

# INF Australia Bullying and Harassment Policy

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Owner:	CEO	Approved on:	July 2018
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THIS POLICY COMPLIES WITH: ACFID CODE OF CONDUCT COMMITMENT 9.2.3

RELATED INF AUSTRALIA POLICIES: INFA CODE OF CONDUCT; INFA WHISTLEBLOWER POLICY; INFA COMPLAINTS HANDLING POLICY; INFA DISCIPLINE & GRIEVANCE POLICY

RELATED INF AUSTRALIA PRACTICE DOCUMENTS:

## INTRODUCTION

INF Australia expects that every employee and volunteer will be able to perform their work without being subjected to bullying or harassment and will strive to ensure a workplace free from bullying and harassment.

It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from sexual harassment. Everyone working at INF Australia is responsible for the care and protection of our people and for reporting information about suspected sexual harassment.

INF Australia is fully committed to its obligation to prevent and eliminate bullying and harassment in the workplace.

## PURPOSE

The purpose of this document is to outline INF Australia's position on bullying and harassment and to document the process which is to be followed should any grievances arise.

## DEFINITIONS

**Bullying** is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an employee.

**Harassment** occurs where, on the ground of an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sexual orientation, gender reassignment, age, marital or civil partnership status or disability, a person engages in unwanted conduct that:

- has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or
- is reasonably considered by the employee to have the effect of violating his or her dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.

**Harassment** also occurs where, related to either the employee's sex or that of another individual, a person engages in unwanted conduct that:

- has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or
- is reasonably considered by the employee to have the effect of violating their dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.

In this scenario, the employee does not need to be the subject of the unwanted conduct for harassment to have occurred - for example, the conduct could be directed at nobody in particular or at someone other than the employee, including someone of the opposite sex.

**Sexual harassment** (as opposed to harassment related to gender) occurs where a person engages in any form of unwanted conduct of a sexual nature that:

- has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or
- is reasonably considered by the employee to have the effect of violating his or her dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

Harassment also occurs where, on the ground of the employee's rejection of or submission to unwanted conduct of the kind specified above, a person treats the employee less favourably than he or she would treat him or her had he or she not rejected, or submitted to, the unwanted conduct.

### **Examples**

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
- subjection to obscene or other sexually suggestive or racist comments or gestures
- the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
- jokes or pictures of a sexual or racial nature

- demeaning comments about an employee's appearance
- questions about a person's sex life
- the use of nick names related to an employee's sex, sexual orientation, gender reassignment, race, religion, age or disability
- picking on or ridiculing an employee
- isolating an employee or excluding him or her from social activities or relevant work-related matters.

## **POLICY**

INF Australia will not tolerate bullying or sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and employee/volunteer to ensure that bullying and harassment do not occur.

Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establish minimum standards of behaviour for all employees.

This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.

No employee or volunteer at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment.

A breach of this policy will result in disciplinary action, up to and including termination of employment.

INF Australia strongly encourages any employee who feels they have been bullied or sexually harassed to take immediate action. If an employee or volunteer feels comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

However, given the seriousness of sexual harassment, we recommend that this discussion happens in consultation with the relevant manager, human resource personnel or CEO.

Alternatively, or in addition, they may report the behaviour in accordance with the INF Australia's Complaints handling policy. Once a report is made the organisation will determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential but person who is the subject of the complaint must be notified under the rules of natural justice. The organisation will protect all those involved in the process from victimisation.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No employee or volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any employee or volunteer who has been alleged to be a harasser.

All employees and volunteers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Managers or Supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

## REVISION HISTORY

<b>Date</b>	<b>No</b>	<b>Summary of Changes</b>	<b>Section/s that changed</b>	<b>Authorised by:</b>
July 2018		New Policy		INFA Board