



## **WORKPLACE BEHAVIOUR (DISCRIMINATION, HARRASSMENT & BULLYING) POLICY**

ANZGOG is committed to providing all employees with a safe and healthy work environment. ANZGOG endeavours to take reasonable and proportionate steps to eliminate discrimination, harassment, bullying, victimisation and or violence from the Workplace. In addition to employees, this policy applies to volunteers, contractors and committee members (**collectively Workplace Participants**).

A respectful workplace creates harmony. Discrimination, harassment and bullying can lead to poor morale, reduced productivity, increased staff absenteeism and turnover, and a lack of trust.

- 1.1 ANZGOG has accordingly created this Workplace Behaviour Policy to:
  - (a) strictly prohibit all forms of discrimination, harassment, bullying or violence in the Workplace;
  - (b) educate Workplace Participants in the appropriate standards of behaviour in their dealings with others, to foster respect and dignity in the Workplace, and avoid any conduct of a discriminatory, harassing, bullying or violent nature;
  - (c) advise Workplace Participants of the consequences of engaging in discrimination, harassment or bullying or other conduct in breach of this policy; and
  - (d) give guidance to Workplace Participants who feel that they have been discriminated against or harassed or if they see any such conduct occurring.
- 1.2 Equal Opportunity programs are increasingly part of what best-practice organisations do to ensure the maximum contribution from their people by managing diversity effectively.
- 1.3 ANZGOG seeks to make this best practice approach an integral part of our organisation's culture.
- 1.4 This policy applies to all Workplace Participants and extends to working off-site for ANZGOG; work performed for other organisations, and off-site activities such as work-related conferences, client and ANZGOG functions, dinners, lunches, drinks or get-togethers.
- 1.5 A Grievance Resolution Procedure has been developed to support and guide Workplace Participants in the resolution of problems, concerns or complaints of
- 1.6 discrimination, harassment, sexual harassment, bullying, violence or any other form of Unacceptable Conduct. The Grievance Resolution Policy should be read in conjunction with this policy.
- 1.7 It is the responsibility of all Workplace Participants to ensure that their behaviour is appropriate behaviour in the Workplace at all times.
- 1.8 You must always consider how your behaviour will be viewed by the person or people you are dealing with. You might unlawfully harass someone, bully someone or unlawfully discriminate against someone even if you do not mean to do or say anything offensive. It is

not a legally acceptable defence to say that you did not mean or intend to humiliate, offend or intimidate somebody else. It is sometimes difficult to know whether someone will find your behaviour acceptable. What is offensive to one person may not be offensive to another. You should be careful not to risk being misunderstood and, as a result, becoming the subject of a complaint.

#### 1.9 Definitions

- (a) **Bystander** means a person who witnesses discrimination, harassment, sexual harassment, bullying, violence, victimisation or other Unacceptable Conduct in the Workplace.
- (b) **Complainant** means a person who makes a complaint of ANZGOG related discrimination, harassment, sexual harassment, bullying, violence or victimisation. A person cannot be a complainant on behalf of another individual, however, a complainant does not have to be the primary target or recipient of the Unacceptable Conduct. A witness to Unacceptable Conduct can be a complainant about how the behaviour they witnessed affected them.
- (c) **Natural Justice** means the management of complaints, disciplinary and performance matters, where the principles of natural justice will be observed. These principles are:
  - (i) the right of each party to be heard;
  - (ii) the right of each party to be treated fairly;
  - (iii) the right of the Workplace Participant to know the allegation(s) being made against him, her or them;
  - (iv) the right of the staff member to respond to the allegation(s) made against him, her or them; and
  - (v) the right of each party to a decision maker who acts fairly and in good faith.
- (d) **Repeated** means the persistent nature of the behaviour, not the specific form the behaviour takes. Behaviour is considered “Repeated” if an established pattern can be identified.
- (e) **Unacceptable Conduct** includes, but is not limited to discrimination, harassment, bullying, victimisation and/or violence in the Workplace.
- (f) **Workplace** means the location in which you attend to undertake your normal work duties. This also extends to working off-site, digitally and online for ANZGOG; work performed for other organisations, and off-site activities such as work-related conferences, client and company functions, dinners, lunches, drinks or get-togethers.

#### 1.10 All forms of discrimination are strictly prohibited

- (a) **Discrimination** is the unfair or unequal treatment of an individual on one or more of several protected attributes.
- (b) Discrimination can be based either on the knowledge or presumption that a person has or had a particular attribute. Discrimination can take many forms,

some of which are direct and open, whilst other forms may be indirect, systemic or hidden. Discrimination does not require intent. Protected attributes include:

- (i) age;
- (ii) sex
- (iii) race, colour, descent, national origin or ethnic background;
- (iv) sexual orientation, intersex status or gender identity;
- (v) disability, disease or injury;
- (vi) pregnancy, or potential pregnancy or breastfeeding;
- (vii) parental or carer status;
- (viii) marital or relationship status;
- (ix) lawful sexual activity;
- (x) religious belief or activity;
- (xi) political beliefs or activity;
- (xii) industrial beliefs or activity;
- (xiii) physical features;
- (xiv) irrelevant criminal conviction;
- (xv) medical record;
- (xvi) Defence Reserve Service; and
- (xvii) personal association with someone who has one of the above attributes.

#### 1.11 Examples of direct discrimination

(a) **Direct discrimination** could occur if the person were to:

- (i) disparage a co-worker who had a particular facial or bodily characteristic;
- (ii) fail to provide ample opportunity to succeed in the development of employment;
- (iii) fail to offer overtime to an individual due to assumptions about their family responsibilities;
- (iv) fail to provide training opportunities because of a person's race; and/or
- (v) make a recruitment/selection decision based on age, gender or religion (or
- (vi) another protected attribute) rather than merit.

(b) **Indirect discrimination**

- (i) Indirect discrimination is not as obvious a form of conduct as direct discrimination but will occur where a person imposes a particular condition on a Workplace practice that a person with a protected attribute is less able to comply with than someone without that

protected attribute, and as a result the person who cannot comply with the requirement suffers a detriment.

- (ii) To be discriminatory, the condition or practice must not be reasonable.
- (iii) Indirect discrimination could occur if the person were to:
  - (A) convene important meetings or training programs on weekends or at night. This is likely to disadvantage those who are parents, who are more often required to tend to family duties like caring for young children;
  - (B) impose a requirement for a job that all applicants have 10 years' experience in the field; and/or
  - (C) an employer has a policy of not letting any staff work part-time.

1.12 All forms of harassment are strictly prohibited

- (a) **Harassment** is any uninvited, unwelcome behaviour, which a reasonable person could anticipate would create intimidation, humiliation or offence for the other person(s) in those particular circumstances.
- (b) Harassment does not have to be Repeated or intentional.

1.13 Examples of harassment

- (a) Harassment could occur if the person were to:
  - (i) shout continually and unnecessarily in the Workplace;
  - (ii) use insulting or threatening gestures or language;
  - (iii) make unjustified and unnecessary comments about a person's work, or capacity for work;
  - (iv) communicate in a threatening, abusive or offensive manner via phone calls, messages, email or intranet; and/or
  - (v) persistently follow or stalk a colleague within the Workplace or to and from work.

1.14 All forms of sexual harassment are strictly prohibited

- (a) **Sexual harassment** is any uninvited, unwelcome behaviour of a sexual nature, which a reasonable person could anticipate would create intimidation, humiliation or offence for the other person(s) in those particular circumstances. Sexual harassment does not have to be Repeated or intentional or directed toward any person or group of people.

1.15 Examples of sexual harassment

- (a) Sexual harassment could occur if the person were to:
  - (i) display written or pictorial material that may degrade or offend others;
  - (ii) make persistent demands for participation in social activities or Repeated requests for dates;

- (iii) persist with questions or insinuations about a person's private or sex life;
  - (iv) tell sexual jokes, make lewd suggestions or obscene gestures and/or use foul language;
  - (v) make promises or threats in return for sexual favours;
  - (vi) stare or leer at a person or at parts of their body;
  - (vii) engage in unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them;
  - (viii) engage in indecent exposure, stalking or obscene communications;
  - (ix) send sexually explicit emails or SMS messages;
  - (x) engage in unwelcome touching, hugging or kissing;
  - (xi) make requests for sex; and
  - (xii) engage in stalking, sexual assault and rape (also potentially criminal).
- (b) What does not constitute sexual harassment
- (i) Behaviour which is based on mutual attraction, friendship and respect.
  - (ii) Interaction which is consensual, welcome and reciprocated.
- (c) You should take great care before engaging in conduct you believe to be welcome.
- (d) Always remember that some people may not feel comfortable telling you that your behaviour is offending them and is not welcome. This may be because of their personality or may be because they are too worried about the possible impact on their employment if they complain. It is your responsibility to ensure that you do not engage in conduct which is not welcome. Similarly it is your responsibility to tell someone if you do not feel comfortable with their behaviour, or at least to raise the issue with your manager or supervisor or some other appropriate person.
- (i)

1.16 All forms of bullying are strictly prohibited

- (a) **Bullying** is Repeated unreasonable behaviour directed toward a person, or group of people, that creates a risk to their psychological, emotional or physical health and safety.
- (b) Unreasonable behaviour is behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, intimidate or threaten an individual or group of individuals. Whilst the definition requires behaviours to be Repeated, a serious one-off event can constitute bullying type behaviour.

1.17 Examples of bullying

- (a) Bullying could occur if the person were to:
  - (i) verbally abuse including swearing and shouting;
  - (ii) set impossible deadlines;

- (iii) assign meaningless tasks unrelated to the job;
- (iv) humiliate through sarcasm, or belittle someone's opinions;
- (v) spread misinformation or malicious rumours;
- (vi) make threats;
- (vii) exclude or isolate Workplace Participants;
- (viii) manipulate others to split the work group by deliberately excluding others;
- (ix) deliberately withhold information or resources, that are vital for effective work performance;
- (x) criticise or insult constantly;
- (xi) sabotage someone's work;
- (xii) ridicule someone's opinions;
- (xiii) unjustifiably monitor work; and/or
- (xiv) allocate the majority of unpleasant tasks to a particular person.

1.18 What does not constitute bullying

- (a) Bullying does not cover situations where a Workplace Participant has a grievance about legitimate and reasonable:
  - (i) performance management processes;
  - (ii) disciplinary action;
  - (iii) allocation of work in compliance with systems;
  - (iv) providing feedback and constructive criticism in relation to work undertaken;
  - (v) failure to congratulate or praise an individual simply for doing their job; and/or
  - (vi) merit-based recruitment and selection decisions.

1.19 All forms of violence are strictly prohibited

1.20 **Violence** is behaviour (often with criminal implications) that recklessly or purposely causes injury or potential injury to another, or conduct endangering life. It can be a single, opportunistic or random event, or it can be ongoing, persistent and/or premeditated. It can be a threat of violence without violence actually occurring. It can be perpetrated by individuals within ANZGOG or by individuals outside ANZGOG..

1.21 Examples of violence

- (a) Violence could occur if the person were to:
  - (i) throw objects;
  - (ii) push, shove, grab or trip; and/or
  - (iii) inflict any form of indecent physical contact.

- 1.22 All forms of Victimisation are strictly prohibited
- (a) Victimisation means subjecting or threatening to subject a person to any detriment because that person or a person associated with that person has, or intends to exercise their rights under equal opportunity laws or make a complaint under this policy.
- 1.23 Anyone lodging a complaint will be protected against Victimisation and reprisals.
- 1.24 It is important that anyone who feels they have been subjected to any form of Unacceptable Conduct is free to raise the issue and is free from reprisals and recriminations.
- 1.25 Examples of Victimisation
- (a) Victimisation could occur if the person were to:
- (i) victimise any person who is, has been or may become a Complainant, a witness or a participant in an investigation into an alleged act of harassment, discrimination or any form of Unacceptable Conduct; and/or
- (ii) victimise any person who is alleged, or found to have committed an act of harassment, discrimination or any form of Unacceptable Conduct.
- (b) What does not constitute Victimisation
- (i) Exposing any person who is found to have committed any act of harassment or discrimination or any form of Unacceptable Conduct, which is subject to disciplinary action.
- 1.26 Breaches of this policy
- (a) Breach
- (i) Allegations of Unacceptable Conduct or any failure to comply with the requirements of this policy will be treated seriously by ANZGOG.
- (ii) Where a breach of this policy is alleged, ANZGOG may review and investigate the conduct on an individual basis and in accordance with the Grievance Resolution Procedure or such other procedures it sees fit, depending on the nature of the complaint or the circumstances.
- (iii) A finding that a breach of this policy has occurred will lead to the appropriate disciplinary response which, depending on the circumstances and seriousness of the breach, may include (without limitation):
- (A) warning;
- (B) suspension of the person who has been guilty of the breach;
- (C) reassignment, or demotion; and/or
- (D) termination of employment with or without notice.
- 1.27 What can you do?
- (a) Do not ignore the behaviour.

- (b) If you feel comfortable, inform the other Workplace Participant that the behaviour directed toward you is offensive and unacceptable and against company policy. Ask them to STOP.
  - (c) If you do not feel comfortable asking them to stop, or if they do not stop their behaviour when requested, you should seek the assistance of the appropriate person in accordance with the Grievance Resolution Procedure.
- 1.28 What if you see Unacceptable Conduct occurring?
- (a) If you see Unacceptable Conduct:
    - (i) offer support to the receiving person and advise them where they can seek assistance;
    - (ii) tell the person responsible for the conduct to stop;
    - (iii) report the bullying or the discriminatory conduct to the appropriate person in accordance with the Grievance Resolution Procedure; and
    - (iv) encourage others to report any behaviour that breaches this policy.
- 1.29 Preserving a safe work environment free from discrimination and harassment is your responsibility as well as ours.
- (a) “No Bystanders” Rule
    - (i) Any staff member who witnesses or becomes aware of discrimination, harassment, sexual harassment, bullying, violence, victimisation or other Unacceptable Conduct in the Workplace is a Bystander.
    - (ii) A Bystander must report any Unacceptable Conduct to their Unit Manager, Finance and Business Manager or CEO or the appropriate person in accordance with the Grievance Resolution Procedure as soon as possible.
    - (iii) As a Bystander, your Confidentiality will be respected and maintained subject to the conditions below.
    - (iv) It is the responsibility of all Workplace Participants to:
      - (A) acknowledge and understand the terms of this policy;
      - (B) comply with the policy;
      - (C) modify behaviour if it is creating an intimidating, humiliating, undermining, threatening or otherwise hostile work environment; and
      - (D) model appropriate behaviour.
- 1.30 Where can you get help?
- (a) ANZGOG - If you believe an ANZGOG policy has been breached, you are encouraged to contact your Manager or the CEO.
  - (b) Employee Assistance Program – ANZGOG also provides support through the Employee Assistance Program.

1.31 Confidentiality

- (a) Your Confidentiality will be respected and maintained at all times within the constraints of the need to fully investigate the matter, subject to any legal requirements for disclosure and consistent with the principles of Natural Justice.

1.32 Review

At least once a year this policy will be reviewed by the CEO and ARC. Any substantive changes to the policy will be recommended to the Board of Directors to be ratified.

**Version Control Table**

<b>Title</b>	Workplace Behaviour Policy			
<b>Created By</b>	Rachael Sutton of Mills Oakley			
<b>Date Created</b>	23 March 2023			
<b>Maintained By</b>	CEO / Company Secretary			
<b>Version Number</b>	<b>Modified By</b>	<b>Modifications Made</b>	<b>Date Modified</b>	<b>Status</b>
0.1	RS	Initial draft created	12/03/2023	DRAFT
0.2	Ethan Brawn (Holman Webb)/CQ	Further development.	2/11/2023	Under review
0.3	ARC	ARC recommendation for Board to accept.	14/11/2023	Under Review
1.0	ANZGOG Board	Ratified.	23/11/2023	FINAL