



# GN-001 Discrimination, Sexual Harassment and Bullying Policy and Procedures

References:	Sex Discrimination Act 1984 (Cth) Racial Discrimination Act 1975 (Cth) Disability Discrimination Act (Cth) 1992 Age Discrimination Act 1992 (Cth) Australian Human Rights Commission Act 1986 (Cth) Equal Opportunity Act (Vic) 2010 Gender Equality Act (Vic) 2020 Occupational Health and Safety Act (Vic) 2004
Associated Policies/Procedures:	Workplace Health and Safety Policy Privacy Policy Equal Opportunity Policy
Associated Forms:	N/A

## 1. Introduction

Everyone has the right to work and live in an environment free from bullying, harassment, discrimination and violence. A Discrimination, Sexual Harassment and Bullying Policy, if understood and followed, can help create a safe environment and positive culture.

## 2. Purpose

The aim of this policy is to articulate The Graduate Union's obligations to sustain a residential, meeting place and employment environment that is free from unlawful discrimination, sexual harassment and bullying.

## 3. Scope

This policy applies to staff, Resident and non-resident Members of The Graduate Union, external contractors and guests of/visitors to The Graduate Union, all of whom have an obligation to abide by this policy. For this policy, the defined group will be referred to as the Stakeholders.

## 4. Definitions

Bullying	Bullying is when a person seeks to harm, intimidate, or coerce another
Complaint	The first formal action taken to officially begin a process to deal with an allegation against another
Discrimination	Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law



Fair Treatment Coordinator	Person identified as the first point of contact for internal reporting or complaining about discrimination, sexual harassment and/or bullying within the Graduate Union
Harassment	Harassment involves a pattern of behaviour or course of conduct pursued by an individual designed to intimidate and distress another individual
Natural justice	The right to know what is alleged against a person, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker
Protected personal characteristics	Under federal law, it is illegal to discriminate against a person based on certain characteristics, such as age, disability, race, gender etc. this is more fully explained in section 7.1
Repeated behaviour	Repeated behaviour is when an established and persistent pattern of behaviour can be identified
Sexual behaviour	Human sexual behaviour is the manner in which humans experience and express their sexuality. People engage in a variety of consensual sexual acts, ranging from activities done alone to acts with another person in varying patterns of frequency, for a wide variety of reasons.
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
Stakeholders	All staff, Resident and non-resident Members of The Graduate Union, volunteers, external contractors and guests of/visitors to The Graduate Union
Unreasonable behaviour	Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine, threaten, or intimidate another person
Unwelcome sexual behaviour	Any uninvited and unsolicited conduct of a sexual nature which an individual finds undesirable or offensive

## 5. Policy statement

The Graduate Union has a duty of care to provide a safe environment, and ensure, so far as is reasonably practicable, that Stakeholders are not exposed to discrimination, sexual harassment and bullying.

The Graduate Union accepts and acts on its duty of care. Any reported allegations of discrimination, sexual harassment and bullying will be promptly, thoroughly, and fairly investigated.

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.



All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice.

The Graduate Union will provide training and/or materials about this policy to ensure all stakeholders understand their obligations under this policy, relevant to each stakeholder group. It will also outline avenues for stakeholders to raise and/or report concerns and transgressions.

Serious breaches of this policy may result in termination of membership, of employment, of the residential agreement, of a contract and/or of rights to enter the facilities of The Graduate Union.

## 6. Discrimination

Everyone has the right to be treated with dignity and respect. Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law.

Discrimination can occur:

1. 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
2. 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.

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.

Discrimination can occur whether or not the person has the personal characteristic at the time or if the person is assumed to have the personal characteristic. It is also irrelevant whether or not the discriminator is aware of the discrimination or considers the treatment less favourable, as the motive for doing so is irrelevant.

It is unlawful to request, instruct, induce, encourage, authorise or assist another person to engage in unlawful discrimination.

It is unlawful to victimise a person (or any person assisting them) because that person has lodged or intends to lodge a complaint or grievance alleging discrimination. A person making a complaint regarding discrimination will not be treated less favourably or detrimentally because of their complaint.

Discrimination may equate to harassment if sustained over a period of time. Discriminatory harassment is based on a person's personal characteristic. Discriminatory harassment means any conduct of a person towards another person on the basis of a personal characteristic of that other person that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the other person.

- Protected personal characteristics
- 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
- sex
- 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
- that a person is or has been an immigrant

## 7. Harassment

Harassment generally involves unwelcome behaviour that intimidates, offends or humiliates a person because of one or more of the personal characteristics as outlined above. It is possible for a person to be bullied, harassed and discriminated against at the same time. However, unlike workplace bullying, discrimination and harassment may be single incidents and are based on some characteristic, or perceived characteristic of the affected person.

## 8. 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 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 Stakeholders 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.

The Graduate Union recognises that comments and behaviour that do not offend one person can offend another. This policy requires all Stakeholders to respect other people's limits.

## 9. Bullying

Bullying is repeated, unreasonable behaviour directed toward a Stakeholder by a Resident or non-resident Member/s or staff member/s, which creates a risk to health and safety. Bullying behaviour may be obvious and direct or subtle and indirect. Such behaviour includes physical, visual, verbal and non-verbal behaviour.

According to the Australian Human Rights Commission, bullying behaviour may include:

- physical or verbal abuse
- yelling, screaming or offensive language
- excluding or isolating employees, or a resident or non-resident member
- psychological harassment
- intimidation
- assigning meaningless tasks unrelated to the job
- unreasonable work demands
- deliberately changing work arrangements, such as rosters and leave, to inconvenience particular employees
- undermining work performance by deliberately withholding information vital for effective work performance
- spreading rumours or innuendo about someone
- unjustified criticism or complaints
- interfering with someone's personal property or equipment

Bullying is not:

- reasonable comment, advice or administrative action (including negative feedback) from an academic or administrative staff member on work, academic performance or behaviour
- disciplinary action
- the implementation of organisational change
- the allocation of work in compliance with systems
- conflict or differences of opinion between individuals
- a single incident of bullying-style behaviour



Though bullying, under this policy, is defined as repeated, unreasonable conduct that creates a risk to health and safety, a single incident of unreasonable behaviour can create a risk to health and safety and may have the potential to escalate into bullying. Stakeholders must therefore not ignore single incidents.

## 10. Accountabilities & responsibilities

### 10.1. Council:

- regularly review the leadership and commitment given to eliminating discrimination, sexual harassment and bullying through active promotion of the Graduate Union's policy
- monitor performance by way of periodic management reports and assurances

### 10.2. CEO/General Manager:

- ensure that the Graduate Union's practices and processes incorporate precautions against discrimination, sexual harassment and bullying in such areas as hiring, resident management, and program delivery
- where appropriate, delegate responsibility for compliance to officers with responsibility for particular Stakeholder groups
- review and report to Council, as appropriate, on the effectiveness of the management systems established to remove discrimination, sexual harassment and bullying
- promote a culture of effective policy compliance across the Graduate Union
- the development and implementation of a training program as part of the induction of each Stakeholder group, tailored to their specific needs and informed by time spent in the facilities, level of risk and nature of their interaction with the others

### 10.3. Staff:

- ensure that they are aware of the Graduate Union's policy by participating in training and refresher training as required
- not act in a manner that would be considered to be in contravention to this policy or any applicable legislation
- where appropriate, suggest ways in which practices, systems and procedures could be improved so as to reduce the likelihood of contravention occurring

### 10.4. Residents:

- ensure that they are aware of the Graduate Union's policy by participating in training and refresher training as required
- not act in a manner that would be considered to be in contravention to this policy or any applicable legislation

## 11. Procedures

### 11.1. Prevention



- The key purpose of this policy is to prevent unlawful discrimination, sexual harassment and bullying. This means that Stakeholders have a responsibility to:
- monitor the working, living and meeting environment to ensure that acceptable standards of conduct are maintained at all times
- ensure that all decisions, conditions and practices are consistent with an environment that is free of discrimination, sexual harassment and bullying
- be alert constantly to the risks of intentional or unintentional discrimination, sexual harassment and bullying
- recognise, acknowledge and respect the cultural and religious diversity of its staff, Resident and non-resident Members, contractors and guests/visitors
- model appropriate behaviour themselves
- ensure that a comprehensive and targeted training program is in place for all stakeholder groups
- promote this policy within their work area, and within the college and membership community

### 11.2. Fair Treatment Coordinators

The Graduate Union has provided training for selected staff who act as Fair Treatment Coordinators. The Fair Treatment Coordinators are identified along with first aid officers and building wardens. There is a Fair Treatment Coordinator for each of these groups:

- Staff and visitors
- Residents
- Members and volunteers

### 11.3. Handling complaints

The Graduate Union gives its best endeavours to respond to reports and complaints about discrimination, harassment, sexual harassment and bullying, in a manner which is:

- timely
- appropriate
- confidential
- fair

Should you be a person who perceives themselves or another (or others) to be the victim of discrimination, harassment, sexual harassment and/or bullying, we ask that you:

- contact a supervisor or one of the Fair Treatment Coordinators directly or, should you not feel comfortable, indirectly (e.g., an anonymous correspondence);

make this contact as soon as possible after the alleged event or events of discrimination, harassment, sexual harassment and/or bullying. When a supervisor or one of the Fair Treatment Coordinators receive a complaint (be it a formal or informal complaint), the supervisor or Fair Treatment Coordinator will, in confidential discussions with the CEO/General Manager, make a determination to follow an informal or formal pathway in dealing with the complaint:



- In instances where an informal approach is appropriate, the process is to conduct or facilitate discussions to address the behaviour, or refresher training for the person on the requirements of this policy.
- Both sides will have a chance to tell their side of the story. All relevant information will be collected and considered.
- A recommendation to the CEO/General Manager to implement certain measures to address the complaint may follow.
- In other cases, a more formal approach may be appropriate. Formal processes typically involve investigating the complaint, making a finding as to whether the sexual harassment occurred, and deciding on an appropriate outcome.
- All substantiated reports of sexual harassment as outlined in Section 7 must be reported to Victoria Police and the police may conduct an investigation process.
- A substantiated complaint of sexual harassment may result in a number of outcomes against a staff member. Depending on the severity of the case, actions following a finding of sexual harassment can range from an apology to disciplinary action against the person found to have engaged in harassment (such as demotion or summary termination of employment).
- A substantiated complaint of sexual harassment may result in a number of outcomes against a resident. Depending on the severity of the case, actions following a finding of sexual harassment can range from an apology to disciplinary action against the person found to have engaged in harassment (such as suspension or summary termination of residential rights).
- A substantiated complaint of sexual harassment may result in a number of outcomes against a contractor, guest/visitor. Depending on the severity of the case, actions following a finding of sexual harassment can range from an apology to termination of contract, termination of membership and denial of ongoing access.

#### 11.4. Training

Effective and ongoing training of Stakeholders is crucial to the effective implementation of and compliance with this policy and its procedures. The CEO/General Manager is responsible for the development and implementation of a training program as part of the induction of each of these groups, tailored to their specific needs and informed by time spent in the facilities, level of risk and nature of their interaction with the others.

Ensuring that staff, Resident and non-resident Members, external contractors and guests of/visitors to The Graduate Union have such training, will create a safer environment for all.

#### 11.5. Contacts

Contact any or all of the following people or agencies should you perceive yourself or others to be the victim of discrimination, sexual harassment and/or bullying.

Contact to report or complain can be:

##### **Internal:**

- Supervisors





- Fair Treatment Coordinator
- CEO/General Manager
- Chair of Council of The Graduate Union

**External:**

- Victoria Police
- Victorian Equal Opportunity and Human Rights Commission
- Australian Human Rights Commission.

## 12. Policy Review

The Governance and Nominations subcommittee will review this Policy at least every three years. Any changes to policy will be submitted to Council for approval.

Revision	Change details	Reviewed by	Date reviewed	Approved by	Approval date
1.0	Policy development	G&N subcommittee		Council	16 Aug 2021
2.0	Complete rework of policy	G&N subcommittee	Oct 2023	Council	20 Mar 2024