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# BULLYING, HARASSMENT AND DISCRIMINATION POLICY

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## PURPOSE

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To provide an equitable, safe and healthy workplace free from bullying, harassment and discrimination.

To comply with:

- Anti-Discrimination laws
- Work Health and Safety Act 2011
- Workplace Gender Equality Act 2012
- Standard 6 of the National Standards for Group Training Organisations
- Australian Skills Quality Authority Standards for NVR Registered Training Organisations 2011 – Essential Standards for Continuing Registration (SNR 16)

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## SCOPE

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This policy applies to all workers of MRAEL Limited, including staff, apprentices and trainees hosted external to MRAEL, contract workers and work experience workers.

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## POLICY

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Unlawful conduct, including but not limited to workplace bullying, harassment and discrimination, will not be tolerated by MRAEL.

Equal employment opportunities will be offered by ensuring all individuals are treated on their merits at every stage of their employment relationship with MRAEL.

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## WORKPLACE BULLYING

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### WHAT IS WORKPLACE BULLYING?

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Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

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### WHAT IS 'UNREASONABLE' BEHAVIOUR?

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Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:

- Abusive, insulting or offensive language or comments
- Unjustified criticism or complaints
- Deliberately excluding someone from workplace activities
- Withholding information that is vital for effective work performance
- Setting unreasonable timelines or constantly changing deadlines
- Setting tasks that are unreasonably below or beyond a person's skill level
- Denying access to information, supervision, consultation or resources to the detriment of the worker
- Spreading misinformation or malicious rumours
- Changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers

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### WHAT IS NOT CONSIDERED TO BE WORKPLACE BULLYING?

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Not all behaviour that makes a person feel upset or undervalued at work is classified as workplace bullying. Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety.

Workplace bullying does not include reasonable management action taken in a reasonable way. Some examples of reasonable management action can include but are not limited to:

- Setting reasonable performance goals, standards and deadlines
- Rostering and allocating working hours where the requirements are reasonable
- Transferring a worker for operational reasons
- Deciding not to select a worker for promotion where a reasonable process is followed
- Informing a worker of their unsatisfactory work performance
- Informing a worker of their unreasonable or inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructuring
- Taking disciplinary action including suspension or termination of employment

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### SEXUAL HARASSMENT

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Sexual harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated. Sexual harassment is a type of sex discrimination. Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males and females against people of the same or opposite sex.

Sexual harassment may include:

- Staring or leering
- Unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- Suggestive comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about your private life
- Displaying posters, magazines or screen savers of a sexual nature
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Requests for sex or repeated unwanted requests to go out on dates
- 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

Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.

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## DISCRIMINATION

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Discrimination happens when there is adverse action because of a person's characteristics. Such characteristics include:

- race
- colour
- sex
- sexual preference
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy
- religion
- political opinion
- national extraction
- social origin

Adverse actions include:

- Firing an employee
- Not giving an employee legal entitlements such as pay or leave
- Changing an employee's job to their disadvantage
- Treating an employee differently than others
- Not hiring someone
- Offering a potential employee different (and unfair) terms and conditions for the job, compared to other employees

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## VILIFICATION

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Vilification is a public act or statement that incites others to hate a person or group because of their race, religion, gender identity or sexuality.

It can include things such as graffiti in public places, speeches, abuse, remarks in the media or on internet sites, gestures, posters or stickers.

To ascertain if it is vilification, ask yourself:

1. Did it happen publicly, and could other people see, hear or read it?
2. Could it incite hatred, severe ridicule or serious contempt of people because of their religion or race?

If the answer to both is 'yes', then it could well be vilification. If, however, the act or statement was private or fairly minor, or a light-hearted joke, it probably won't be vilification.

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## WORKPLACE GENDER EQUALITY

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MRAEL will ensure that appropriate action is taken to eliminate all forms of gender discrimination in relation to employment matters.

Both men and women have the same opportunities to pursue a worthwhile career within MRAEL. During all stages of the employment relationship, including but not limited to recruitment, training and development, performance management, promotion and retention, individuals will be treated strictly on the basis of merit without reference to a person's gender.

MRAEL will encourage women to consider working in traditionally male dominated areas and men to consider working in traditionally female dominated areas. This does not mean that either gender will be forced into areas traditionally dominated by the opposite gender, it is simply a matter of encouraging everyone to consider options they may not have considered in the past.

## RESPONSIBILITY

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Everyone has a responsibility to prevent unreasonable behaviour in the workplace such as bullying, harassment and discrimination.

Workers have a legal responsibility to co-operate with any reasonable company policy or procedure relating to health or safety at the workplace. MRAEL strives to eliminate or minimise the risks to workers' health and safety caused by bullying, harassment and discrimination. Strategies to control these risks will include the communication and regular review of this policy, the provision of an Employee and Student Assistance Program, a culture of open communication and a commitment to address all reports of unreasonable behaviour according to the principles of natural justice.

Such behaviour can have detrimental effects on people and the business. It can create an unsafe working environment, lead to the breakdown of teams and reduced efficiency and result in staff turnover and increased costs. Individuals who continue to be exposed to bullying, harassment or discrimination may experience loss of self-confidence, anxiety, depression and severe tiredness.

Managers and supervisors are expected to:

- Monitor the work environment to ensure that acceptable standards of conduct are observed at all times
- Model appropriate behaviour themselves
- Promote this policy in their work area
- Treat all complaints seriously and take immediate action to investigate and resolve the matter or escalate the matter as appropriate
- Refer a complaint to another relevant manager if they do not feel that they are the best person to deal with the case (for example, if there is a conflict of interest or if the complaint is complex or serious)

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## EXPECTED WORKPLACE BEHAVIOURS

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Under work health and safety laws workers and other people at a workplace must take reasonable care that they do not adversely affect the health and safety of others. MRAEL expects people to:

- Behave in a responsible and professional manner
- Treat others in the workplace with courtesy and respect
- Listen and respond appropriately to the views and concerns of others
- Be fair and honest in their dealings with others

This policy applies to behaviours that occur:

- In connection with work, even if it occurs outside normal working hours
- During work activities, for example when dealing with clients
- At work-related events, for example at conferences and work-related social functions
- On social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly

## WHAT TO DO IF YOU EXPERIENCE OR WITNESS BULLYING, HARASSMENT OR DISCRIMINATION

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Do not ignore inappropriate behaviour in the hope that it will go away. Silence may give the impression that the behaviour is acceptable.

Report the behaviour as early as possible or, if you feel safe and comfortable doing so, calmly tell the other person you object to their behaviour and ask that it stop.

You may contact the following people who have been nominated by MRAEL to give advice or investigate complaints:

<b>Cohort</b>	<b>Contact Options</b>
Apprentice or Trainee	Apprentice Services Manager; or Apprentice Specialist / Apprentice Support Centre
Staff and others	Any Manager; HR personnel; or Health and Safety personnel

Choose the course of action you feel most comfortable with. You will not be disadvantaged in your employment conditions or opportunities as a result of lodging a complaint.

Refer to MRAEL's Employee and Student Assistance Program Policy for information on how to access further support. This Program entitles every permanent MRAEL employee to access two confidential sessions with Gryphon Psychology each year.

## COMPLAINTS HANDLING

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All reports of unreasonable behaviour, including bullying, harassment or discrimination, will be treated seriously by MRAEL and investigated promptly, confidentially and impartially in conjunction with MRAEL's Complaints Handling Policy.

When complaints of this nature are received by MRAEL the principles of natural justice will be applied, as outlined below:

- The person alleged to have committed the act is presumed to be innocent until allegations are proven to be true
- All allegations will be investigated promptly
- The person who has allegedly committed the act will be informed of allegations made against them and given an opportunity to explain his or her version of events
- Should the complaint be proven to be true, appropriate remedial or disciplinary action will be taken

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## HOW MRAEL WILL RESPOND

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If unreasonable behaviour, including bullying, harassment or discrimination, is reported or observed MRAEL will take the following steps:

1. The responsible manager or delegate will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties. A written complaint is not required.
2. If issues cannot be resolved or are considered to be of a serious nature, an impartial person will be appointed to investigate. Both parties will be able to state their case and relevant information will be collected and considered before a decision is made.
3. All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.

4. There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith will result in disciplinary action.

If an allegation of bullying, harassment or discrimination is substantiated, remedial action will be taken by MRAEL. Consequences for breaching this policy will be proportionate to the gravity of the breach and may include, but are not limited to:

- Obtaining an apology and a commitment that the behaviour will not be repeated
- Providing coaching or training e.g. communication skills
- Providing counselling support
- Addressing organisational issues that may have contributed to the behaviour occurring
- Providing a verbal or written warning
- Regular monitoring of behaviour
- Demotion, dismissal or other actions subject to workplace relations laws

If bullying, harassment or discrimination cannot be substantiated, MRAEL may still take appropriate action to address any workplace issues leading to the report.

## LINKS

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The following websites may be of interest should you require further information:

Safe Work Australia – includes the booklet ‘Dealing with workplace bullying – A worker’s guide’

<http://www.safeworkaustralia.gov.au/sites/swa/model-whs-laws/guidance/pages/guidance-material>

Fair Work Ombudsman – includes Bullying and Discrimination information and how to report a complaint

<http://www.fairwork.gov.au/employment/pages/default>

Workplace Gender Equality Agency

<http://www.wgea.gov.au/>

Australian Human Rights Commission – includes information on age, disability, race or sex discrimination and how to report a complaint

[www.hreoc.gov.au/](http://www.hreoc.gov.au/)

Australian Human Rights Commission – A guide to Australia’s anti-discrimination laws

<https://www.humanrights.gov.au/guide-australias-anti-discrimination-laws>