**DISCRIMINATION, HARASSMENT AND BULLYING POLICY**

This template policy is intended to assist member businesses develop their own workplace policy. The following information should be used as a guide only. Any wording changes, other than those to insert a business name, may change the context, meaning or purpose of the policy. We recommend you receive advice from the Victorian Chamber of Commerce and Industry prior to making such changes.

## Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber’s team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222.

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# DISCRIMINATION, HARASSMENT AND BULLYING POLICY

Date of issue:

Policy approved by:

Contact person:

## 1 PURPOSE

The purpose of this policy is to support employees and others at **[INSERT COMPANY NAME]’s** to work in an environment that is free from unlawful discrimination, sexual harassment, victimisation and bullying.

## 2 APPLICATION

This policy applies to all employees, contractors and volunteers of **[INSERT COMPANY NAME].**

## 3 POLICY

**[INSERT COMPANY NAME]** aims to provide its employees with a work environment that is free form unlawful discrimination, sexual harassment, victimisation and bullying.

### Discrimination

**[INSERT COMPANY NAME]** will not tolerate unlawful discrimination in the workplace.

“Unlawful discrimination” occurs when someone is treated, or it is proposed they be treated, unfavourably because of a personal characteristic protected by Commonwealth, state or territory law. In Victoria, it is unlawful to discriminate on the basis of the following characteristics:

|  |  |
| --- | --- |
| * Age | * Status as a Parent or Carer |
| * Breastfeeding | * Physical Features |
| * Disability | * Pregnancy |
| * Employment Activity | * Race |
| * Gender Identity | * Sex |
| * Industrial Activity | * Sexual Orientation |
| * Lawful Sexual Activity | * Political or Religious Beliefs or Activities |
| * Marital Status | * Association with someone with above attributes |

Unlawful discrimination includes both direct and indirect discrimination:

**“Direct discrimination”** is when someone is treated, or it is proposed they be treated, unfavourably because of the above characteristics protected by law.

**“Indirect discrimination”** occurs when an unreasonable condition is imposed that disadvantages a person with a personal characteristic listed above and protect by law.

### Sexual Harassment

**[INSERT COMPANY NAME]** will not tolerate unlawful sexual harassment in the workplace.

“Unlawful Sexual harassment” is unwelcome sexual behaviour which could be expected to make a person feel offended, humiliated or intimidated in breach of Commonwealth, state or territory law.

Unlawful sexual harassment can include, but is not limited to:

* 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 requests to go out
* requests for sex
* sexually explicit emails, text messages or posts on social networking sites.

Unlawful sexual harassment occurs in the workplace when it happens:

* At work
* At work-related events
* Between people sharing the same workplace
* Between colleagues outside of work

### Victimisation

**[INSERT COMPANY NAME]** will not tolerate unlawful victimisation in the workplace.

“Unlawful victimisation” occurs when someone subjects, or threatens to subject, another person to some form of detriment or harm, in breach of state or territory law, because they have:

* Made a complaint of discrimination or sexual harassment
* Helped someone else make a complaint a complaint of discrimination or sexual harassment
* Refused to do something because it would be discrimination, sexual harassment or victimisation

### Bullying

**[INSERT COMPANY NAME]** will not tolerate bullying in the workplace.

“Bullying” is the repeated and unreasonable behaviour by an individual or group directed towards an individual or group where that behaviour creates a risk to health and safety. Reasonable management action that is carried out in a reasonable way is not bullying.

“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.

“Risk to health and safety” includes risk to the mental or physical health of the employee.

In determining whether the behaviour of an employee constitutes bullying it is irrelevant whether or not the employee is aware of the bullying, and whether or not it is intentional.

Bullying can include, but is not limited to:

* Physical or verbal abuse
* Spreading malicious rumours or gossip
* Intimidation
* Psychological harassment
* Unjustified criticism or complaints
* Excluding or isolating people from workplace activities
* Cyber bullying

## 4 COMPLAINT PROCEDURE

All employees who feel they have experienced unlawful discrimination, bullying, victimisation and/or harassment at work are strongly encouraged to raise their concerns to an appropriate person within **[INSERT COMPANY NAME].** An appropriate person may be a manager or supervisor.

All complaints will be treated seriously by **[INSERT COMPANY NAME].**

Where a complaint may involve offences under the criminal law (such as sexual assault, indecent exposure or stalking) the matter may be referred to police.

## 5 BREACHES OF THIS POLICY

The consequences of breaching this policy will depend on the seriousness of the matter, but may include disciplinary action up to and including termination of employment.

## 6 RELEVANT LEGISLATION

**[INSERT COMPANY NAME]** has a responsibility to prevent unlawful discrimination, sexual harassment, victimisation and bullying in the workplace under both Commonwealth and state and territory legislation.

In Victoria, this legislation includes:

* *Equal Opportunity Act 2010* (Vic)
* *Racial and Religious Tolerance Act 2001* (Vic)
* *Occupational Health and Safety Act 2004* (Vic)
* *Crimes Act 1958* (Vic)

The Commonwealth legislation includes:

* *Fair Work Act 2009* (Cth)
* *Racial Discrimination Act 1975* (Cth)
* *Sex Discrimination Act 1992* (Cth)
* *Disability Discrimination Act 1992* (Cth)
* *Age Discrimination Act 2004* (Cth)

## 7 POLICY REVIEW

**[INSERT COMPANY NAME]** may make changes to this policy from time to time.

WORKPLACE PARTICIPANT ACKNOWLEDGEMENT

## I acknowledge:

## I have received, read and understood the policy

## I am required to comply with the policy; and

## There may be disciplinary consequences if I fail to comply, up to and including the termination of my employment.

Name: Signature:

Date: