated’ if an established pattern can be identified. It may involve a series of diverse incidents. For example, verbal abuse, deliberate damage to personal property etc.</td>
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| Harassment        | Commonly, harassment is any form of behaviour that is unwelcome, uninvited, or unreciprocated, that a reasonable person would have anticipated would offend, humiliate, intimidate, hurt, insult or frighten another person and to make the workplace uncomfortable and unpleasant. A person need not intend to offend, for their conduct to amount to harassment. Workplace harassment usually consists of a pattern of unwelcome behaviour. However, it can consist of just one act where this is of a serious nature. Harassment in the workplace can create an unpleasant or even hostile work environment. Harassment makes work difficult for everyone – the person being harassed, as well as employees witnessing the harassment. Examples of verbal harassment can include but are not limited to:  
  - Making fun of someone.  
  - Imitating an accent.  
  - Spreading rumours.  
  - Obscene telephone calls or email messages.  
  - Repeated unwelcome invitations.  
  - Offensive jokes.  
  - Repeated questions about personal life.  
  - Threats or insults or vulgar language that is not suitable in the workplace.  
Examples of nonverbal harassment can include but are not limited to:  
  - Putting offensive or insulting materials on walls or sending via email.  
  - Unwelcome practical jokes.  
  - Displaying or circulating racist cartoons or literature.  
  - Mimicking or making fun of someone.  
  - Not sharing information.  
  - Offensive hand or body gestures.  
  - Continually ignoring or dismissing someone’s contribution in a meeting/discussion.  
Some forms of physical harassment can include but are not limited to:  
  - Unnecessary physical contact.  
  - Indecent assault or attempted assault.  
  - Pushing, shoving or jostling.  
Honest, open and direct feedback from managers and supervisors about work performance does not in itself constitute harassment. |
| Sexual Harassment | Sexual harassment involves: any unwelcome sexual advance; unwelcome requests for sexual favours; or engaging in other unwelcome conduct of a sexual nature that a reasonable person would anticipate the possibility that the other person would be offended, humiliated or intimidated. Sexual harassment is not always deliberate and can be physical, spoken or written. A person need not intend to offend, for their conduct to amount to sexual harassment. It can include but is not limited to:  
  - Comments about a person’s private life or the way they look.  
  - Sexually suggestive behaviour, such as leering or staring. |
• Brushing up against someone, touching, fondling or hugging.
• Displaying offensive screen savers, photos, calendars or objects.
• Repeated unwanted requests to socialise outside of the workplace.
• Sexually explicit posts or inappropriate advances on social networking sites.
• Sexually suggestive comments or jokes.
• Insults or taunts of a sexual nature or requests for sex.
• Intrusive questions or statements about a person’s private life.
• Sending sexually explicit emails or text messages.
• Accessing sexually explicit internet sites.
• Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour. Allity recognises that comments and behaviour that do not offend one person can offend another.

**Workplace Bullying**

Workplace bullying can take many forms. Bullying can be defined as any type of repeated and unreasonable behaviour or a series of behaviours directed by one or more individuals towards another. It includes behaviour that may intimidate, offend, degrade or humiliate.

Workplace bullying may not always be deliberate. A person need not intend to offend, for their conduct to amount to bullying.

Workplace bullying may range from very obvious verbal or physical assault to subtle psychological abuse. It can take on a number of different forms. Behaviours that may constitute bullying include but are not limited to:

• Sarcasm, insults, intimidation and other forms of demeaning language.
• Threats, maliciousness, abuse or shouting.
• Coercion, isolation, inappropriate blaming or ganging up.
• Constant unconstructive criticism.
• Deliberately withholding information or equipment that a person needs to do their job or access their entitlements.
• Unreasonable refusal of requests for leave, training or other workplace benefits.
• Inappropriate comments about a person’s appearance, tampering with a person’s personal effects, or teasing and regularly making someone the brunt of practical jokes or pranks.

Having the occasional differences of opinion, conflict or problems that characterise any normal workplace is not considered bullying. Supervisory or management instructions, performance counselling and disciplinary proceedings delivered in a fair and reasonable manner do not constitute bullying.

**Performance Management**

Performance feedback, advice and instructions, including negative feedback and advice, delivered in a reasonable manner from a manager/supervisor is reasonable management action and does not constitute harassment or bullying.

Reasonable management action may include but is not limited to:

• Managers informing a worker about unsatisfactory work performance or inappropriate work behaviour (misconduct).
| | • Performance management processes.  
• Disciplinary action for misconduct.  
• Managers directing an employee to perform duties in keeping with their job.  
• Maintaining reasonable workplace goals and standards. |
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Any reasonable management actions must be conducted in a reasonable manner.

**Vilification**

Vilification is the unlawful act of publicly inciting or intending to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons. Under no circumstances are Allity employees to vilify others on any grounds. Examples include but are not limited to:

- Race.
- Religious beliefs.
- Sexual preference.
- Gender identity.

Vilification may include breaches of confidentiality, including gossip and rumours, displaying or communicating offensive material, and calling people names.

**Victimisation**

Victimisation is any conduct which disadvantages a person because he or she have asserted their rights under equal opportunity law, complained, or intend to complain about being harassed, discriminated against, bullied or vilified. Victimisation also includes any conduct which threatens or disadvantages a person who is assisting or supporting a person (such as a witness) who has been subjected to inappropriate behaviour.

Victimisation is against the law.

Victimisation can take any form including but not limited to:

- Intimidation.
- Exclusion from team or company activities.
- Withholding opportunities.
- Terminating the employment of an individual or refusing them a promotion.
- Threatening a person or limiting their access to benefits.

**Gossip**

Gossip is idle talk or rumor, especially about the personal or private affairs of others.

It is unacceptable for employees at Allity to talk with other employees, residents or suppliers, contractors or subcontractors about any complaint of discrimination, bullying or harassment. Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role is also unacceptable.

**Complainant**

The person raising a concern or making a formal complaint.

**Respondent**

The person causing the issue or complaint, or the person whom the complaint or allegation is against.

**Witness**

A person who can give a firsthand account of something seen, heard, or experienced.