



# Workplace Bullying and Harassment Policy

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*International Justice Mission Australia*

## **1 INTRODUCTION**

This policy is aimed at preventing and effectively managing workplace harassment, bullying and discrimination issues, risks and complaints.

## **2 SCOPE**

This policy applies to all employees of IJM Australia Ltd (**IJM Australia**) as well as volunteers, contractors, suppliers and IJM Australia Members.

## **3 STATEMENT OF PRINCIPLE**

IJM Australia is concerned with the welfare of its employees and is committed to maintaining a workplace where employees are able to conduct their work in an atmosphere free of discrimination, harassment and bullying. Discrimination, harassment and bullying are regarded as unacceptable behaviours which are out of keeping with IJM Australia's core values.

Employees are expected not to engage in these behaviours and to treat one another with courtesy, respect, integrity and honour. IJM Australia will take all reasonable steps to ensure practices and procedures that protect its employees from discrimination, harassment and bullying are established, communicated and enforced.

## **4 RESPONSIBILITIES**

Managers are expected to:

- model correct behavior;
- ensure team members understand this policy and their responsibilities
- monitor the workplace for inappropriate behaviours;
- not tolerate behaviours that breach the intent of this policy;
- handle any complaints about discrimination, harassment and bullying in a timely and confidential manner in keeping with this policy.

Employees are expected to:

- not engage in discrimination, harassment, bullying or victimisation of any other person at any time in the course of their employment;
- respect the rights of others;
- report any observed violation of this policy in keeping with the procedures listed below;
- participate in any complaint and resolution process in a cooperative and confidential way.

## 5 NON-COMPLIANCE WITH POLICY

IJM Australia advises that failure to comply with this policy may result in investigation, and disciplinary action up to and including termination of employment.

## 6 WHAT IS DISCRIMINATION, HARASSMENT AND BULLYING

**Discrimination** occurs when a person is treated less favourably than another person as a result of that person's individual characteristics or because that person belongs to a particular group. Discrimination can be unlawful on a number of bases including:

- race (including colour, nationality, religion or ethnic origin)
- sex (including marital/relationship status, pregnancy and breastfeeding);
- sexual orientation;
- disability;
- age;
- illness or injury
- parental status or carer's responsibilities; and
- membership or non-membership of a trade union.

The bases of discrimination are set out in federal and state legislation including:

- *Age Discrimination Act 2004*;
- *Australian Human Rights Commission Act 1986*;
- *Disability Discrimination Act 1992*;
- *Racial Discrimination Act 1975*;
- *Sex Discrimination Act 1984*
- *New South Wales Anti-Discrimination Act 1977* and other state and territory legislation.

Discrimination can be direct or indirect:

- Direct discrimination is where a person is treated less favourably because a particular attribute (like those set out above).
- Indirect discrimination is where a condition, policy or requirement is imposed that a person with a specific attribute cannot comply with.

**Harassment** is any form of behaviour that:

- you do not want;
- offends, humiliates or intimidates you (or is likely to do so).

Examples include, but are not limited to:

- threats of dismissal or punishment for no reason
- leaving offensive messages on email or voicemail
- spreading gossip or false rumours with the intent to cause harm.

**Sexual harassment** is defined under the *Sex Discrimination Act 1984* as:

- unwanted sexual advances, or unwelcome requests for sexual favours; or other unwelcome conduct of a sexual nature; and

- a reasonable person having regard to all the circumstances would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Examples of sexual harassment include:

- staring or leering
- unnecessary familiarity, such as someone deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- intrusive questions about your private life
- displaying posters, magazines or screen savers of a sexual nature.

**Bullying** is repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

Examples of bullying behaviours include, but are not limited to:

- verbal abuse
- spreading rumours or innuendo about someone
- interfering with someone's personal property or work equipment.
- deliberately excluding someone from workplace activities
- deliberately denying access to information or other resources
- setting tasks that are unreasonably above or below a worker's ability.

**Victimisation** means being placed at a disadvantage or being penalised for making a complaint or because you have supported someone who has made a complaint.

Examples include:

- being told to withdraw a complaint or else you will miss out on future opportunities at work (raises, promotions etc.)
- being excluded from workplace activities because you made a complaint.

## 7 WHAT IS NOT DISCRIMINATION, HARASSMENT AND BULLYING

Managers have the legal right and responsibility to undertake reasonable management actions in a reasonable way. This includes a range of actions such as the right to control and direct how work is done, monitor productivity and give feedback on performance. Where these actions are not ill-founded and comply with organizational policy, they do not constitute bullying and harassment.

## 8 WHAT YOU SHOULD DO IF YOU ARE BULLIED, HARASSED OR DISCRIMINATED AGAINST

Any employee who believes that he or she has been the subject of harassment, bullying or discrimination or who observes an incident of harassment, bullying or discrimination involving another employee, must report the information immediately to a supervisor, or the Operations Administrator (or, if the issue involves the Operations Administrator, then to the Chief Executive). The Operations Administrator (or CE) will immediately call for an investigation of the complaint. If a

complaint is upheld, IJM Australia may take appropriate disciplinary steps against any person or persons found to have contravened this policy, up to and including termination of employment.

IJM Australia will not tolerate any form of victimization or retaliation against victims of or witnesses to harassment. Any confirmed incident of victimization or retaliation may be the subject of disciplinary action, up to and including termination of employment.

#### **POLICY VERSION**

<b>Version</b>	<b>Date</b>
1	10/05/15
2	n/a