

BULLYING AND HARRASSMENT POLICY

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Drafted by	Head Office	Approved by board on	
Responsible person	CEO	Review	As required

INTRODUCTION

This Policy seeks to facilitate an inclusive, respectful and supportive working and learning environment with a clear statement of our expectations in respect of conduct that may constitute bullying, discrimination and harassment (including sex-based harassment) or a breach of our related policies.

1. Our business is committed to providing an environment that is free from bullying, discrimination and harassment where staff are treated with dignity, courtesy and respect.
2. All staff have a right to work in an environment free from bullying, discrimination and harassment.
3. We provide protocols by which all staff can have a complaint of bullying, discrimination and harassment addressed in a sensitive, fair, timely and confidential manner.

PURPOSE

The purpose of this Policy is to articulate our approach to addressing unlawful bullying, discrimination and harassment within our business and wherever we operate.

This Policy applies to all staff, visitors, volunteers and contractors engaged or appointed by us while in our workplace or engaged in any business-related activity.

WHAT IS WORKPLACE BULLYING

Workplace bullying takes place where:

An individual or a group of individuals repeatedly behaves unreasonably towards a worker, or a group of workers of which the worker is a member; and
That behaviour creates a risk to health and safety.

Examples of behaviour that may constitute (but not limited to) bullying include:

- Continually making jokes or remarks about a person or making more remarks about one member of a team compared to other team members.
- Verbal abuse, swearing or name calling.
- Excluding or isolating staff.
- Intimidation.
- Assigning meaningless tasks unrelated to a person's job.
- Deliberately changing work rosters to inconvenience staff.
- Deliberately withholding information that is vital for effective work performance.
- Initiation pranks.
- Constant criticism or insults.
- Spreading misinformation or malicious rumours; or
- Displaying written or pictorial material which may degrade or offend certain team members

Bullying does not include reasonable management action carried out in a reasonable manner. These may include:

- Reasonable management decisions, discussions or actions (including performance counselling and managing underperformance).
- Setting reasonable work goals and standards.
- Reasonable supervision and performance of other genuine work-based responsibilities.
- Disciplinary action.
- Management instruction, directions and requirements that control the way work is done (for example, allocating work).
- Differences of opinion.
- Reasonable behaviour that does not break any law; and
- Legitimate restructuring or re-organising of a business or work.

Prohibition on bullying

- All forms of workplace bullying are prohibited. If you engage in bullying, you may be subject to disciplinary action.
- Workplace bullying is a risk to health and safety. Engaging in bullying could also constitute a breach of your obligations under health and safety legislation.
- If you feel that you have been bullied, or have witnessed bullying taking place, we strongly encourage you to take action by making it clear that such behaviour is unwelcome and offensive; and/or by reporting the incident to your supervisor.
- Any reports of bullying will be treated seriously with sensitivity and confidentiality, except insofar as notifying parties directly involved in the incident and appropriate senior personnel.
- Supervisors who fail to take appropriate corrective action when aware of bullying of a person will be subject to disciplinary action.

WHAT IS UNLAWFUL DISCRIMINATION?

1. Unlawful discrimination is defined under state and federal legislation as treating someone or a group of people less favourably than another person or group because of a particular characteristic(s), e.g. race, sex, religion specified under anti-discrimination legislation. Unlawful discrimination can be either direct or indirect.
2. Direct discrimination occurs when a person or group of people are treated less favourably than another person or group of people because of their background or certain personal characteristics. Direct discrimination is unlawful under federal discrimination laws if the discrimination is based on protected characteristics or grounds, listed in item 6 below. Some limited exceptions may apply.
3. Examples of behaviours that may amount to direct discrimination include:
 - Excluding someone from a job or training course because of their family responsibilities; and
 - A worker not being invited to work on a project because they are from a non-English speaking background and it is assumed people might have difficulty understanding them.
4. Indirect discrimination occurs when there is an unreasonable rule or policy that is the same for everyone but has an unfair effect on people who share a particular attribute. Indirect discrimination is unlawful if the discrimination is based on protected characteristics or grounds, listed in item 6 below. Certain attributes protected by law, such as a person's race, sex, pregnancy. Some limited exceptions may apply.

Indirect discrimination is not unlawful when the rule or policy is reasonable, having regard to the circumstances of the case.
5. Examples of behaviours that may amount to indirect discrimination include requiring all staff members to work hours that might be unfair to a person with carer's responsibilities (unless it can be shown that these

hours are an essential condition).

6. Grounds for unlawful Discrimination and/or Harassment:

- Race
- Sex
- Pregnancy/breastfeeding
- Disability
- Impairment
- Age
- Religion
- Sexual orientation
- Industrial, political or trade union activity
- Gender identity
- National extraction or social origin
- Intersex status
- Association with a child
- Marital/relationship status
- Carer/family responsibilities

Vilification on the grounds of race, religion, sexuality or gender identity is also unlawful.

The grounds for unlawful discrimination and harassment are explained in the relevant Federal and State legislation, which is listed in this document.

WHAT IS UNLAWFUL HARASSMENT?

1. Unlawful harassment is defined under federal and state legislation, as any form of behaviour where a person is made to feel intimidated or humiliated because of a particular characteristic(s), e.g. race, sex as specified under anti-discrimination or human rights legislation.
2. Unlawful harassment can be verbal, written or physical, and has the intent or effect of creating an intimidating, hostile or offensive work and/or educational environment.
3. Harassment can be a single incident, or repeated behaviour, and can occur even if the behaviour is not intended to offend. Silence does not mean that the behaviour is acceptable to the other person.
4. Examples of behaviours that may amount to harassment include:
 - Asking intrusive questions about someone's personal life.
 - Comments that put down or stereotype people.
 - Offensive communications including digital communications (Facebook, Tik Tok, Instagram, X, e-mails), written, images and telephone; and
 - Derogatory or demeaning jokes intended to offend based on stereotyped characteristics.

WHAT IS SEXUAL HARASSMENT?

1. Sexual harassment is defined under the Federal Sex Discrimination Act 1984 as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

2. Examples of behaviours that may amount to sexual harassment include:

- Inappropriate remarks with sexual innuendos, smutty jokes or lewd comments.
- Suggestive remarks about a person's body or appearance.
- Persistent, unwanted requests for dates.
- Offensive hand or body gestures.
- Uninvited physical contact such as patting, pinching, touching or putting an arm around another person; and
- Other acts or behaviours that may amount to an offence of sexual assault under relevant criminal legislation.

WHAT IS SEXUAL ASSAULT?

- Sexual assault is any unwanted, non-consensual sexual act in which a person is threatened, intimidated or forced to comply against their will, or where a person is unable to give consent because they are unconscious, asleep or incapacitated due to the effects of alcohol or other drugs.
- Perpetrators of sexual assault might be known to the victim/survivor, or the perpetrator could be a stranger to the victim/survivor.

BEHAVIOURS THAT DO NOT CONSTITUTE DISCRIMINATION OR HARASSMENT

The following behaviours do not constitute Discrimination or Harassment:

- Reasonable management practices, including performance management and discipline processes.
- A lawful and reasonable instruction to carry out reasonable duties and instructions.
- A direction to comply with our business, rules, regulations and policies; and
- A poor assessment of a work assessment is not discriminatory, provided the criticism is reasonable and constructive.

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