

Workplace Harassment & Bullying Policy

Applies to

- ABA Employees
- ABA Volunteers and Trainees - Breastfeeding Counsellors, Community Educators and other volunteers
- ABA Board Members
- Contractors working for ABA

Definitions

Word or Phrase	Definition
Board Members	Directors appointed or elected to the Australian Breastfeeding Association
EEO	Equal Employment Opportunity
Employees	A person employed for salary or wages
Managers	All positions with “Manager” in their designation including Branch Presidents. Includes paid and unpaid managers
Others	Includes clients and visitors to ABA premises, group meetings, conferences, seminars and trainees enrolled in ABA courses
Responsible Officer	Chief Executive Officer
Volunteers	A person who freely offers to take part in an enterprise or undertake a task for or on behalf of the Association.
Workplace	Anywhere where ABA business is conducted including group meetings, conferences and seminars, online and where people are working together using technology

Objectives

The Australian Breastfeeding Association is committed to providing its staff, volunteers, trainees, Board Members and contractors with a workplace that is free from harassment, bullying and discrimination. We are committed to enabling an environment in which all ABA stakeholders (paid and volunteer) feel able to have confidential discussions regarding any concerns at any time.

This Workplace Harassment and Bullying Policy is to be read with the Workplace Harassment and Bullying Procedures, as amended from time to time.

Principles

Principle	Description
Unreasonable behaviour	Behaviour that a reasonable person, having regard to all the circumstances, would expect to victimize, humiliate, undermine or threaten. Includes, but is not limited to:

Principle	Description
	<ul style="list-style-type: none"> • Verbal abuse and yelling • Humiliating someone through sarcasm, criticism, or insults • Constant criticism • Exclusion of a person from workplace activities • Giving someone the majority of unpleasant tasks
Unacceptable behaviour	<p>The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:</p> <ul style="list-style-type: none"> • Constant and unwarranted criticism • Teasing, sarcasm or insults • Verbal abuse • Excluding or isolating employees • Psychological harassment • Intimidation • Assigning meaningless tasks unrelated to the job • Giving employees impossible assignments • Deliberately changed work rosters to inconvenience particular employees • Deliberately withholding information vital for effective work performance • Physical assault or threats
Bullying	<ul style="list-style-type: none"> • Bullying is repeated, unreasonable behaviour directed towards an employee, volunteer, contractor or other person that creates a risk to health and safety • Behaviour includes: actions of individuals or a group and may involve using a system of work as a means of victimising, humiliating, undermining or threatening • Risk to health and safety includes risk to the mental or physical health of the employee • Other types of behaviour may also constitute bullying. Bullying is usually not an isolated incident but could be if a one-off incident is sufficiently serious • Bullying does not include reasonable and legitimate actions to manage an employee's or volunteer's performance, manage or alter an employee's or volunteer's workload, reporting structure or duties or counselling an employee/volunteer

Principle	Description
Discrimination	<p>Treating someone unfairly on the basis of:</p> <ul style="list-style-type: none"> • Gender • Race • Sexual orientation • Pregnancy or breastfeeding • Age • Marital status • Disability • Religious beliefs <p>Discrimination can be either direct or indirect.</p> <ul style="list-style-type: none"> • Direct Discrimination: Occurs when decisions are made based on stereotyped views or prejudices about different genders, races, age etc. People directly discriminate against another person when they make assumptions about others because they belong to a particular class of people. For example, refusing to employ people over the age of 40 because of the belief that older workers are too set in their ways and inflexible, thereby making an assumption that all older workers are the same, or refusing to employ a person with a visual impairment because it is assumed that they will be unable to supervise others • Indirect Discrimination: Occurs when an unreasonable rule, requirement or practise exists which on the face of it appears neutral, but which a high proportion of people of a particular race, sex or other groups covered by the anti-discrimination legislation could not comply with. For example, imposing minimum height and weight requirements for staff
Harassment	<p>Any unwelcome and unreasonable behaviour that is humiliating, offensive, intimidating, degrading or threatening. It can include physical assault, bullying, discrimination, sexual harassment, physical or verbal threats and verbal abuse.</p>
Sexual harassment	<p>A person sexually harasses another person if the person:</p> <ul style="list-style-type: none"> • Makes an unwelcome sexual advance • Makes an unwelcome request for sexual favours • Engages in other circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated by <p>Sexual harassment may include such actions as:</p> <ul style="list-style-type: none"> • Displays of sexually graphic or racially offensive material including posters, pictures, calendars etc. left on boards or desks or anywhere around the workplace • Electronic mail messages, voice messages, screen savers (words and images), any material of a sexual nature down loaded from the internet or viewed on the computer or any other device • Offensive telephone calls, faxes, or gifts • Deliberate and unnecessary physical contact, such as patting, pinching, fondling or deliberately brushing against another body, attempts at kissing

Principle	Description
	<ul style="list-style-type: none"> • Offensive jokes or comments about another worker’s racial or ethnic background, sex, sexual preference, age, disability and the like • Leering or staring at a person’s body • ‘Humour’ such as jokes or comments with derogatory reference to race, age, disability or other characteristics • Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person’s physical appearance, sexuality, or gender identity; inferences of sexual morality or tales of sexual performance • Constantly asking someone out, especially following prior request to stop • Demands or requests for sexual favours, gestures or body movements of a sexual or intimidating nature • Intrusive inquiries into a person’s private life or in reference to a person’s sexuality, physical appearance, or gender identity
Vilification	<p>Vilification occurs when a person, by direct act, incites hatred or contempt or ridicule to a person/s based on;</p> <ul style="list-style-type: none"> • Race, nationality, descent, ethnicity or religion • Homosexuality • HIV/AIDS status • Transgender
Victimization	<p>Victimisation is treating or threatening to treat someone less favourably because they were involved in a complaint. Examples of victimisation:</p> <ul style="list-style-type: none"> • Gossiping about someone involved in a complaint • Ignoring someone involved in a complaint
Intention	<p>Bullying is not always intentional. Sometimes people do not realise their behaviour is harmful to others. However, intention is irrelevant when determining if there has been a breach of the EEO policy e.g.:</p> <ul style="list-style-type: none"> • ‘But I didn’t mean it’ • ‘I was only joking’ • ‘They always laughed before’ <p>There are no excuses for discrimination, sexual harassment, vilification, bullying and victimisation</p>

Policy Statement

- ABA notes that Anti-Discrimination Legislation specifies that it is an offence to discriminate against someone (treat them unfairly compared with others) or harass them because of their:
 - Sex
 - Pregnancy or breastfeeding status
 - Race, colour, nationality, ethnic or ethno-religious background, or descent.
 - Marital status.
 - Transgender (Tran sexuality).

- Disability (physical, intellectual or psychiatric disability, past, present or future disability, actual or presumed disability).
- Homosexuality - including both gay men and lesbians.
- Age

It is also against the law to discriminate against people with relatives, friends or associates for the above reasons.

- ABA Managers should be aware of this legislation when recruiting and dealing with employees, contractors and volunteers generally.
- Workplace harassment is usually perpetrated by a colleague or supervisor, but it may also be carried out by a client, volunteer or member of the public.
- Under both state and federal legislation, an employer is responsible for providing a healthy and safe workplace. This responsibility applies to everyone within the workplace, including employees, clients, visitors and volunteers.
- Employees have an obligation not to harass others and to report any cases of unhealthy and unsafe workplaces, including harassment and bullying.
- Bullying and harassment can have a serious effect on the health, safety and well-being of individuals. It can also undermine business efficiency and lead to a range of detrimental impacts on the Association such as increasing a range of costs like long-term sick leave as well as staff turnover and the associated replacement costs.
- Harassment and bullying are **not** tolerated under any circumstances
- All persons involved in an informal or formal complaint have a duty to keep the details of the informal or formal complaint confidential until the complaint is finalised.

Equal Employment Opportunity (EEO)

- ABA is an equal opportunity organisation. We provide equality of opportunity to all employees, applicants for employment, volunteers, clients, business partners and others we deal with. ABA is committed to providing a workplace free from discrimination, harassment, vilification, bullying and victimisation.
- Our commitment is to create and sustain a work environment which supports mutual trust, promotes job satisfaction, maximises performance and productivity and assists each person to reach their maximum potential. We also aim to provide services to our clients of the highest quality and to interact with external parties in a professional manner.
- Disciplinary action up to and including termination of employment, removal from their volunteer role or revocation of the right to be a member of ABA and any other actions set out in the Constitution may be taken against anyone found to be guilty of such conduct. In serious cases, this may involve referral to the appropriate authorities.

Reporting

- Any member of ABA who is subjected to or has evidence of discrimination or harassment may raise an internal complaint to attempt to redress the situation. (*refer to Workplace Harassment and Bullying Procedure*)
- All reports will be taken seriously and thoroughly investigated in accordance with the Workplace harassment and bullying procedure
- If an investigation reveals that any person has deliberately made a false, frivolous, vexatious or malicious complaint, that person may also be disciplined. Furthermore, disciplinary action may be taken if it is found that a person has victimised or penalised a person because that person has made, or intends to make, a complaint of bullying or any other breach under this Policy.

Approved by

CEO

Revision history

Revision	Date	Description of modifications
V1.0	December 2008	Reviewed by Executive Officer
V2.0	September 2018	Approved by CEO