

## **POLICY - DISCRIMINATION AND HARASSMENT**

(Version 2)

<b>Policy Title:</b>	<b>Discrimination and Harassment</b>
<b>Policy Type:</b>	<b>Constitutional Policy</b>
<b>Date:</b>	<b>18/01/2021</b>

### **Goals**

The Bribie Island Community Arts Society Incorporated (BICAS) Policies and Procedures have been developed to support everyone participating at the Bribie Island Community Arts Centre (BICAC), including Board Members, Society members, employees, volunteers, Working Together Group (WTG) participants, contractors, and the public (herein referred to as BICAS/BICAC participants). BICAS is committed to providing a safe, harassment and abuse free environment, providing equal opportunity and an enjoyable and safe Centre for all participants.

The BICAS Policy - Discrimination and Harassment (herein the Policy) provides guidance for ethical conduct/behaviour that all BICAS/BICAC participants have an obligation to uphold.

### **The Policy shows:**

- our commitment to health and safety in the Centre, and to reducing the risks to the health and safety of all BICAS/BICAC participants;
- our commitment to complying with the requirements of the *(QLD) Workplace Health and Safety Act 2011 and Workplace Health and Safety Regulations 2011; the Sex Discrimination Act 1984 (C'wth); Racial Discrimination Act 1975 (C'wth); Disability Discrimination Act 1992 (C'wth); Age Discrimination Act 2004 (C'wth); Australian Human Rights Commission Act 1986 (C'wth);* and,
- how BICAS will deal with anyone who is found to have breached the policy.

### **The Policy applies to everyone participating in BICAS/BICAC activities**

#### **Introduction**

The purpose of the Policy is to provide a clear understanding of the standard of conduct or behaviour that is expected when participating in any BICAS/BICAC activities. The Policy places an obligation on all BICAS/BICAC participants to take responsibility for their own conduct. To achieve this, copies of the Policy will be provided to all BICAS/BICAC participants. Participants are required to familiarise themselves with its contents and provide signed acknowledgement of receipt and understanding of the Policy to BICAS.

#### **Application of the Policy**

The Policy applies to all BICAS/BICAC participants. In applying the Policy you are to consider both its 'spirit' and 'content'. If you are in any doubt as to the meaning of the Policy or its application in any given situation, you should seek advice from the BICAS Board.

As a BICAS/BICAC participant, you have a responsibility to conduct yourself in a manner that will not undermine public and member confidence in the integrity of BICAS.

The BICAS Board is responsible for taking the appropriate action where a BICAS/BICAC participant breaches the Policy.

The Policy applies to:

- how BICAS/BICAC participants interact with each other and other members of the general public;
- all aspects of employment and volunteer recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport;
- on-site, off-site or after hours work or activities; work-related social functions; conferences – wherever and whenever BICAS/BICAC participants may be as a result of their BICAS/BICAC business, activities and/or duties
- treatment of: Board Members, other staff; volunteers; members; and the general public encountered in the course of their BICAS/BICAC participation.

#### **Aims**

- BICAS is committed to providing a safe, flexible and respectful environment where all BICAS/BICAC participants are free from all forms of discrimination, bullying and sexual harassment.
- All BICAS/BICAC participants are required to treat others with dignity, courtesy and respect.
- By effectively implementing our Discrimination and Harassment Policy we will attract and retain talented staff and volunteers and create a positive environment for all BICAS/BICAC participants.

#### **Staff rights and responsibilities**

All paid employees and volunteers are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- work free from discrimination, bullying and sexual harassment;
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and,
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All BICAS/BICAC participants must:

- follow the standards of behaviour outlined in this policy;
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint;
- avoid gossip and respect the confidentiality of complaint resolution procedures; and,
- treat everyone with dignity, courtesy and respect.

### **Additional responsibilities of Board Members, the Venue Manager and volunteer supervisors**

Board Members, the Venue Manager and volunteer supervisors must also:

- model appropriate standards of behaviour;
- take steps to educate and make other BICAS/BICAC participants aware of their obligations under this policy and the law;
- intervene quickly and appropriately when they become aware of inappropriate behaviour;
- act fairly to resolve issues and enforce BICAS/BICAC behavioural standards, making sure relevant parties are heard;
- help BICAS/BICAC participants resolve complaints informally;
- refer formal complaints about breaches of this policy to the appropriate person or persons for investigation;
- ensure the person/persons who raise an issue or make a complaint is/are not victimised;
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made; and,
- seriously consider requests for flexible work arrangements.

### **Unacceptable workplace conduct**

Discrimination, bullying and sexual harassment are unacceptable at BICAS/BICAC and are unlawful under the following legislation:

- *Sex Discrimination Act 1984 (C'wth)*
- *Racial Discrimination Act 1975 (C'wth)*
- *Disability Discrimination Act 1992 (C'wth)*
- *Age Discrimination Act 2004 (C'wth)*
- *Australian Human Rights Commission Act 1986 (C'wth).*

Any BICAS/BICAC participant found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

### **Discrimination**

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

**Directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example:

- a worker is harassed and humiliated because of their race; or
- A worker is refused promotion because they are 'too old'

**Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

For example:

- redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

**Protected personal characteristics under Federal discrimination law include:**

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- gender
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

**Bullying**

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is unacceptable in BICAS/BICAC and may also be against occupational health and safety law.

### **Sexual harassment**

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- 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.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

BICAS/BICAC recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

### **Victimisation**

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

BICAS/BICAC has a zero tolerance approach to victimisation.

### **Gossip**

It is unacceptable for any BICAS/BICAC participant to talk with other staff members, volunteers, members, contractors or any other member of the public about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

#### **Merit at BICAS/BICAC**

All recruitment and job selection decisions including employees and volunteers at BICAS/BICAC will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position/role – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

#### **Resolving issues at BICAS/BICAC**

BICAS strongly encourages any BICAS/BICAC participant who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by reporting the issue with their direct supervisor, the Venue Manager or a member of the BICAS Board. Any complaint made will be dealt with under strict confidentiality guidelines as set out in *the Privacy Act (1974)*; through the correct channels; and, to the reasonable satisfaction of the parties involved and BICAS.

BICAS has a Policy - Grievance Procedures – Conflict Resolution Procedure, for anyone experiencing discrimination, bullying, sexual harassment or victimisation as a result of their BICAS/BICAC participation. The BICAS Policy - Grievance Procedures – Conflict Resolution is designed to provide the opportunity to resolve conflict, complaints or grievances quickly, fairly and without reprisal.

Any BICAS/BICAC participant who does not feel safe or confident to take such action may seek assistance from the BICAS Board Secretary or Chairperson who will provide advice and support or action on their behalf.

#### **Other relevant BICAS/BICAC policies**

BICAS/BICAC participants are encouraged to read this policy in conjunction with other relevant BICAS policies, including;

- Code of Conduct – Behaviour
- Bullying
- Internet, Email and Social Media Use
- Work Health and Safety
- Grievance Procedure – Conflict Resolution

#### **Where to from here?**

If, after reading the Policy you are unsure about your obligation in general or in relation to a specific situation, you should discuss this initially with your direct supervisor or the Venue Manager.

If you have concerns about approaching your direct supervisor or the Venue Manager you should make direct contact with a BICAS Board member or by writing to the Board Secretary who will pass your concerns onto the Board. The Board will be able to provide you with guidance and advice on the appropriate steps to follow to resolve your concerns.

**COMMUNICATING THE POLICY**

The Policy shall be available on BICAS premises. All BICAS/BICAC participants and others affected by our business or undertakings will be provided with a copy to read on commencement and have an opportunity to discuss the Policy at Induction Training.

**REVIEW**

The Policy will be reviewed annually during the BICAS Work Health and Safety Audit Program, through consultation with Board Members, employees, members and volunteers, or when legislative requirements change, or in the event of a serious breach of the Policy.

**VARIATIONS**

BICAS reserves the right to vary, replace or terminate the policy.

**POLICY VERSION AND REVISION INFORMATION**

Policy Authorised by: Robert Hamilton

Original issue: /03/2017

Title: BICAS CHAIRPERSON

Policy Maintained by: Julie Thomson

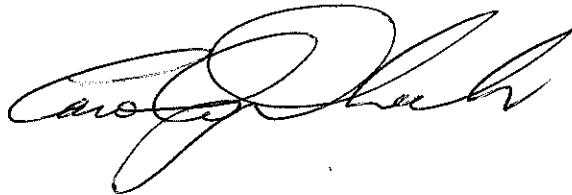
Current version: Version 2

Title: Venue Manager



Review date: 18/01/2021

Policy Authorized by: Carolyn Wheeler



Title: BICAS Chairperson

Board approved: 18/01/2021

