

DISCRIMINATION, HARASSMENT AND BULLYING



ORGANISATION:	Kokoda Track Foundation
ACN:	103 660 948
POLICY TITLE:	Discrimination, Harassment and Bullying
VERSION:	3.0
STATUS:	FINAL
ALLIED POLICIES / PROCEDURES:	Code of Conduct Child Protection Policy Prevention of Sexual Exploitation, Abuse and Harassment Policy Human Rights Policy Whistle-Blower Policy Working with Communities Policy Workplace Health and Safety Policy Communications and Media Policy Discrimination, Harassment, and Bullying Complaint Resolution Procedure
OWNER:	Senior Management
APPROVED BY:	CEO
LAST UPDATE:	31.03.2022
NEXT REVIEW DATE:	31.03.2024

INTRODUCTION:

Kokoda Track Foundation (KTF) is an Australian development organisation implementing programs in Papua New Guinea aimed at helping to improve the lives and futures of communities. Discrimination, harassment and bullying by KTF personnel represents a catastrophic failure of protection of KTF's most precious resources – its people. KTF has a zero-tolerance policy on discrimination, harassment, and bullying which alongside KTF's Code of Conduct is intended to support the building of a positive, respectful, safe and motivating environment.

KTF is committed to equality and providing a workplace free of discrimination, harassment, sexual harassment, bullying and victimisation. This commitment includes actively promoting policy and procedure and monitoring the workplace on a regular basis with the aim of preventing the occurrence of discrimination, harassment, bullying and victimisation in the workplace.

SCOPE:

This policy applies to all KTF employees, contractors, volunteers, Board Members, and work experience personnel.

DEFINITIONS:

Discrimination:

Unlawful discrimination occurs when a person treats or proposes to treat another person less favourably owing to a protected attribute. This is known as direct discrimination. Unlawful discrimination also occurs when there is a requirement, condition or practice which has the intention of treating everyone the same ends up disadvantaging, or potentially disadvantaging a person with one or more of a protected attribute. This is known as indirect discrimination.

Protected attributes include:

- Age;
- Disability/impairment;
- Industrial activity/inactivity;
- Lawful sexual activity;
- Sexual orientation or preference;
- Gender identity;

- Marital status, including de facto;
- Political belief or activity;
- Pregnancy;
- Breastfeeding;
- Race (includes colour, descent or national or ethnic origin);
- Religious belief or activity;
- Sex;
- Status as a parent or carer;
- Personal association with someone who has one or more of the above attributes;
- Irrelevant criminal conviction (one that does not relate to an inherent requirement of the role).

Workplace discrimination can occur in:

- recruiting and selecting staff;
- terms, conditions and benefits offered as part of employment;
- who receives training and what sort of training is offered;
- who received development and what sort of development is offered;
- who is considered and selected for transfer, promotion, retrenchment or dismissal.

It is important to note that from a legal perspective it is irrelevant whether or not the discrimination was intended.

Harassment:

A person unlawfully harasses another person if he or she makes that other person (another employee or member of the public) feel offended, humiliated or intimidated because of a protected attribute (listed above). It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence.

It is important to note that from a legal perspective it is irrelevant whether or not the harassing behaviour was intended.

Unlawful harassment may have occurred if the behaviour makes the victim feel:

- offended and humiliated; and/or;
- intimidated or frightened.

Harassment includes - but is not limited to - words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle or cause personal humiliation or embarrassment to another; or that cause an intimidating, hostile or offensive work environment. It includes harassment based on any grounds such as race, religion, colour, creed, ethnic origin, physical attributes, gender or sexual orientation. It can include a one-off incident or a series of incidents. Harassment may be deliberate, unsolicited and coercive. Harassment may also occur outside the workplace and/or outside working hours.

Sexual Harassment:

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Sexual harassment has nothing to do with mutual attraction or consenting friendships, whether sexual or otherwise.

Sexual harassment is unlawful in pre-employment activities and in the workplace. The workplace includes any place a person goes for the purpose of carrying out any function in relation to their employment and can also extend to social functions.

Examples of sexual harassment includes, but are not limited to:

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about your private life
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited and coercive. Colleagues of any gender can either be the victim or offender. Sexual harassment may also occur outside the workplace and/or outside working hours.

Bullying:

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.

- “Unreasonable behaviour” means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the other person.
- "Behaviour" includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining, punishing or threatening.
- “Risk to health and safety” includes risk to the mental or physical health of the employee.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour could be considered to be workplace bullying:

- physical or verbal abuse;
- intimidation;
- yelling, screaming or offensive language;
- excluding or isolating employees;
- psychological harassment;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible jobs;
- deliberately changed work rosters to inconvenience particular employees;
- undermining work performance by deliberately withholding information vital for effective work performance.

Workplace bullying can occur between a worker and a manager or supervisor (and vica-versa), or between co-workers.

Bullying is not an acceptable part of KTF work culture. It is a significant occupational health and safety issue of concern as it can cause harm to a person’s health and wellbeing, both physical and psychological. Bullying may also be unlawful if it is linked to, or based on, one of the above-specified protected attributes covered by anti-discrimination legislation.

Bullying may also include abuse of authority: The improper use of a position of influence, power or authority by an individual against another colleague or group of colleagues. This is particularly serious when an individual misuses their

influence, power or authority to negatively influence the career or employment conditions (including - but not limited to - appointment, assignment, contract renewal, performance evaluation or promotion) of another. It can include a one-off incident or a series of incidents. Abuse of authority may also include misuse of power that creates a hostile or offensive work environment, which includes - but is not limited to - the use of intimidation, threats, blackmail or coercion.

Bullying and harassment does not include situations where an employer raises an issue or concern with an employee in relation to legitimate and reasonable:

- Employee performance, including constructive feedback, setting performance goals, standards and deadlines;
- Inappropriate behaviour;
- Organisational change
- Disciplinary action

POLICY:

KTF and all its personnel and representatives:

1. Must do everything in their control to ensure they do not conduct or partake in any activity that is or leads to discrimination, harassment, sexual harassment, bullying or abuse of authority.
2. Immediately report to senior management any instances of observed or reported activities that include or lead to discrimination, harassment, sexual harassment, bullying or abuse of authority.
3. Ensure that staff, volunteers, partners and donors are treated with respect and that no offences mentioned in this policy are committed against such stakeholders inside and outside of the workplace.
4. Understand that KTF implements a zero-tolerance policy on all forms of discrimination, harassment, sexual harassment, bullying or abuse of authority.

REPORTING / TREATMENT OF COMPLAINTS:

Senior management will treat all concerns and complaints quickly, fairly and seriously. Treatment of complaints or reports will be undertaken in line with the Discrimination, Harassment, and Bullying Complaint Resolution Procedures. This document also outlines the process in which employees may raise issues of concern. Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

No employee will be penalized or disadvantaged as a result of raising legitimate concerns or complaints relating to discrimination, harassment, sexual harassment, bullying or abuse of authority. Where a complaint is substantiated it may result in disciplinary action up to and including termination of employment. If unsubstantiated or found to be vexatious it may also result in disciplinary action against the complainant.

STATEMENT BY ALL KOKODA TRACK FOUNDATION PERSONNEL, ASSOCIATES & REPRESENTATIVES:

I have read and understood Kokoda Track Foundation's Discrimination, Harassment & Bullying Policy and had the opportunity to ask questions.

I agree to comply with the Policy.

I understand that a breach of this Policy may provide grounds for my appointment or association with the organisation to be terminated. I also understand that a breach of the Policy could result in criminal prosecution.

I understand that it is my responsibility, as a person associated with Kokoda Track Foundation, to use common sense and avoid actions or behaviours that would breach any of the policy, or could be construed as such.

I authorise Kokoda Track Foundation to undertake any necessary inquiries, including criminal record checks and reference checks, as a part of my appointment by or association with the organisation.

Name:	
Role:	
Sign:	
Date:	

END