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# Anti-discrimination, anti-bullying and anti harassment policy

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Australian Peacekeeper and Peacemaker Veterans' Association

ACN 651 805 702

Adopted on 3 September 2021

# Anti-discrimination, anti-bullying and anti-harassment policy

Australian Peacekeeper and Peacemaker Veterans' Association Ltd  
ACN 651 805 702 (**Company**)

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## 1 Definitions

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<b>Term</b>	<b>Definition</b>
<b>Company, our, us, we</b>	means Australian Peacekeeper and Peacemaker Veterans' Association Ltd ACN 651 805 702.
<b>Policy</b>	means this document.
<b>Worker</b>	means an officer bearer, employee, volunteer or contractor.

## 2 Purpose

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- 2.1 This policy sets out the expectations and standards of behaviour required of all the Company's Workers.
- 2.2 This policy provides guidance on the Company's expectations in promoting behaviour free from unlawful discrimination, vilification, sexual harassment, bullying or victimisation and applies to all Workers carrying out work for the Company across all locations.

## 3 Policy Statement

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- 3.1 The Company is an equal opportunity employer. All Workers are treated on their merits, without regard to any attributes they may possess which are not relevant to their position within the Company.
- 3.2 Workers are assessed according to their ability to perform their duties, and their commitment to maintaining the Company's values and standards. This policy sets out our expectations and sets guidelines to ensure these are met.
- 3.3 Our expectations are designed to promote:
- (a) mutual trust and respect amongst all Workers;
  - (b) the creation of a work environment free from any form of discrimination, bullying or harassment;
  - (c) the living out of our expectations about equal employment opportunity.

## **4 Expectations**

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### **General**

4.1 All Workers in positions are expected to:

- (a) familiarise themselves with this Policy and comply with its terms at all times;
- (b) treat everyone with dignity, courtesy and respect;
- (c) model appropriate behaviour and treat others with dignity and respect and promote a positive, inclusive and constructive workplace culture;
- (d) ensure that all other Workers are treated fairly at all times free of any form of discrimination, sexual harassment, vilification or bullying by anyone in connection with work;
- (e) report conduct they believe to be unlawful discrimination, bullying or unlawful harassment, whether to them or someone else directly or generally. This is especially important where the conduct involves serious breaches of this Policy;
- (f) offer support to people who experience discrimination or harassment, including providing information about how to make a complaint;
- (g) avoid gossip and treat complaint resolution procedures confidentially; and
- (h) ensure that anyone who makes a complaint is not victimised in any way;
- (i) ensure any allegations relating to inappropriate conduct are made in good faith, and are not vexatious or malicious or designed to impede legitimate management action; and
- (j) cooperate with all complaint management procedures.

4.2 Managers and supervisors have the following additional responsibilities:

- (a) display ethical leadership and high personal standards of behaviour;
- (b) promote, educate and ensure Workers are aware of this policy and the Company's code of conduct;
- (c) implement initiatives to ensure appropriate resources are available to employees for the promotion of a respectful and inclusive Company and workplace culture;
- (d) Take appropriate and timely action to address allegations of workplace bullying, sexual harassment and unlawful discrimination;
- (e) provide appropriate support and assistance to all Workers involved in a bullying, harassment or discrimination complaint;
- (f) ensure the Company's processes and management systems are aligned with and promote diversity and a respectful and inclusive Company and workplace culture.

## **Our commitment**

- 4.3 We are committed to providing a healthy and safe work environment, which supports and encourages Workers to perform to their maximum potential by bringing their whole self to work in a conducive environment. All Workers have a role to play.
- 4.4 We aim to:
- (a) promote an appropriate standard of conduct at all times;
  - (b) implement training and awareness raising strategies to ensure that all Workers know their rights and responsibilities; and
  - (c) provide an effective procedure for complaints based on the principles of natural justice.
- 4.5 We are also committed to providing equal employment opportunities to all Workers and potential Workers including:
- (a) the identification and removal of barriers and unconscious biases to participation and progression in employment; and
  - (b) ensuring that the appointment, remuneration and advancement of Workers are determined on the basis of merit.
- 4.6 All Workers who in good faith make a complaint or are a witness to discrimination, bullying or sexual harassment are protected against victimisation.

## **5 Access to Policy**

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A copy of this Policy will be available on our intranet or on request.

## **6 Discrimination**

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### **Direct discrimination**

- 6.1 Direct discrimination occurs when an individual or group possessing particular personal characteristics or attributes is treated less favourably than an individual or group that does not possess that attribute or personal characteristic in the same circumstances. Examples of direct discrimination include:
- (a) judging someone on their political or religious beliefs rather than their work performance;
  - (b) using stereotypes or assumptions to guide decision-making about a person's career;
  - (c) undermining a person's authority because of their age or racial or ethnic background;
  - (d) denying promotion or training opportunities to Workers on the basis of family responsibilities;
  - (e) allocating work tasks on the basis of sex or gender identity; or
  - (f) making offensive jokes or comments about another person's disability or physical appearance.

## Indirect discrimination

- 6.2 Indirect discrimination may occur where a decision, policy, procedure, or practice that appears to treat everyone equally has the effect of disadvantaging particular individuals or groups with a particular attribute.
- 6.3 An example of indirect discrimination is where a senior staff member routinely schedules team meetings for 8.00am each Monday, knowing that a Worker has carer responsibilities in the mornings and cannot attend as a result although other Workers without those responsibilities can.

## Unlawful discrimination and vilification

- 6.4 Unlawful discrimination occurs when a person takes direct or indirect discrimination on the basis of a protected attribute. Protected attributes are set out in both Commonwealth and State/Territory legislation. Examples of protected attributes are set out in the table below:

Race, colour, national or ethnic origin	Sex	Gender identity or sexual orientation or intersex status	Lawful sexual activity
Trade union activity	Age	Religious belief or activity	Impairment/ disability
Political belief or activity	Pregnancy, breast feeding	Family or carer responsibilities	Parental or relationship status

- 6.5 Discrimination may also be unlawful if it is based on a person's association with or relation to a person identified on the basis of one of the above attributes.
- 6.6 A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race, religion, sexual orientation or gender identity of the person or members of the group.
- 6.7 In line with our anti-discrimination obligations, all Workers have the following responsibilities in relation to any of our clients and customers:
- (a) Workers are also expected to ensure that in providing services to clients (and dealing with other third parties), an unlawful ground or attribute of discrimination is not used to decide:
- (i) whether the goods and/or services are to be provided;
  - (ii) the type of goods and/or services to be provided; or
  - (iii) the manner in which the goods and/or service is provided.

## 7 What is bullying

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- 7.1 Bullying occurs where a person repeatedly behaves unreasonably towards a Worker or group of Workers at work and the behaviour creates a risk to health and safety. Examples of bullying include but are not limited to:
- (a) teasing, insults or name calling;

- (b) aggressive or intimidating conduct including threats, shouting, abuse;
- (c) physical harassment such as pushing, tripping, interfering with clothing, equipment, personal property or work space;
- (d) repeated exclusion of a Worker or group of Workers from work based activities;
- (e) setting unreasonable deadlines, sabotaging or undermining another Worker's work, repeatedly selecting a specific Worker or Group of Workers for menial tasks;
- (f) unwarranted criticism or ridicule, including in front of other Workers;
- (g) spreading malicious gossip about a person or their family; and
- (h) failing to respond to requests for help, unreasonable delays in responding to queries or concerns.

7.2 Bullying is not reasonable management action carried out in a reasonable manner. Management action can include:

- (a) day to day supervision and directions to Workers about how they perform their work;
- (b) actions to effectively direct and control the way in which work is carried out;
- (c) effecting organisational change and restructuring;
- (d) conducting performance appraisals;
- (e) providing constructive feedback to a Worker;
- (f) changing a Worker's' duties;
- (g) commencing and implementing a performance or behaviour management process;
- (h) formally informing a Worker about inappropriate behaviour or unsatisfactory work performance;
- (i) deciding not to select a Worker for promotion;
- (j) transferring a Worker;
- (k) investigating alleged misconduct;
- (l) denying a Worker a benefit or an entitlement, such as access to annual leave at a particular time, or a discretionary wage increase;
- (m) redeploying a Worker;
- (n) rostering and allocating working hours;
- (o) allocating work to a Worker;
- (p) requiring a Worker to undertake an induction;
- (q) setting performance goals, standards and deadlines; and

- (r) refusing to allow a Worker to return to work because of a medical condition.
- 7.3 Whether management action will be considered reasonable will depend on:
- (a) the circumstances that led to and created the need for management action to be taken;
  - (b) the circumstances while the management action was being taken;
  - (c) the consequences that flowed from the management action; and
  - (d) the specific attributes and circumstances of the situation including the emotional and psychological health of the Worker involved.
- 7.4 Whether management action was taken in a reasonable manner may depend on:
- (a) the action itself;
  - (b) the facts and circumstances giving rise to the requirement for the action;
  - (c) the way in which the action impacts upon the Worker;
  - (d) the circumstances in which the action was implemented; and
  - (e) Any other relevant matters.
- 7.5 A Worker's perception or belief that management action is unreasonable does not make the action unreasonable management action taken in an unreasonable manner.
- 7.6 Other examples of behaviours which may not constitute workplace bullying include but are not limited to:
- (a) a single incident of unreasonable behaviour is not considered to be workplace bullying however it may have the potential to escalate and should not be ignored; and
  - (b) workplace conflict – differences of opinion and disagreements are generally not considered to be workplace bullying.

## **8 Harassment**

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### **General harassment**

- 8.1 Harassment involves behaviour that would, to a reasonable person, offend, intimidate, ridicule, insult or humiliate another person.
- 8.2 Harassment may include conduct that is repeated unreasonable behaviour directed towards a Worker or group of Workers that creates a risk to health and safety.
- 8.3 Examples of Harassment include verbal, visual or physical such as slurs, disparaging remarks, vulgar language, offensive emails, and threatening behaviour.

### **Sexual harassment**

- 8.4 Harassment may constitute sexual harassment where it is unwanted or unwelcome behaviour of a sexual nature.

8.5 Sexual harassment arises when a person:

- (a) subjects another to an unsolicited act of physical intimacy (e.g. patting, pinching or touching in a sexual way or unnecessary familiarity such as deliberately brushing against a person);
- (b) makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person (e.g. sexual propositions);
- (c) makes a remark with sexual connotations relating to the other person (e.g. unwelcome or inappropriate remarks or insinuations about a person's sex, gender identity, sexual orientation, gender expression, intersex status, relationship status or private life or suggestive comments about a person's appearance or body); or
- (d) engages in any other unwelcome conduct of a sexual nature in relation to the other person (e.g. offensive telephone calls, emails or indecent exposure),

and the person engaging in the conduct does so in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct, regardless of the person's intention.

8.6 Other examples of conduct which may amount to sexual harassment include:

- (a) kissing or overt sexual conduct;
- (b) sexually explicit conversations or references to sexual activity or sexual orientation;
- (c) intrusive questions of a sexual nature;
- (d) proposals of marriage or declarations of love, suggestive or over familiar emails or text messages;
- (e) innuendos, intimations or crude jokes; or
- (f) displaying offensive material in the workplace.

8.7 The conduct outlined above may constitute Harassment or sexual harassment even if the conduct occurred outside of the workplace and outside of work hours.

8.8 Sexual harassment is not behaviour that is based on mutual attraction, flirtation or friendship. If the behaviour is mutual, consensual, welcomed and reciprocated it is not sexual harassment. Workers who are engaged in mutual and consensual romantic or sexual relationships should, while in the workplace, refrain from acting in a manner that could make other Workers feel uncomfortable. For example, excessive displays of public affection or exchanges of innuendo should be avoided.

## **9 Vilification**

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What is vilification?

- (a) Vilification is where a person commits a public act which is reasonably likely to offend, insult, humiliate or intimidate another person because of their race, sex, religion, sexuality or sexual identity. Hatred or vilification due to an attribute protected under equal employment opportunity laws is unlawful.



- (b) Conduct that may constitute vilification can include verbal or written statements, or even be the reproduction or distribution of already published information. Examples include:
  - (i) offensive material on the internet, including e-forums, blogs, social networking sites and video sharing sites;
  - (ii) offensive comments or images published in a publication such as a leaflet, flyer, internal message board or workplace intranet;
  - (iii) offensive speeches at public events, work functions or in the workplace;
  - (iv) abusive comments in any public place, such the workplace, or any other place attended in connection with employment; or
  - (v) in some instances, the reproduction or distribution of already published information around the workplace.

## **10 Victimisation**

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- 10.1 Victimisation is where a person is treated less favourably or detrimentally because they have either lodged a complaint, intend to lodge a complaint, or are involved in a complaint of unlawful conduct under an equal employment opportunity laws (including appearing as a witness).
- 10.2 Examples of victimisation may include:
  - (a) excluding someone because they have made a complaint;
  - (b) dismissing, demoting or failing to promote a person because they have lodged a complaint; or
  - (c) otherwise treating a person less favourably because they have made a complaint.

## **11 Rights**

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- 11.1 To meet the objectives of this policy, Workers at all levels should understand what their rights and responsibilities (including positive duties) are.
- 11.2 Every Worker has the right to:
  - (a) make inquiries and complaints in a reasonable and respectful manner without being victimised;
  - (b) recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
  - (c) work free from unlawful discrimination and unlawful harassment, including sexual harassment; and
  - (d) reasonable flexibility in working arrangements, where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

## **12 Complaints**

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- 12.1 A complaint is the term used to describe the event in which a Worker communicates, verbally or in writing, their concern or dissatisfaction with the behaviour of a Worker or a third party, e.g. service users.
- 12.2 A complaint may be made as a result of the person's experience with, or witness of, any form of discrimination, bullying or sexual harassment.
- 12.3 All complaints are treated in a sensitive and confidential manner.

## **13 Appropriate action**

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- 13.1 Complaints are treated seriously and, where appropriate, investigated promptly, confidentially and impartially.
- 13.2 Appropriate action will be taken against anyone who subjects another person to unlawful discrimination, vilification, sexual harassment, bullying or victimisation. The particular circumstances will dictate the remedial action that we take. Conduct that is proven against a Worker may result in disciplinary action, including the termination of the person's employment. Similar action will be taken against any Worker who deliberately makes a false or misleading claim.
- 13.3 If a person is not satisfied that we have taken reasonable management action to resolve a complaint, the person is entitled to make a complaint to the appropriate regulatory authority in their state, or to the Australian Human Rights Commission.

## **14 Review of this policy**

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This policy should be reviewed at least every one year.