

# Bullying, Harassment, Sexual Harassment and Discrimination Policy

## Statement and purpose of policy

Healthcare Australia (HCA) is committed to creating a safe work environment that is free from all forms of bullying, harassment, sexual harassment, and discrimination.

The purpose of this policy is to outline the following:

- Our desired workplace culture.
- Our expectations for employees in relation to this policy.
- Our principles and process to responding to any complaints of this nature.
- What constitutes bullying, harassment, sexual harassment, and discrimination in the workplace.

## Scope

This policy applies to all employees whilst at work which extends to communication through email, text messaging and social media.

## Definitions

**Employees:** The definition of employee covers future employees, contractors, students, trainees, volunteers, and apprentices.

**Workplace:** The workplace can include the office, external venues, customers homes, facilities where employees are gathering including social events. This also includes any social media platforms where employees are connected.

**Workplace Culture:** HCA has a diverse and unique workforce that we embrace, we want all employees to feel comfortable and respected at work, we care about each other, and we are team players.

## Responsibilities

### Employees

- To act ethically, fairly, and impartially towards colleagues, respecting diversity always.
- To ensure that they do not discriminate against, bully, harass or sexually harass others, or participate in actions or activities designed to discriminate, bully, harass or sexually harass.
- To have read and understood this policy and always uphold in the workplace.

### Managers

- To treat all employees fairly, non-discriminatory and consistently in the workplace.
- To discuss their expectations regarding the workplace culture and this policy with

their teams.

- To encourage all employees to speak up regarding any workplace issues.
- To escalate any concerns to Human Resources.

## Principles

- HCA will endeavour to treat all complaints in a confidential, sensitive, fair, and timely manner.
- HCA will endeavour to treat all employees with dignity, courtesy, and respect.
- HCA encourages all employees to speak up if they feel uncomfortable or if they have witnessed behaviour inconsistent with this policy.
- HCA will implement training and awareness strategies so that all employees know their rights and responsibilities.
- HCA will seek to understand what the individual would like as an outcome from making the complaint.
- HCA will protect the complainants from any victimisation which may arise.

### I. Workplace Bullying

Bullying is unacceptable in any circumstances and will not be tolerated. An employee is experiencing bullying if, an individual or group of individuals repeatedly behaves unreasonably towards the employee and that behaviour creates a risk to health and safety. Examples of bullying may include, but are not limited to:

- Humiliating an individual through gestures, sarcasm, criticism or insults
- Making threatening, offensive, or intimidating remarks or false comments to an individual
- Behaving aggressively towards others
- Teasing or playing practical jokes
- Pressuring an individual to behave inappropriately
- Excluding an individual from work-related events
- Unreasonable work demands

### II. Harassment

Harassment is any offensive conduct which interferes with an employee's working conditions, performance or creates a hostile work environment. Harassment is any form of behaviour that is not wanted and not asked for, and that humiliates, offends, or intimidates. Harassment because of relationship to, or association with a person of their sex, race, marital status etc. is also prohibited.

### III. Sexual Harassment

Sexual harassment is an unwelcome sexual advance, request for sexual favours or other conduct of a sexual nature, which makes an employee feel offended, humiliated, or intimidated. Sexual harassment can involve physical, visual, verbal, or non-verbal conduct of a sexual nature.

Sexual harassment focuses on how the conduct in question is perceived and experienced by the recipient rather than the intention behind it. Examples may include, but are not limited to:

- Inappropriate or not consensual physical contact
- Staring or leering

- Making promises or threats in return for sexual favours
- 'Flashing' or sexual gestures.
- Sex-based insults, taunts, teasing, or name calling
- Requests for sex or sexual actions
- Sexually explicit conversations
- Sexually explicit picture or poster
- Suggestive comment or joke
- Unwanted invitation to go out on dates
- Intrusive questioning about a person's private life or body
- Unnecessary familiarity, such as deliberately brushing up against a person
- Insults or a taunt of a sexual nature
- Sexually explicit email or text message

## What is not Sexual Harassment?

Sexual harassment is not behaviour which is based on mutual attraction, friendship, and respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment.

### IV. Discrimination

Discrimination occurs when an individual is treated less favourably than another person or group because of certain personal characteristics. Examples may include, but are not limited to:

- Race
- Sex
- Marital status
- Sexual orientation
- Gender Identity
- Physical or mental disability
- Family or carer's responsibilities
- Pregnancy
- Religion
- Political opinion
- Social origin

## Victimisation

Victimisation is subjecting or threatening to subject a person to some form of detriment for submitting a complaint and is against the law. HCA is committed to treating employees who have made a complaint fairly and preventing victimisation against a person who makes a discrimination complaint or supports another worker involved in a complaint.

## Reasonable Action

Reasonable management action carried out in a reasonable manner (e.g., the performance management process) is not bullying or harassment.

Making a false complaint or allegation is a serious matter. Employees who knowingly make a

false complaint, or who are not truthful in any investigation, will be subject to appropriate disciplinary action.

## What to do if you believe you being bullied, harassed, sexually harassed or discriminated against?

- If you feel comfortable and if it is appropriate then tell the person how their behaviour has impacted you, and what you would like as an outcome.
- If you do not feel comfortable then raise your concerns to your Manager and/or Human Resources outlining what you would like as an outcome.
- We ask everyone to report incidents as soon as practically possible.
- Incidents can be reported either by emailing your Manager, Human Resources or logging in Elumina.
- If an employee experiences' or observes behaviour (whether by another worker or a client) which they think amounts to bullying and/or harassment/sexual harassment regarding their employment, they must raise it directly with their Manager or Human Resources.
- If it is agreed that an investigation will commence then it will be dealt with in accordance to the Grievance Policy and all parties will be given the opportunity to provide their response. Relevant information will be collected and considered. Only the people directly involved in the complaint and the process of resolving it will have access to information regarding the complaint and its outcome.
- If there is evidence that an employee is making vexatious or malicious complaints then the matter will be investigated under the Disciplinary and Misconduct Policy.

## Compliance

Any breach of this Bullying and Harassment Policy may result in disciplinary action or termination of employment.

## Further information

Got questions? Talk to your manager in the first instance or contact Human Resources for advice and assistance.

## Related Policies

- Code of Conduct
- Grievance Policy
- Disciplinary and Misconduct Policy