

Equal Opportunity Anti-Harassment & Bullying Policy



Policy Statement

Small Dog is committed to providing a workplace free of all forms of discrimination, sexual harassment, bullying, vilification and violence (collectively referred to as “offensive and unacceptable conduct”). Small Dog aims for equality of opportunity for all employees.

Scope

This policy is intended to ensure that there is a shared understanding amongst all Small Dog staff, contractors, volunteers, students and work experience personnel of Small Dog’ expectations in regards to acceptable and appropriate behaviour within the workplace.

Discrimination, sexual harassment, bullying, vilification and violence are not only unacceptable, they are unlawful.

This policy applies to everyone mentioned herein including:

- Aboriginal and Torres Strait Islanders
- LGBTI
- People of different race, ethnicity, cultural background
- People of all abilities
- People of all religions or religious beliefs.

Responsibilities

It is the primary responsibility of management to provide a working environment free from offensive and unacceptable conduct.

Contact Officers who have been elected by staff and appointed by Small Dog have responsibility to assist staff and support our process of resolving complaints about offensive and unacceptable conduct.

It is the responsibility of all staff to not participate in offensive and unacceptable conduct within the workplace and to treat other staff and clients in a manner consistent with the provision of a safe working environment. Staff are expected to not be bystanders to incidents and to participate in working towards enacting positive change in the organisation. It is in Small Dog and all individual staff best interests to report actual or suspected offensive and unacceptable conduct and breaches of this policy.

Small Dog will ensure all complaints and grievances are dealt with confidentially and promptly. Appropriate disciplinary action will be taken against anyone found to have breached this policy.

No one will be penalised or disadvantaged as a result of raising legitimate concerns or complaints relating to this policy.

Small Dog is dedicated to implementing a proactive approach to preventing offensive and unacceptable behaviour by educating employees and reviewing the practices, procedures and reports of the behaviour covered by this policy.

DEFINITIONS

Discrimination

- Direct discrimination occurs when a person treats or proposes to treat another person with an attribute unfavourably because of that attribute.
- Indirect Discrimination occurs when an unreasonable requirement, condition or practice is imposed, or proposed to be imposed that causes, or is likely to cause a disadvantage because of an attribute.

Small Dog will give reasonable consideration as to what may be done to accommodate a job applicant’s or an employee’s disability or responsibilities as a carer or parent.

Protected attributes in Victoria include:

- Age
- Breastfeeding
- Employment activity
- Disability/impairment
- Industrial activity/inactivity
- Lawful sexual activity
- Sexual orientation or preference
- Gender identity
- Intersex status
- Marital status, including de facto
- Physical features
- Political belief or activity
- Pregnancy/breastfeeding
- Race
- Religious belief or activity
- Sex
- Status as a parent or carer
- Personal association with someone of the above attributes
- Irrelevant criminal conviction (one that does not relate to an inherent requirement of the role)
- Irrelevant medical record.

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 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 conduct was intended to be discriminatory.



Sexual Harassment

Sexual harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility of that other person being offended, humiliated or intimidated. It has nothing to do with mutual attraction or consenting friendships, whether sexual or otherwise. Sexual harassment is in breach of this policy.

Sexual harassment is unlawful in the workplace, which includes any place a person goes for the purpose of carrying out any function in relation to his/her employment. The workplace can also extend to social functions.

In Victoria, co-workers can be named sole respondents in cases of alleged sexual harassment.

Some examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings
- Staring or leering at a person or at parts of their body
- Unwelcome patting, pinching, touching or unnecessary familiarity, such as unnecessarily brushing up against a person
- Offensive comments or questions about a person's physical appearance, dress or private life
- Sexually explicit pictures or posters or screen savers (words and images)
- Sexually explicit telephone calls, letters, faxes, emails or voice mail messages
- Humour such as smutty or suggestive jokes or comments
- Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality, or tales of sexual performance
- Requests for sex
- Insults or taunts based on sex
- Sexually explicit physical contact.

Some types of sexual harassment can also be offences under the criminal law, such as:

- Physical molestation or assault
- Indecent exposure
- Sexual assault
- Stalking
- Obscene communications (by way of telephone calls, letters, emails etc).

Racial or Religious Vilification

Racial or Religious Vilification means where a person, on the grounds of race, religious belief or activity of another person

or class of persons, engages in conduct that incites hatred against, serious contempt for, revulsion or severe ridicule of that other person or class of persons. Racial or religious victimisation occurs where a person victimises another person, if the person threatens to cause the person any detriment because the other person or a person associated with the other person has:

- made a complaint against any person
- brought any other proceedings against the person under Racial and Religious Tolerance Act 2001
- given evidence or information or produced a document in connection with any proceedings under the legislation
- attended a compulsory conference at the tribunal
- otherwise done anything in accordance with the legislation in relation to any person
- alleged that any person has contravened a position of this legislation unless the allegation is false and was not made in good faith, and
- refused to do anything that would contravene a provision of this legislation or because the person believes that the other person or associate has done or intends to do any of those things.

Violence

Violence means any physical violence, which arises out of disputes, or adverse interpersonal relations between employees, staff, clients and visitors in and around their place of employment.

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.

Other types of behaviour may also constitute bullying however personality differences by themselves do not constitute bullying.

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

Bullying is not an acceptable part of Small Dog' work culture. It is a significant occupational health and safety issue of concern if it occurs in the workplace or the working environment, as it can cause harm to a person's health and well-being, both physical and psychological. Bullying is also unlawful if it is linked to, or based on, one of the above-specified protected attributes covered by anti-discrimination legislation.

Bullying does not cover situations where an employee has a grievance about legitimate and reasonable:

- Performance management process;
- Disciplinary action;
- Allocation of work or direction by Small Dog as to how work is to be undertaken.

Victimisation

It is unlawful for a person to subject or to threaten to subject another person to any detriment because the other person, or someone associated with the other person, has made an allegation or complaint of discrimination, sexual harassment or bullying on the basis of a protected attribute.