

# BULLYING, HARASSMENT, DISCRIMINATION AND EXPLOITATION POLICY

Compliance with this policy is mandatory.

Save the Children Australia (SCA) is responsible for providing a safe and healthy workplace where all employees and representatives (including, but not limited to, expatriates, in-country employees, Board members, volunteers, ambassadors, consultants, temporary staff and visitors) are free from bullying, harassment, discrimination and exploitation, both directly and indirectly. Save the Children has a zero tolerance for inaction when inappropriate or criminal behaviours occur. Save the Children is responsible for providing clear guidelines and training for staff including when and how to report concerns. All employees and representatives are responsible for contributing to a safe and healthy workplace in line with our values, and are expected to treat all people with dignity, courtesy and respect; valuing, including and promoting the rich diversity of our organisation.

Bullying, harassment, discrimination and exploitation impact mental and physical health and wellbeing, productivity and engagement in the workplace and will not be tolerated at SCA under any circumstances. These actions are unlawful and may lead to criminal or civil penalties for the organisation and individuals.

Employees and representatives must comply with this policy, related policies and guidelines, and legislative requirements. Conduct amounting to bullying, harassment or discrimination, as defined in this policy, may lead to disciplinary action up to and including dismissal, or cessation of engagement with SCA.

## Bullying

Bullying is a form of harassment that occurs when a person or group of people repeatedly behave unreasonably towards a worker or group of workers at work and the behaviour creates a risk to health and safety.

Bullying may:

- Be physical, verbal and/or emotional and may include messages, public statements and online behaviour (cyberbullying)
- Include physical violence or intimidation, name-calling or insults (direct or indirect)
- Include excluding others and spreading lies or rumours (direct or indirect)

Bullying does not include reasonable management action carried out in a reasonable manner.

## Harassment

Harassment covers actions and behaviours which create a hostile working environment for an individual(s), and may:

- Occur even when **there is no intent to offend or harm; it is sufficient that a 'reasonable person' would consider that the person being harassed would be offended, humiliated or intimidated by the behaviour in question**
- Occur outside the usual place of work e.g. a work social function or through social media
- Consist of a pattern of unwelcome behaviour but can consist of a single act where this is of a serious nature

Sexual harassment is behaviour of a sexual nature that is unwelcome and has the effect of offending, humiliating or intimidating the person being harassed. SCA is aware that employees and other representatives working for or on behalf of the organisation can work in situations where they are in positions of power and trust which may exacerbate and reinforce existing gender inequalities and/or increase inequitable power structures and dynamics. Power and trust must never be abused and everyone in the organisation has an obligation and responsibility to maintain the highest professional and ethical standards in their day-to-day conduct.

Discriminatory harassment occurs when a person or group of people are hostile to a person/ persons with particular protected attributes under anti-discrimination legislation, including, but not limited to, race, colour, descent or ethnic origin, marital status, gender, sexuality, pregnancy, age or disability.

### Discrimination

Discrimination may be either direct or indirect and occurs when a person or group of people are treated unfavourably because of a personal characteristic protected by the law.

- Direct discrimination occurs when a person is treated less favourably on the basis of an attribute that person may possess and not on work- or skill-related factors.
- Indirect discrimination occurs when a rule, policy or practice appears to be neutral or fair because it treats everyone in the same way but, in effect, it has a disproportionate and disadvantageous impact on a particular group. It can arise when practices seem fair in form and intent, but discriminatory in effect and outcome.

Discrimination is not illegal if it is on the basis of inherent requirements of the role which cannot be fulfilled because of a particular attribute.

### Exploitation

Exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust to profit monetarily, socially, or politically from another person.

Sexual Exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another person.

SCA is aware that employees and other representatives working for or on behalf of the organisation can work in situations where they are in positions of power and trust which may exacerbate and reinforce existing gender inequalities and/or increase inequitable power structures and dynamics. Power and trust must never be abused and everyone in the organisation has an obligation and responsibility to maintain the highest professional and ethical standards in their day-to-day conduct.

### Role of the manager

Managers and supervisors play a primary role in ensuring employees, representatives, visitors and clients are not harassed, bullied or discriminated against in the workplace or in connection with their engagement with SCA. Managers and supervisors have an obligation to foster a working environment that disallows bullying, harassment and discrimination, and are required to ensure that all representatives:

- Understand their responsibilities and do not engage in bullying, harassing or discriminatory behaviours
- Know the consequences of engaging in (or being complicit in) unlawful bullying, harassment or discrimination
- Understand their obligations to report concerns to their manager or People and Culture representative

- Know that they can contact their manager and/or People and Culture representative to discuss any concerns
- Know that they have access to confidential, professional counselling through the Employee Assistance Program (EAP)
- Receive training on the implementation and management of this policy

Complaints or reports of bullying, harassment and discrimination may be resolved informally unless there is a serious breach. Serious matters or matters that cannot be resolved informally will be promptly investigated by People and Culture.

### Process for handling complaints

The following principles apply to the investigation and handling of complaints of bullying, harassment and discrimination:

- Individuals should raise any concerns with their line manager and/or People and Culture representative in a timely manner in the first instance. Refer to the grievance handling policy for any additional information on reporting an incident.
- Individuals have the right to make a complaint or report a breach of this policy without fear of reprisal.
- Complaints are handled sensitively and in confidence. It is important to note that the alleged harasser must be informed of a formal complaint and have the opportunity to respond.
- Assurance will be sought from the alleged harasser that there will be no reprisals or victimisation against the complainant. It will be made clear that the allegation is a very serious matter and, if substantiated, may result in termination of their employment with SCA.
- If necessary, the manager of the harasser will be informed of the complaint and any action agreed to resolve it. The manager may be required to monitor the situation.
- Complaints deemed to be vexatious and an abuse of this policy may lead to disciplinary action against the complainant, up to and including termination of employment or cessation of engagement with SCA.
- We commit as an organisation to continue any investigation of Sexual Misconduct or Sexual Harassment to closure, as far as is reasonably practicable despite whether the position ends before the commencement or conclusion of the Investigation Process.

Employees and representatives have an obligation to report instances of bullying, harassment and discrimination in the workplace to their manager and/or People and Culture representative in a timely manner. Failure to report may lead to disciplinary action, up to and including termination of employment or cessation of engagement with SCA.

Any SCA employee or representative behaving contrary to this policy may be subject to disciplinary action, up to and including dismissal.

This policy is to be read in conjunction with all SCA policies, procedures and guidelines.

Review date	Current version	Comments	Author	Approved by Executive Committee	Approved by BHRC	Review date
Q1 2017	6.0	Conversion to new format, combination of two policies	L Kulman	Q1 2017	Q1 2017	Q1 2019
Q2 2018	7.0	No change – due for review	D Francois	Q3 2018	Q3 2018	Q3 2020
Q4 2020	8.0	Changes to reflect DFAT PSEAH requirements	D Francois	Q4 2019	27/11/19	Q4 2021