



HumanAbility Ltd

Bullying and Harassment Policy

Last modified: April 2023

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1. Policy Statement

- 1.1. HumanAbility Ltd (HumanAbility), is striving to ensure a healthy and safe workplace, by addressing the issues of harassment, discrimination and workplace bullying. HumanAbility wants to ensure that harassment, discrimination and workplace bullying does not occur but, in the event it does, appropriate action is taken quickly. HumanAbility commits itself to educating employees as to the nature and effects of harassment, discrimination and workplace, and to providing the necessary resources to inform them of the contents of the Bullying and Harassment Policy (this Policy).
- 1.2. Employees of HumanAbility must not engage in harassing, discriminatory or bullying behaviour towards another employee; or a member of the public with whom they have contact in the course of their employment. HumanAbility does not tolerate such behaviour and may take disciplinary action, up to and including dismissal, against any employee who:
 - participates in harassing, discriminatory or bullying behaviour; or
 - victimises or retaliates against an employee who has lodged a complaint about harassment, discrimination, or workplace bullying.
- 1.3. Accordingly, all HumanAbility employees are to:
 - comply with HumanAbility's Code of Conduct and Ethics Policy
 - treat others in a professional, courteous, respectful and fair way
 - treat harassment, discrimination and workplace bullying matters seriously, and deal with them in a prompt, confidential and fair manner; and
 - report any incidents to an appropriate person.
- 1.4. As an employer, HumanAbility will follow all relevant legislation including but not limited to:
 - *Age Discrimination Act 2004 (including the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022)*
 - *Disability Discrimination Act 1992*
 - *Racial Discrimination Act 1975*
 - *Sex Discrimination Act 1984.*

2. Purpose

- 2.1. The purpose of this Policy is to make HumanAbility's employees aware of what constitutes harassment, discrimination and workplace bullying, and their responsibilities in preventing and managing such incidents.
- 2.2. The intended outcome is a workplace that is free from all forms of harassment, discrimination and bullying.

3. Definitions

- 3.1. **“Bullying”** is repeated, and unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.
- 3.2. **“Repeated behaviour”** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
- 3.3. **“Unreasonable behaviour”** is behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- 3.4. 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; and
 - changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.
- 3.5. **“Sexual Harassment”** includes any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature that would offend, humiliate or intimidate someone.
- 3.6. Examples of behaviour, include, but are not limited to:
 - unwelcome touching, hugging, cornering or kissing
 - inappropriate staring or leering
 - suggestive comments or jokes
 - intrusive questions or comments about a person's private life or body



- sexual gestures or indecent exposure.
- 3.7. Workplace bullying can be conducted in a variety of ways including through email, text or social media channels.
- 3.8. Workplace bullying can occur between workers (sideways), from managers to workers (downwards), or workers to supervisors/managers (upwards).
- 3.9. Reasonable management action is not considered to be workplace bullying if it is conducted lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:
- setting reasonable performance goals, standards and deadlines
 - deciding not to select a worker for promotion where a reasonable process is followed
 - informing a worker about unsatisfactory work performance in an honest, fair and constructive way; and /or
 - taking disciplinary action, including suspension or terminating employment.
- 3.10. Differences of opinion and disagreements are generally not considered to be workplace bullying.
- 3.11. Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter.

4. Policy

- 4.1. HumanAbility has a duty of care to provide a safe workplace, and ensure, so far as is reasonably practicable, that workers and other people are not exposed to health and safety risks.
- 4.2. HumanAbility accepts and acts on its duty of care. Any reported allegations of workplace bullying will be promptly, thoroughly, and fairly investigated.
- 4.3. Bullying complaints will be managed in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.
- 4.4. All parties will be treated with respect.
- 4.5. The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).



5. Responsibilities

- 5.1. All HumanAbility employees are responsible for ensuring that breaches of this Policy do not occur.
- 5.2. Senior Management and managers have a leadership role and are responsible for preventing incidents and taking prompt action if breaches do occur.

6. Breaches

- 6.1. Engaging in harassing, discriminating or bullying conduct in the workplace constitutes a breach of this Policy and may result in disciplinary action, up to and including dismissal. In some instances, harassment, discrimination or workplace bullying may also amount to a criminal offence or a breach of relevant Commonwealth legislation.