



Workplace Harassment, Bullying and Discrimination Policy

Policy Name:	Workplace Harassment, Bullying and Discrimination Policy
Policy Number:	
Owner:	SLSA Human Resources Department
Applies to:	Surf Life Saving Australia and Surf Life Saving Foundation Staff
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Approved by:	Greg Nance, SLSA Chief Executive Officer

Purpose

To meet the organisation's obligations under state and federal laws regarding workplace health and safety in relation to workplace harassment, bullying and discrimination.

To provide workers of the organisation with an opportunity to work in a safe, respectful and inclusive environment, free from workplace harassment, bullying and discrimination.

To ensure that anyone who makes a report of alleged bullying, harassment or discrimination is not victimised or discriminated against on that basis.

Scope

This policy applies to all persons in the workplace and includes employees, contractors and consultants completing work on behalf of the organisation (**Staff**).

Policy Statement

The organisation will strive to achieve a healthy and safe workplace by addressing the issue of harassment, discrimination and bullying in the workplace. The organisation is concerned to ensure that harassment, discrimination and bullying does not occur in the workplace but, in the event it does, appropriate action is taken quickly. The organisation aims to educate Staff about appropriate workplace behaviour and the nature and effects of harassment, discrimination and bullying in the workplace.

Staff must not engage in harassing, discriminatory or bullying behaviour towards another Staff member, external stakeholders or any other Staff you come into contact with in the course of their employment or engagement.

The organisation does not tolerate such behaviour and may take disciplinary action up to and including summary termination of employment or engagement of any Staff member who:

- participates in harassing, discriminatory or bullying behaviour in the workplace; or
- victimises or retaliates against any Staff member who has lodged a complaint or participates in a complaint (i.e. a witness) about harassment, discrimination or bullying in the workplace.

Legislation

Federal legislation which aims to protect Staff from certain kinds of discrimination in public life includes:

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Fair Work Act 2009
- Work Health and Safety Act 2011

Discrimination, harassment and bullying in the workplace are also dealt with under state and territory legislation.

Definitions

What is unlawful discrimination?

Unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group of people on the basis of a characteristic that is prohibited by state or federal law. Prohibited attributes include race, colour, national or ethnic origin; sex, pregnancy, potential pregnancy or marital status; family or carer's responsibilities; age; disability; religion;



sexual preference, sexual identity or intersex status; trade union activity; political opinion; personal association with a person who is identified by reference to any of the aforementioned attributes; or some other characteristic specified under anti-discrimination or human rights legislation.

Discrimination may take the form of direct or indirect discrimination. Direct discrimination generally occurs when a person is treated unfairly or disadvantaged because he or she has one of the above attributes. Indirect discrimination generally occurs when an unreasonable requirement or condition has the practical effect of disadvantaging a person, or group of people, who share one of the above attributes.

By way of example, workplace discrimination can occur in:

- recruiting and selecting Staff;
- terms, conditions and benefits offered as part of employment or engagement;
- who receives training and what sort of training is offered;
- who is considered and selected for transfer, promotion, retrenchment or dismissal; and
- who is invited to or excluded from attending meetings.

What is unlawful harassment?

Under federal and state legislation, unlawful harassment is any unwelcome and unreasonable conduct towards another person because the person has a particular attribute listed above. The conduct may be verbal, physical, electronic or otherwise. An example of unlawful harassment is when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under antidiscrimination or human rights legislation. It can also happen if someone is working in a 'hostile' or intimidating environment.

A subset of harassment is sexual harassment. Sexual harassment occurs where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or engages in any other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails;
- displaying offensive or pornographic posters or screen savers;
- making derogatory comments or taunts about someone's race or religion; and
- asking intrusive questions about someone's personal life, including their sex life.

What is bullying within the workplace?

Bullying occurs when a person or a group of people repeatedly behaves unreasonably towards a worker or a group of workers at work and the behaviour creates a risk to health and safety. Bullying does not include reasonable management action carried out in a reasonable manner.

Bullying behaviour may involve for example any of the following types of behaviour:

- aggressive or intimidating conduct
- belittling or humiliating comments
- spreading malicious rumours
- teasing, practical jokes or 'initiation ceremonies'
- exclusion from work-related events
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- displaying offensive material
- pressure to behave in an inappropriate manner.

This behaviour must be repeated and unreasonable and must create a risk to health and safety in order for it to be bullying.

What is 'reasonable management action'?

Reasonable management action carried out in a reasonable manner does **not** constitute bullying.

Reasonable management action may include for example:

- reasonable performance management processes
- reasonable disciplinary action for misconduct
- informing a worker about unsatisfactory work performance or inappropriate work behaviour



- directing a worker to perform duties in keeping with their job
- maintaining reasonable workplace goals and standards.

Any reasonable management action must be conducted in a reasonable manner. If not, they could still be considered bullying.

Victimisation

Victimisation occurs when a person or group of people subjects or threatens to subject another person to a detriment because they have, or propose to, engage in an activity such as making a complaint about harassment, bullying or discrimination in the workplace, or participating or assisting in an investigation into harassment, bullying or discrimination in the workplace.

Victimisation is prohibited behaviour and persons who victimise others may be subject to disciplinary action, up to and including termination of employment or engagement.

Responsibilities

While at work all managers are to:

- identify and support measures to eliminate harassment, bullying and discrimination in the workplace, including actively supporting and promoting this policy
- take prompt action if any breaches of this policy do occur whether observed or reported.
- Set a good example of professional behaviour and establish high standards of behaviour in the workplace.

While at work, all Staff irrespective of their position will:

- ensure compliance with all policies, procedures and legislation relating to harassment, bullying and discrimination in the workplace at all times
- assume personal responsibility for their own welfare and for those of other work colleagues by always operating in an appropriate manner outlined within the organisation's Workplace Code of Conduct.
- Report any incidents of harassment, bullying and discrimination (whereby they cannot be self-managed) in the workplace promptly to the Human Resources Department.
- seek internal/external assistance if required.

Breaches

Engaging in harassing, bullying or discriminating conduct in the workplace constitutes a breach of the policy and the Workplace Code of Conduct and may result in disciplinary action up to and including summary termination of employment or engagement. In some instances harassment, discrimination or workplace bullying may also amount to a criminal offence or a breach in relevant state and federal law or legislation.

The organisation provides several options for dealing with complaints or grievances related to harassment, bullying and discrimination in the workplace which are outlined within the Workplace Grievance Procedure.

Related documents

- Workplace Code of Conduct
- Workplace Grievance procedure
- Workplace Disciplinary procedure
- SLSA Enterprise Agreement 2013 – 2016 or individual employment contract
- Workplace Employee Assistance Program