



ADRA Australia Policies and Procedures- Employee Handbook		No. CR 000 715
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Workplace Relations Policy (formerly EEO, Discrimination, Bullying and Harassment)		
Department	Sections (inc. All sections where this document is located)	
Corporate Services	Core Documents, Employee Manual	
Modified By	Document Version	Effective Date
Maddocks reviewed	2017/1.1	5 September 2017
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CR 000 715 Workplace Relations Policy

1. PURPOSE AND SCOPE

ADRA Australia supports the principles of equal employment opportunity in its workplaces and of providing a productive environment in which everyone can work without unlawful discrimination, bullying and harassment. Every person within the organisation is valued and valuable. This policy applies to all employees (including Conference ADRA Directors), volunteers, contractors and Company Directors, hereinafter referred to as ADRA Australia Personnel in their engagement with ADRA Australia. ADRA Australia Personnel must comply with the policy at all times during work, when representing or acting on behalf of the organisation and at work-related events and social functions. This policy is applicable to events occurring at any organisation location or organised social function and during any organisation operations at any location.

2. DEFINITIONS

- A. Workplace** (for the purpose of this policy) means any of ADRA's premises; the premises of an entity related to ADRA; the premises of the organisation's customers and suppliers; the premises of an organisation function or event; an organisation-owned or leased motor vehicle and any venue at which the person is acting as a representative of ADRA Australia.
- B. Unlawful Discrimination** means treating a person or group of people less favourably than another person or group, or causing them disadvantage, in certain circumstances. Discrimination does not have to be calculated or intentional to be unlawful. Two types of discrimination can occur in the workplace:
- **Direct Discrimination** – this occurs when an individual treats another person less favourably for an unlawful reason when compared to an employee without the protected attribute.
 - **Indirect Discrimination** – this occurs when a policy or practice appears neutral but in fact results in an individual or group being treated less favourably than employees without the protected attribute.
- C. Harassment** is any uninvited or unwelcome behaviour that offends, humiliates or intimidates another person, whether or not that effect is intended.
- D. Sexual Harassment** is any unwanted, unwelcome or uninvited behaviour or conduct of a sexual nature where a reasonable person would have anticipated the possibility that the person exposed to the conduct would be offended, humiliated or intimidated.
- E. Victimisation** occurs when a person victimises another person who lodges a discrimination or harassment complaint or takes certain related actions.



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F. Bullying is repeated and unreasonable behaviour directed towards a person or group of people, that creates a risk to health and safety which is not reasonable management action. Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time. Unreasonable behaviour includes behaviour that a reasonable person may see as victimising, humiliating, belittling, intimidating or threatening.

3. POLICY STATEMENTS

A. EQUAL EMPLOYMENT OPPORTUNITY

Subject to any exemptions permitted by legislation, employment-related decisions will be objective, based on merit and will focus on the experience, skills and abilities that the person brings to their role compared with the job description which covers the position. This shall include, but is not limited to, matters involving:

- Recruitment, selection, transfers, promotions, performance reviews and management, training and development, supervision and management of ADRA Australia Personnel, counselling, disciplinary procedures and termination of employment or engagement; and
- Remuneration practices and benefits.

Subject to any exemptions permitted by legislation, an employee's gender, marital status, pregnancy, parental or family responsibilities, race, age, physical or mental disability, sexual orientation, political or religious beliefs, social origin, trade union activity or inactivity, or physical appearance will not form the basis of employment decisions.

B. DISCRIMINATION AND HARASSMENT

ADRA Australia believes that all people have a right to work in a productive environment in which unlawful discriminatory conduct or harassment of others is not tolerated. All forms of unlawful discrimination and harassment are unacceptable and, depending on the severity, may lead to disciplinary action including termination of employment or engagement. Employment decisions may be unlawful if they cause a detriment to the employee and are based on an attribute which is protected by law.

Protected attributes include:

- Gender (including marital status, pregnancy or potential pregnancy);
- Race (including colour, nationality, ethnic or ethno-religious origin);
- Sexuality (including sexual preference, transgender status or homosexuality);
- Age;
- Marital status;
- Family or carer's responsibilities;



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- Pregnancy;
- Religion;
- Political opinion;
- Criminal record;
- Disability; or
- Trade Union Activity.

The following are examples of actions which may which may constitute unlawful discrimination in the workplace:

- An employee who works flexibly due to carer's responsibilities is unable to attend regular team meetings because they are always scheduled on a day the employee is not in the office; or not giving a person a promotion because they work part-time or have a disability.
- Making the decision to not hire an employee on the basis of the person's ethnicity.

Harassment may occur as a single act, or as a series of incidents, persistent innuendoes or threats. It can take many forms: it may be silent or loud, subtle or openly hostile; it can be private or public. If harassment is based on a protected attribute it may amount to unlawful harassment. The following may constitute harassment when they are offensive to an employee or volunteer, regardless of any innocent intent on the part of the offender:

- Persistently making subjective, derogatory comments about someone to others or to the person themselves;
- Ridiculing someone for their thinking style or personality;
- Making comments about someone's sexual preference (whether they are true or false);
- Undermining a person's performance by deliberately withholding information/data they need to deliver their job;
- Systematic exclusion of a person from attending meetings that someone in their position would normally attend.

Sexual harassment is unlawful. Certain conduct that may be tolerated socially could constitute sexual harassment in the workplace when it is unwelcome. The organisation regards sexual harassment as a serious issue and aims to treat any complaints in a sensitive and confidential manner. The following may constitute sexual harassment when they are offensive to an employee or volunteer, regardless of the intention of the party taking the action:

- The public display of pornography, including on the internet;



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- Calendars or other pictures/photos/images of males or females scantily clad or in sexually explicit poses circulated or displayed where they can be seen by other people in the workplace;
- Use of jokes containing sexual innuendo;
- Intrusive inquiries into another employee's private life, their sexuality or physical appearance;
- Persistent requests from a colleague to socialise, go for a drink or a meal etc, where such requests have been consistently declined;
- Persistent staring or leering at a person or parts of their body;
- Sexually offensive telephone calls or emails;
- Requests for, or expectations of, sexual activity under threat, or in exchange for favours, or promises of preferential treatment;
- Deliberate or unnecessary physical contact, such as patting, pinching, fondling, deliberate brushing up against another body, or attempts at kissing;
- Public displays of nudity – commonly referred to as flashing;
- Sexual violence at the most extreme - sexual assault and forced attempts at sexual intercourse.

C. VICTIMISATION

Victimisation of others is, in certain circumstances, unlawful. The intention of such protective measures is to ensure that a person who wants to use, or does use, their statutory right to protect themselves against discrimination or harassment, is not further disadvantaged by other detriments being imposed on them. Disciplinary action will be taken against ADRA Australia Personnel who is found to have engaged in threatening or other inappropriate action against a person who has complained of harassment.

D. BULLYING

Bullying can be verbal, physical or cyber, and can be done in an overt or covert manner. It may take place in private or in front of others. A single incident of unreasonable behaviour will not, of itself, amount to bullying, but could be unlawful or other inappropriate behaviour and should not be ignored. Examples of bullying include:

- rude or belittling comments;
- constant unreasonable and unconstructive criticism;
- ignoring, excluding or isolating employees;
- assigning meaningless tasks unrelated to the person's job;
- standing in someone's way or deliberately blocking their path in an intimidating manner;
- abusive behaviour towards another employee such as threatening gestures or actual violence or damage to their property or equipment;



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- setting unreasonable targets or goals in relation to a person's work; and
- aggressive or frightening behaviour (e.g., shouting or threatened or actual violence).

It may be hard to tell the difference between playful teasing and bullying. Always remember though that what may be amusing to one person, may not be to another. Reasonable management action carried out lawfully and in a reasonable manner is not bullying. Reasonable management action includes:

- setting reasonable workplace goals and standards, including work deadlines – we work in a market which has high standards of quality and timeliness, and goals and deadlines are necessary to ensure we satisfy those requirements;
- giving feedback at work - a normal part of managing performance and career development is giving feedback, including critical or constructive feedback;
- implementing formal performance improvement interventions and/or disciplinary processes;
- refusing requests on the basis of objective criteria and/or reasonable discretion and judgement;
- legitimate and reasonable allocation or re-allocation of work; and
- occasional differences of opinion or lively constructive debate.

E. RESPONSIBILITIES

The organisation expects ADRA Australia Personnel not to engage in unlawful discrimination, harassment, victimisation and bullying. Managers and supervisors are expected to:

- Comply with this policy;
- Monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
- Model appropriate behaviour;
- Ensure that all employment, advancement and training decisions are consistent with this policy;
- Seek appropriate advice and assistance when dealing with formal or informal complaints.

All persons have a responsibility to

- Comply with this policy;
- Co-operate with the organisation in the event of an investigation;
- When appropriate, deal with sensitive information in a confidential manner.

4. PRACTICAL GUIDELINES

A. WHAT TO DO IF YOU HAVE A COMPLAINT



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Breaches of this policy will be treated seriously. ADRA Australia Personnel who become aware of a breach or suspected breach of this policy are encouraged to discuss the matter with their manager or supervisor. Where a manager or supervisor is involved, employees and volunteers are encouraged to speak to higher levels of management or any member of the Executive Committee regarding their concerns, or, if they consider it is necessary, the CEO. A person who believes they are the victim or discrimination or harassment may deal with the matter:

- (a) **Informally** – by confronting the person with whom they are aggrieved; and/or
- (b) **Formally** – please refer to the organisation’s *Complaints Policy and Procedures - Personnel CR 000 615*

Should the person elect to raise a formal complaint, the organisation may take whatever action it deems necessary to attempt to resolve the person’s complaint, including an investigation into the person’s complaint. If, after an investigation by the organisation, the person’s complaint or statement is found to be dishonest and/or malicious, disciplinary action may be taken against the person, up to and including termination of their employment or engagement. If a person’s complaint is substantiated, the organisation may take disciplinary action against the perpetrator, up to and including termination of their employment or engagement. Where appropriate, the organisation will not hesitate to report sexual harassment allegations to the appropriate authority.

B. PRACTICAL GUIDELINES FOR REPORTING INCIDENTS

If an employee encounters harassment, discrimination, or victimisation in the performance of their duties for the organisation, if they feel they can, the following steps are recommended:

- Clearly state that such behaviour is inappropriate and/or offensive.
- If appropriate the initial report can be made to the work supervisor, Human Resources, or, if necessary, the Chief Executive Officer. A written summary of events may need to be forwarded to, and kept, by Human Resources.

It is encouraged that any ADRA Australia Personnel who is or becomes aware of incidents of apparent harassment or bullying in the workplace report any incidents to the appropriate person for investigation.

C. SUGGESTED WEBSITES FOR FURTHER INFORMATION

https://www.fwc.gov.au/disputes-at-work/anti-bullying#id_1

<https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/workplace-discrimination>

<https://www.fairwork.gov.au/website-information/related-sites#workplace-health-and-safety> (Helpful state links are included on this site.)

<https://www.humanrights.gov.au/>