

Volunteer Ambulance Officers Association of Tasmania Incorporated

Policy for Equal Opportunity, Anti-Harassment, Sexual Harassment & Bullying

Purpose

The Volunteer Ambulance Officers Association of Tasmania Incorporated (VAOAT) is committed to ensuring the provision of a safe and respectable working environment free from discrimination, harassment, sexual harassment, bullying and other unacceptable and/or unlawful behaviour.

All Board members are required to be treated with dignity, courtesy and respect. Any breaches of this policy will be taken seriously and may result in disciplinary action including termination.

To minimise safety risk, our aim is to address and resolve any reported concerns or issues that arise as quickly as is reasonably practicable.

Unacceptable Board Conduct

Discrimination, bullying, harassment, sexual harassment and occupational violence or aggression are unacceptable and also unlawful under the following legislation:

Australian Legislation

- Fair Work Act 2009 (Cth)
- Work Health and Safety Act 2011 (Cth)
- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Workplace Gender Equality Act 2012 (Cth)

Board members found to have engaged in such unacceptable conduct may be subject to counselling, warning or disciplinary action including potential termination.

Timely verbal or written reporting of incidents of such unlawful behaviour is very important. Board members who experience or witness unacceptable and/or unlawful behaviours including those contained in this policy should take appropriate action to report the behaviour in a timely manner to the VAOAT Executive. All reports of unlawful behaviour will be treated seriously and empathetically by the Executive.

When and where can discrimination, harassment, sexual harassment, bullying, violence or aggression occur?

All Board members are expected to conduct themselves at all times in a professional and lawful manner.

Discrimination, harassment, sexual harassment, bullying, violence or aggression can occur between Board members and/or other third parties.

It does not matter that there is no intention to discriminate, harass, sexually harass, bully or be violent or aggressive. If an act has caused or should reasonably have been expected to have caused that effect, it may still amount to unacceptable and/or unlawful behaviour.

Such behaviour will not be tolerated in any work-related environment and will be taken seriously.

The VAOAT Board will provide appropriate support to any Board member who is harassed, discriminated against, bullied, or subjected to violent or aggressive behaviour.

Discrimination

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

Direct discrimination

Direct discrimination occurs when a person is treated less favourably than another because of a personal characteristic that is protected under anti-discrimination laws.

Indirect discrimination

Indirect discrimination occurs when a work requirement, condition or practice appears to be the same for all Board members, but actually disadvantages certain people because of a personal characteristic that is protected under anti-discrimination laws. To constitute discrimination, the work requirement must also be unreasonable.

Harassment

Unlawful harassment occurs when a person is made to feel intimidated, insulted or humiliated on the basis of a protected characteristic specified under anti-discrimination or human rights laws. Behaviours that could amount to harassment, but are not limited to, can include:

- Repeated, unwanted comments about a person's religious or political beliefs
- Repeated, unwanted name calling
- Jokes, suggestive comments or offensive gestures related to a person's disability, religious conviction, ethnic or sexual characteristics
- Distribution or display of material regarded as offensive
- Persistent questions about a person's private life
- Repeated, unwanted and deliberate physical contact
- Indecent assault or other criminal offences

Such behaviour is unacceptable to the VAOAT Board.

What is not harassment?

All Board members must manage conversations respectfully and where appropriate, sensitively in all dealings with their colleagues.

It is important to distinguish between harassment and reasonable behaviours required to effectively carry out a role. For example, legitimate comment, providing advice and stating a difference of opinion do not generally constitute harassment. Relevant constructive feedback from Board members on the work performance or work-related behaviour of an individual or group is also not harassment.

Sexual harassment

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature that makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include:

- Sexually explicit conversations
- Distribution or display of material regarded as sexually offensive

- Persistent questions or insinuations about a person's private life
- Demands for sexual favours, either directly or by implication
- Uninvited deliberate physical contact
- Smutty jokes or comments
- Repeated invitations to go out after prior refusal

Sexual harassment is unacceptable to the VAOAT and is also unlawful according to anti-discrimination laws in Australia.

What is not sexual harassment?

It is important to distinguish between sexual harassment and behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcomed or reciprocated, it is not sexual harassment.

Bullying

Bullying is repeated unreasonable behaviour by an individual or group that could reasonably be considered to be humiliating, intimidating, threatening, demeaning or victimising to a person or a group of people, which subsequently creates a risk to health and safety. Inappropriate behaviour should be addressed, although isolated incidents do not usually constitute bullying

Acts of bullying can be direct or indirect.

Direct bullying

Examples of direct bullying behaviour may include:

- Abusive, insulting or offensive language
- Physical assault or threats
- Behaviour or language perceived as frightening, intimidating, humiliating, threatening, degrading or victimising
- Teasing or making someone the brunt of practical jokes
- Spreading malicious rumours
- Interfering with someone's personal property or work equipment

Indirect bullying

- Deliberately excluding someone from workplace activities
- Unfairly assigning unpleasant tasks or overloading a person with work
- Withholding information that is vital for effective work performance
- Intimidating a person through inappropriate personal comments or belittling opinions
- Excessive scrutiny of work
- Unfair or excessive criticism
- Unfair treatment in relation to access to workplace entitlements, such as leave or training

In Australia, bullying is unlawful according to the Fair Work Act 2009 as well as workplace health and safety laws. Where the bullying behaviour involves elements of discrimination, it is also unlawful according to federal, state and territory anti-discrimination laws.

Any type of bullying is unacceptable to the VAOAT.

What is not bullying?

It is important to distinguish between workplace bullying and appropriate, reasonable behaviour that is carried out to achieve high work performance. The following are examples of what behaviour is not bullying:

- Reasonable management action carried out in a reasonable manner
- Setting performance goals, standards and deadlines
- Allocating work to a Board member
- Providing constructive feedback
- Expressing a difference of opinion in a respectful manner
- Informing a Board member about unsatisfactory work performance or inappropriate behaviour
- Performance management processes
- Implementing organisational changes

Occupational Violence or Aggression

Occupational violence or aggression typically involves incidents in which an individual is abused, threatened or assaulted in circumstances arising during the course of their work. Examples can include:

- Yelling, swearing or calling names
- Threateningly standing over someone
- Threats of violence
- Any form of indecent physical contact

The VAOAT is committed to ensuring that Board members are not adversely impacted by occupational violent or aggressive behaviour – such behaviour is not acceptable and will not be tolerated.

Responsibilities

It is the responsibility of all VAOAT Board members to understand and adhere to this policy and the applied principles and legislation relating to equal opportunity, harassment, sexual harassment, bullying, violent or aggressive behaviour in the workplace.

Issue Resolution

Instances of associated unlawful behaviour can vary widely in nature requiring a flexible approach to find the most appropriate solution which may necessitate the involvement of several key stakeholders to resolve an issue or concern.

Where an issue is identified either from a Board member, the following will take place:

- Gather and record key information about the Board members concern and try to establish what has taken place
- Escalate the issue to the VAOAT Executive outlining the nature of the concern.
- Agree who will lead the process, investigating what has taken place and work to outline an action plan to expedite a resolution
- Escalating and working with the relevant external Regulator if required