

POLICY OF OXFAM AUSTRALIA & OXFAM TRADING



PC211 WORKPLACE DISCRIMINATION & HARASSMENT POLICY

Purpose

The purpose of this document is to:

- state Oxfam's policy on prohibited behaviour including workplace harassment, sexual harassment, discrimination and bullying;
- outline what constitutes prohibited behaviour in the workplace and assist stakeholders' understanding of related issues

Scope

This policy applies to:

- board members
- all employees (Oxfam Australia and Oxfam Trading), including: managers and supervisors; full-time, part-time or casual, temporary or permanent employees; job candidates; student placements, contractors, sub-contractors and volunteers
- how Oxfam provides services to clients and how it interacts with other members of the public
- all aspects of employment, including but not limited to: recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- on-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever employees may be as a result of their Oxfam duties
- employees treatment of other employees, of clients, and of other members of the public encountered in the course of their Oxfam duties.

Policy Statement

Oxfam is committed to providing a safe, flexible and respectful environment for employees and clients free from all forms of discrimination, harassment and bullying.

All Oxfam employees are required to treat others with dignity, courtesy and respect.

By effectively implementing our **Workplace Discrimination and Harassment Policy** we will attract and retain talented employees and create a positive environment for everyone

Employee Rights and Responsibilities

All employees are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and sexual harassment

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- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All employees must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect.

→ Additional responsibilities of managers and supervisors

Managers and supervisors must also:

- model appropriate standards of behaviour
- take steps to educate and make employees aware of their obligations under this policy and the law
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- help employees resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure employees who raise an issue or make a complaint are not victimised
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- seriously consider requests for flexible work arrangements.

Unacceptable Workplace Conduct

Discrimination, bullying, harassment and sexual harassment are unacceptable at Oxfam and are unlawful under the following legislation:

- *Sex Discrimination Act 1984 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Age Discrimination Act 2004 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth).*

Employees (including managers) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

→ Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

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 (see list below). For example,

- An employee is harassed and humiliated because of their race, or
- A worker employee is refused promotion because they are 'too old'

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 (see list below).

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

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.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or they may have it at some time in the future.

→ **Bullying**

Bullying happens when someone in the workplace repeatedly behaves unreasonably towards another person or group of people and causes a risk to health and safety in the workplace. This behaviour doesn't have to be related to the person or group's characteristics but is considered bullying if:

- a person or group of people repeatedly act unreasonably towards them or a group of workers
- the behaviour creates a risk to health and safety

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances. Examples of bullying behaviour may include:

- behaving aggressively
- teasing or practical jokes
- pressuring someone to behave inappropriately
- excluding someone from work-related events or
- unreasonable work demands.

(Bullying extract from: <https://www.fairwork.gov.au/employee-entitlements/bullying-and-harassment#what-is-bullying>)

→ Workplace Harassment

Workplace harassment is where a person is subjected to behaviour, (other than sexual harassment) that:

- is repeated, unwelcome and unsolicited;
- the person considers it to be offensive, intimidating, humiliating or threatening;
- a reasonable person would consider it to be offensive, humiliating, intimidating or threatening.

Workplace harassment can be committed by: an employer, worker, co-worker, group of co-workers, partner, donor or a member of the public.

Workplace harassment covers a wide range of behaviours. Some examples include (but are not limited to:-

- abusing a person loudly, usually when others are present;
- repeated threats of dismissal or other severe punishment, that do not follow OAU's standard disciplinary procedures;
- making/sending offensive messages (e.g. via email, telephone or other means);
- significantly impairing the person's work in any way such as withholding information, removing content or altering the intent of the person's work;
- maliciously excluding and isolating a person from workplace activities that they would normally be involved in;
- persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;
- humiliating a person through gestures, sarcasm, criticism and insults, often in front of others;
- spreading false information

→ 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 in the workplace 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 employees and volunteers 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.

Oxfam recognises that comments and behaviour that do not offend one person can offend another. This policy requires all employees and volunteers to respect other people's limits.

→ **Victimisation**

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Oxfam has a zero tolerance approach to victimisation.

→ **Gossip**

It is unacceptable for employees at Oxfam to talk with other employees, clients or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

Merit at Oxfam

All recruitment and job selection decisions at Oxfam will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

Resolving issues at Oxfam

Oxfam strongly encourages any employee who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by first speaking directly with the person or persons involved and requesting they cease the behaviour or raise with your manager.

Employees who do not feel safe or confident to take such action may seek assistance from their HR Business Partner or a Contact Officer for advice and support or action on their behalf.

→ Contact Officer

Oxfam have Contact Officers who have been trained to provide employees with information and support about discrimination, bullying and harassment including options for dealing with these behaviours in the workplace. Details for the Contact Officers can be found on the Intranet at <http://intranet.oxfam.org.au/Working@Oxfam/HSWOxfam/index.html>

→ Employee assistance program (EAP)

Oxfam employees are entitled to a certain amount of free, professional counselling from our EAP. To access the EAP, contact Davidson Trahaire Corpsych on 1300 360 364 Australia wide. International and National employees in field offices can call DTC Sydney direct on +61 2 8295 2292.

EAP counselling is confidential and nothing discussed with a counsellor will be communicated back to Oxfam. EAP counselling is available free to Oxfam employees regardless of whether the issue is related to a workplace problem or some other issue for the employee.

Other relevant Oxfam policies

Employees, especially managers and supervisors, are encouraged to read this policy in conjunction with the following documents where appropriate:-

- Enterprise Agreement 2015 (EA2015);
- Trading PPP Guidelines
- Country Handbooks
- Expatriate Contracts

Information about this policy

If you have a query about this policy or need more information please contact your HR Business Partner. Contact details are available on the Intranet at <http://intranet.oxfam.org.au/Working@Oxfam/HRODTeamOxfam>

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