



everyone's family

Discrimination, Bullying & Harassment

Policy

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CONTENTS

Sections

1	Overview and Principles	3
1.1	Purpose	3
1.2	Policy Statement	3
1.3	Scope	3
1.4	Definitions	3
1.5	Legislative Context	3
1.6	Key Principles	3
2	Discrimination	4
2.1	Definition	4
2.2	Types of Discrimination	4
3	Bullying	5
3.1	Definition of Bullying	5
3.2	Victimisation	5
4	Harassment	5
4.1	Definition of Harassment	5
4.2	Sexual Harassment	6
5	Responsibilities	7
5.1	Team Members	7
5.2	Managers	7
5.3	Human Resources	7
6	Complaints Procedure	8
7	Records	8

1 Overview and Principles

1.1 Purpose

The purpose of this policy is to articulate The Smith Family's approach to addressing unlawful discrimination, bullying and harassment within the organisation.

1.2 Policy Statement

The Smith Family is committed to ensuring that the workplace is free from discrimination, bullying and harassment. Discrimination, bullying and harassment are unlawful and unacceptable forms of behaviour that will not be tolerated under any circumstances. The Smith Family will take reasonable steps to prevent and eliminate discrimination, bullying and harassment and ensure that team members who raise genuine concern are not victimised in any way.

1.3 Scope

This policy applies to all Team Members of The Smith Family engaged in activities connected with their role or responsibilities at The Smith Family, including funded and organised social activities that occur both on and off Smith Family premises.

1.4 Definitions

- **Team member:** Someone engaged by The Smith Family either on a paid or unpaid basis.
- **Paid Team member:** Someone engaged by The Smith Family under an employment contract.
- **Unpaid team member:** Someone engaged by The Smith Family as a volunteer, intern or on a work placement including Work for the Dole or representing an organisation that is providing pro bono services to The Smith Family.
- **Our Values Promise:** Outlines our values and the behaviours that underpin them. More information on Our Values Promise can be found on SmithNet.
- **Our Leadership Promise:** Outlines the capabilities and accompanying behaviours expected of our leaders. More information on Our Leadership Promise can be found on SmithNet.
- **SmithNet:** Internal web portal for all Smith Family team members. This contains key information and documents relevant to The Smith Family and the work we do and the tools required to complete our work on a daily basis.

1.5 Legislative Context

Discrimination and harassment are prohibited in Australia under Federal and State anti-discrimination, sexual harassment and equal opportunity legislation. Some types of harassment may also be offences under criminal law.

Team members who breach this policy may be subject to fines or criminal convictions.

1.6 Key Principles

The Smith Family seeks to promote the following principles:

- The Smith Family is committed to ensuring that working relationships between all team members are respectful and productive.
- Discrimination, bullying and harassment are unlawful and unacceptable forms of behaviour that cause stress, debilitate morale, erode the rights of the individual and interfere with the effectiveness of the workplace. The Smith Family adopts a zero tolerance approach to these behaviours. If a team

member breaches this policy, further action may be taken up to and including the termination of employment with the organisation.

- Discrimination, bullying, harassment and victimisation is behaviour that is not aligned to The Smith Family's organisational values, Leadership Promise and Code of Conduct.
- The Smith Family expects all team members to work in accordance with our policies at all times. In the event that this is not the case, The Smith Family aims to have procedures in place that deal with discrimination, bullying and harassment. Vexatious or frivolous complaints will not be tolerated and may result in performance or disciplinary action that may include the termination of the team member's employment or for unpaid team members the cessation of the arrangement with The Smith Family.

2 Discrimination

2.1 Definition

Discrimination happens when an adverse action takes place because of a person's characteristics. Discrimination may be based on a number of things including but not limited to race, religion, gender, disability or sexual orientation.

Direct discrimination occurs when an individual treats another person unfavourably for an unlawful reason (as listed below); and

Indirect discrimination occurs when a policy or practice appears neutral but in fact results in an individual or group being treated less favourably for an unlawful reason (as listed below).

2.2 Types of Discrimination

Discrimination may be unlawful where it is for the following grounds:

- Age
- Race (includes colour, descent, ethnicity, national or social origin)
- Sex
- Marital status
- Sexual orientation, for example homosexuality
- Pregnancy and potential pregnancy
- Family and/or carer's responsibilities
- Political or religious conviction or activity
- Transgender status and history
- Disability/impairment (includes physical, intellectual, psychological or psychiatric and also includes past, present or future disability)
- Physical features
- Trade union or industrial activity or inactivity, trade union membership or non-membership
- Irrelevant criminal record
- Spent convictions
- Irrelevant medical record
- Any other ground(s) prohibited by legislation

While it is not possible to list all circumstances that would be considered discrimination, some examples include:

- Refusing training for an older employee because of their age
- Not hiring an applicant because they are pregnant or could potentially become pregnant in the future.

3 Bullying

3.1 Definition of Bullying

Bullying at work, occurs when a person or group of people behaves unreasonably and repeatedly towards a worker or a group of workers while at work, and the behaviour creates a risk to health and safety. Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Bullying can be the unintentional result of actions and behaviour.

While it is not possible to list all circumstances that would be considered bullying, it can range from obvious verbal or physical assault to very subtle psychological abuse and may involve:

- Physical or verbal abuse
- Shouting, screaming or offensive language
- Isolating or excluding others
- Intimidation
- Constant unconstructive criticism
- Assigning meaningless tasks unrelated to the job
- Deliberately changing work rosters to inconvenience a particular employee
- Deliberately withholding information vital for effective work performance
- Repeated refusal of requests for leave or training without adequate explanation or suggestions for alternatives

Bullying should not be confused with advice or feedback on work performance or behaviours demonstrated at work. The giving of feedback is a normal part of work and as such, feedback on work performance or work-related behaviour that is intended to assist the team member to improve their work or the standard of their behaviour is not considered bullying.

3.2 Victimisation

Victimisation occurs when a person threatens or takes other inappropriate action toward another person who has lodged a discrimination, harassment or bullying complaint or who has provided a statement or information with respect to a complaint. The Smith Family will not tolerate victimisation of team members who raise genuine complaints and may take disciplinary action, up to and including termination of employment, against team members found to have victimised others.

4 Harassment

4.1 Definition of Harassment

Harassment is defined as any uninvited, unwanted verbal or physical conduct that a reasonable person, having regard to all the circumstances, could regard as being offensive, humiliating or intimidating (whether or not that effect was intended).

While it is not possible to list all circumstances that would be considered harassment, some examples include:

- Slurs, stereotyping, jokes, threatening, intimidating or hostile acts that show hostility towards an individual or group
- Written or graphic material that denigrates or shows hostility towards an individual or group.

Harassment should not be confused with advice or feedback on work performance or work related behaviour of an individual. The giving of feedback is a normal part of work and as such, feedback on work performance or work-related behaviour that is intended to assist the team member to improve their work or the standard of their behaviour is not considered harassment.

4.2 Sexual Harassment

Sexual harassment is defined as any unwelcome, unsolicited and non-reciprocated verbal or physical behaviour of a sexual nature that a reasonable person, having regard to all the circumstances, could regard as being offensive, humiliating or intimidating, whether or not this was the effect intended. Sexual harassment can be physical and/or psychological in nature. An aggregation of incidents can constitute sexual harassment, even if one of the incidents considered on its own would not be harassing.

Some examples of sexual harassment could include:

- Promising, directly or indirectly, a team member a reward if the team member complies with a sexually oriented request
- Threatening, directly or indirectly, to retaliate against a team member if they refuse to comply with a sexually oriented request
- Denying, directly or indirectly, an employment-related opportunity if the team member refuses to comply with a sexually oriented request
- Engaging in sexually suggestive physical contact or touching another team member in a way that is unwelcome
- Displaying, storing, viewing, downloading, forwarding or transmitting pornographic or sexually oriented materials using Smith Family computer equipment or other facilities
- Making unwelcome sexual or romantic advances, with or without touching, toward a team member and persisting despite the team member's rejection of the advances.

Other examples, depending on the circumstances, may include:

- Sexual jokes, nicknames, language, sexual innuendo, written or oral references to sexual conduct, banter or gossip
- Sexually suggestive objects, pictures, posters or cartoons on display or sent to team members
- Sexually oriented comments on an individual's body, sexual activity, deficiencies or prowess
- Unwelcome leers, whistles, deliberate brushes against the body in a suggestive manner, sexual gestures or suggestive insults
- Inquiry into sexual experiences or discussions of one's sexual activity.

Consensual sexual or romantic relationships between team members should not interfere with workplace activity and is not considered sexual harassment where it is invited, mutual, consensual and reciprocated. Where team members are in a consensual relationship, it must be disclosed to the appropriate senior manager where there is a position of power or reporting relationship between the team members.

5 Responsibilities

5.1 Team Members

Team members are responsible for:

- understanding, respecting and complying with this policy
- not participating in harassing, bullying or discriminatory behaviour, or victimisation in the workplace
- not tolerating any form of harassment, discrimination, bullying or victimisation which may happen to themselves or any other team member and notifying either their manager or the National Manager Human Resources should such a situation arise
- keeping records of incidents of harassment, bullying, victimisation and discrimination including dates and locations, who was involved, potential witnesses, and any other relevant information
- maintaining confidentiality in relation to a harassment, bullying, victimisation or discrimination complaint and
- refraining from victimising any individual who makes or gives evidence in a complaint.

Team members must report harassment, bullying, victimisation and discrimination incidences whether or not they are the victim.

5.2 Managers

Managers are responsible for ensuring that the work environment is free from all forms of harassment, bullying, victimisation and discrimination by communicating this policy to team members and by taking action when complaints are raised and/or violations exist. This responsibility includes:

- informing team members if their actions may be offensive and may constitute harassment, bullying, victimisation or discrimination
- acting to ensure that harassing, bullying, victimisation and discriminatory conduct is addressed or reported to Human Resources if required
- providing support to team members who make a complaint
- ensuring that all complaints are dealt with in accordance with the complaints procedure below
- keeping notes of any incidences of harassment, bullying, victimisation or discrimination
- seeking assistance and advice from Human Resources before taking corrective or disciplinary action and
- taking corrective action to prevent prohibited conduct from recurring.

Managers who knowingly allow or tolerate harassment, bullying, victimisation or discrimination are in violation of this policy and may be subject to disciplinary action, up to and including termination of employment.

5.3 Human Resources

Human Resources are responsible for the following:

- communicating, in conjunction with managers, this policy to all team members, as well as providing ongoing and adequate training, information, instruction and advice to all team members in relation to harassment, bullying, victimisation and discrimination
- working closely with all team members to ensure legislative compliance

- conducting or assisting in investigation of complaints and
- assisting managers to monitor the workplace to ensure that it is free from harassment, bullying, victimisation and discrimination.

6 Complaints Procedure

Team members, who believe there has been a violation of this policy, can speak directly to the alleged perpetrator themselves and/or lodge a complaint with:

- their Manager or
- National Manager Human Resources.

This process does not commit you to further action and, within legal constraints, The Smith Family will take reasonable actions to keep the process confidential. Investigation and response to the complaint will be carried out in accordance with the provisions of The Smith Family's Grievance Resolution Policy and Procedures.

Allegations of discrimination, bullying or harassment by Smith Family clients, sponsors, corporate partners, or any other persons in the Smith Family community, should be reported to the relevant manager or Human Resources as soon as possible.

7 Records

The documenting and recording of complaints is extremely important. All team members who experience or witness harassing, bullying, victimisation or discriminatory behaviour should keep comprehensive records of the dates, places and the details of each incident, and any action they have taken to resolve the situation. Likewise, managers and Human Resources should keep their own notes of any complaints they receive and the steps they have taken to resolve the issue. All parties are required to keep their notes confidential.

A Document information

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