



SISTERS OF THE GOOD SAMARITAN FOUNDATION LTD
BULLYING, DISCRIMINATION AND HARASSMENT POLICY
APPROVED BY THE BOARD ON

INTRODUCTION

Sisters of the Good Samaritans Foundation Ltd (**GSF**) is committed to maintaining a workplace where all personnel are treated with dignity, fairness and respect. Everyone is entitled to a work environment free from bullying, harassment and unlawful discrimination. GSF has a zero-tolerance approach towards these behaviours.

PURPOSE

This policy has been developed to:

- provide clear guidance on GSF's expectations in relation to acceptable and appropriate behaviour, and protect the rights of persons within the scope of this policy, regarding bullying, harassment and discrimination;
- provide guidance on reporting bullying, harassment and discrimination; and
- preserve the reputation and integrity of Good Samaritans, as well as that of all parties affiliated with it.

SCOPE

This policy is applicable to:

- GSF personnel (as defined);
- Contractors and representatives engaged by GSF; and

GSF management will take steps to ensure that all GSF personnel, contractors and representatives are made aware of their obligations under this policy.

This policy applies to:

- all aspects of employment/ engagement including recruitment, working conditions and benefits, training and promotion, leave arrangements, and workload.
- interactions of GSF personnel, contractors and representatives, undertaking GSF business, with job applicants, partners, clients, donors, vendors, suppliers, members of the public and others.

- any location where work is being conducted including on-site at GSF office, off-site or after hours, at work-related activities, including events, conferences, training sessions and social functions, and overseas.

PRINCIPLES

This policy is underpinned by five principles:

1. *Zero tolerance of inaction:* Bullying, harassment and discrimination are never acceptable. In this policy, GSF defines zero-tolerance as acting on every allegation in a fair and reasonable way with due regard for procedural fairness.
2. *Strong leadership accelerates cultural change:* GSF Board and management are committed to setting clear expectations, modelling respectful behaviour and seeking to improve diversity and inclusion. This is reflected in GSF's human resource policies and encouraging staff diversity, particularly in senior roles.
3. *Victim/survivor needs are prioritised:* GSF prioritises the rights, needs and wishes of the survivor, while ensuring all parties are treated fairly. It also protects privacy and confidentiality, does not discriminate based on gender, age, race/ethnicity, ability, sexual orientation or other characteristics, and considers recovery needs.
4. *Preventing bullying, harassment and discrimination is a shared responsibility:* GSF recognises that everyone has a collective responsibility to build capacity to deal sensitively and effectively with bullying, harassment and discrimination wherever it is occurring.
5. *Stronger reporting will enhance accountability and transparency:* GSF sees preventing bullying, harassment and discrimination as a core obligation of our work and, as such, supports strengthened reporting mechanisms.

POLICY IMPLEMENTATION

What is Workplace Bullying?

Workplace bullying is repeated, unreasonable behaviour, directed towards an individual or group in the workplace that creates a risk to health and safety. Unreasonable behaviour is defined as behaviour that a reasonable person, having regard to the circumstances, would consider unreasonable, inappropriate and/ or unacceptable.

Examples of behaviour that could be considered workplace bullying (if repeated, unreasonable and creating a risk to health and safety) include, but are not limited to:

- abusive, insulting or offensive language or comments
- aggressive, offensive, intimidating, humiliating or threatening actions or behaviour
- persistent and unjustified criticisms, particularly where criticisms are about petty, irrelevant or insignificant matters
- humiliating a person through gestures, sarcasm, criticism, and/or insults
- teasing or regularly making someone the focus of pranks or practical jokes

- continuously or maliciously excluding someone from workplace activities without good reason
- intentionally withholding information or resources from someone without good reason, particularly where that information or resources are vital for effective work performance
- setting unreasonable workloads or constantly changing deadlines
- assigning tasks that are unreasonably below or beyond a worker's skill level
- changing work arrangements to deliberately inconvenience a particular worker or workers
- excessive scrutiny, threats of dismissal or other severe punishment for no justifiable reason
- spreading gossip, misinformation, or malicious rumours about a person, either in person or online

Single incidents can also present a risk to health and safety and will not be tolerated.

What is Workplace Harassment?

Workplace harassment occurs when someone is made to feel offended, intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, gender, disability, sexual orientation, or some other personal attribute specified under anti-discrimination or human rights legislation. It can also happen if someone is working in a hostile or intimidating environment.

Examples of behaviour that could be considered harassment include, but are not limited to:

- telling insulting jokes about particular racial groups
- sending offensive or insulting emails or phone messages
- displaying offensive or pornographic material
- making derogatory comments or taunts about someone's race, sexuality or religion
- asking intrusive questions about someone's personal life, including their sex life.

Harassment can be against the law when it is discriminatory (discrimination), when it includes conduct of a sexual nature (sexual harassment) or when it causes a risk to someone's health or safety (occupational health and safety).

What is Sexual Harassment?

A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances,

would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by any person of any gender towards any person of any gender. It does not refer to contextually occasional compliments or other mutually acceptable behaviour.

Examples of behaviour that could be considered sexual harassment include, but are not limited to:

- unwanted physical contact or unnecessary familiarity of any kind, including deliberately brushing up against a person
- unwelcome sexual advances or invitations to go out on dates
- sexual suggestions or demands
- making obscene or sexually suggestive remarks, insults or jokes
- sending explicit or sexually suggestive emails, text messages, images, or other material via any medium
- intrusive questions about a person's private life or body.

GSF also has a **Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy**, which outlines Good Samaritans commitment to ensuring effective mechanisms are in place to prevent sexual exploitation, abuse and harassment in Good Samaritans, its programs and partners.

What is Discrimination?

Unlawful discrimination occurs when a person, or a group of people, is subjected to adverse action because of protected attributes such as their race, age, gender, colour, national or ethnic origin, pregnancy or marital status, family/carer responsibilities, disability, religion or sexual orientation, or association with a person with any of these attributes.

Adverse action may include, but is not limited to, doing, threatening or organising any of the following:

- firing or demoting an employee
- not giving an employee their legal entitlements, such as pay or leave
- deliberately changing an employee's job to disadvantage them
- treating an employee less favourably than others
- not hiring a person or offering a potential employee different and unfair terms and conditions for the job compared to other employees.

As well as being against State and Federal laws, discrimination in the workplace is also against GSF's policies and values.

Interpretation

The issue of whether behaviour constitutes bullying, harassment or discriminatory conduct may depend on how it is perceived by the person subjected to the behaviour. Some people may consider some forms of conduct offensive, which are considered acceptable to others. All reports of bullying, harassment and/ or discrimination are handled by GSF with a victim/ survivor-centred approach.

If a person does not object to inappropriate behaviour at the time, this does not imply consent. It may be difficult for the person to object, especially if the perpetrator is in a position of authority.

Anyone who initiates or persists in behaviour that may be considered bullying, harassing and/ or discriminatory assumes the risk of violating this policy. Accordingly, the individual may be subject to discipline, even if their conduct may not have been intended to offend.

What is not Workplace Bullying or Harassment?

Management and supervisory actions when done in a reasonable manner and for a justifiable reason do not constitute bullying or harassment. Examples of reasonable management actions include, but are not limited to:

- warranted transfers, job changes, retrenchments or terminations
- not selecting an individual for promotion where a reasonable process has been followed
- implementing required organisational changes or restructuring
- performance management actions and disciplinary processes
- performance appraisal discussions, reports and feedback, including informing an individual about unsatisfactory work performance in a fair and constructive way
- informing an individual about inappropriate behaviour in an objective and confidential way.

Management action may be considered workplace bullying or harassment where it is used primarily to offend, intimidate, humiliate or threaten individuals or to create an environment where workplace harassment is more likely to occur.

Other behaviours that do not constitute bullying or harassment include:

- social interactions, jokes and bantering, which are mutually acceptable, provided the interactions are respectful and there is no negative impact for others
- disagreements, misunderstandings, miscommunication and/ or conflict situations, providing the behaviour of the individuals involved remains professional and respectful.

ROLES AND RESPONSIBILITIES

It is the role of managers to:

- monitor their teams and take action if they become aware of any potential issues
- ensure individuals who raise an issue or make a complaint are not victimised
- ensure recruitment and promotion decisions are based on merit and not affected by irrelevant personal attributes
- address breaches of this policy promptly.

All GSF personnel, contractors and representatives should ensure they do not aid, abet, or encourage others to engage in bullying, harassment or discrimination.

RISK AND RISK MANAGEMENT CONTROLS

Internal Risk Management Controls

GSF internal risk management controls are to:

- Clearly state GSF's commitment to gender equality, diversity and inclusion, and the prevention of sexual harassment in recruitment materials, human resource policies, and all partnership agreements.
- Undertake police and verbal referee checks for all GSF personnel during recruitment, and review if circumstances change (for example, disciplinary or court proceedings relating to bullying, harassment and/ or discrimination).
- Ensure all GSF personnel and contractor agreements include a statement of their commitment to gender equality, diversity and inclusion, and prevention of sexual harassment. and further that the agreements include provisions: to prevent a person from working with GSF if they pose an unacceptable risk; to impose sanctions such as suspension or transfer to other duties of any person who is under investigation, and dismissal if evidence is found after an investigation.
- Provide GSF's Bullying, Harassment and Discrimination Policy to all GSF personnel, contractors and representatives; take steps to ensure they understand the Policy and discuss it with GSF personnel during annual performance reviews (where required).

PROCESSES FOR REPORTING CONCERNS OR ALLEGATIONS

How to Report?

GSF has reporting procedures for handling cases of bullying, harassment and discrimination; as well as breaches of this Bullying, Harassment and Discrimination Policy. Concerns around bullying, harassment and discrimination, as well as policy breach or non-compliance may be handled as follows:

- If a person within the scope of this policy feels comfortable doing so, they should address the issue with the person concerned. They should identify the offending behaviour, explain that the behaviour is unwelcome and offensive and ask that it stop.
- If someone within the scope of the policy does not feel comfortable confronting the person, or they confront the person and the behaviour continues, the issue should be reported to their manager. If the manager is the alleged perpetrator, then the matter can be reported to the Executive Director or the Chair of the Board.

If in doubt, any person within the scope of this policy should report an alleged incident, in line with the principle of zero tolerance of inaction. Deliberately making a false or vexatious allegation, regarding bullying, harassment and discrimination incidents, will also be considered a breach of this policy and will be managed accordingly (see Sanctions below).

How the Report will be managed?

A survivor-centred approach will be taken and all reports handled confidentially on a 'need to know' basis, which will include the Executive Director and/or Board Chair. Wherever possible, victim/survivor information will be de-identified.

An objective and impartial investigation will be conducted, overseen by the Executive Director or Board Secretary, or a delegate of the Executive Director, regardless of the position, title, length of service or relationship with the organisation of any party who might be the subject of such investigation.

Any individual who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness.

Substantial allegations will be reported to the Chair of the Board.

Sanctions

If it is determined that a person has engaged in bullying, harassment and discrimination, or failed to comply with this Bullying, Harassment and Discrimination Policy or Code of Conduct, then GSF may apply an appropriate sanction as follows:

- a warning, counselling, dismissal, suspension or transfer to other duties for any employee who breaches the Bullying, Harassment and Discrimination Policy;
- cancellation of a contract or relationship; or
- reporting to the relevant law enforcement agencies.

GSF strictly prohibits any form of retaliation for raising a concern or reporting in good faith a violation of this policy, or for assisting or participating in any investigation or other proceeding. Any person who is found to have engaged in retaliation will be subject to disciplinary action up to and including termination of employment.

DEFINITIONS

Term	Definition
GSF Personnel	GSF Board of Directors, employees (full time, part-time and casual) and volunteers.
Workplace Bullying	Repeated, unreasonable behaviour, directed towards an individual or group in the workplace that creates a risk to health and safety. Unreasonable behaviour is defined as behaviour that a reasonable person, having regard to the circumstances, would consider unreasonable, inappropriate and/ or unacceptable.
Workplace Harassment	This occurs when someone is made to feel offended, intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, gender, disability, sexual orientation, or some other personal attribute specified under anti-discrimination or human rights legislation. It can also happen if someone is working in a hostile or intimidating environment.
Sexual Harassment	A person sexually harasses another person if the person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated. It does not refer to contextually occasional compliments or other mutually acceptable behaviour.
Discrimination	Unlawful discrimination occurs when a person, or a group of people, is subjected to adverse action because of protected attributes such as their race, age, gender, colour, national or ethnic origin, pregnancy or marital status, family/carer responsibilities, disability, religion or sexual orientation, or association with a person with any of these attributes.

LEGISLATION

<p>GSF personnel, contractors and GSF funded partners must adhere to local and international laws that relate to disability inclusion, anti-discrimination and equal opportunity. These include Australian Commonwealth, state and territory laws, and international conventions and local laws in the countries where Good Samaritan's works:</p>	
<p>Australian Legislation</p>	<p><i>Fair Work Act 2009</i> <i>Fair Work Amendment Act 2013</i> <i>Workplace Gender Equality Act 2012</i> <i>Occupational Health and Safety Act 1991</i> <i>Workplace Relations Act 1996</i> <i>Human Rights and Equal Opportunity Commission (HREOC) Act 1986</i> <i>Age Discrimination Act 2004</i> <i>Sex Discrimination Act 1984</i> <i>Disability Discrimination Act 1992</i> <i>Racial Discrimination Act 1975</i> <i>Racial Hatred Act 1995</i></p>
<p>State and Territory Legislation</p>	<p>Victoria: <i>Equal Opportunity Act 2010</i> New South Wales: <i>Anti-Discrimination Act 1977</i> Queensland: <i>Anti-Discrimination Act 1991</i> Western Australia: <i>Equal Opportunity Act 1984</i> South Australia: <i>Equal Opportunity Act 1984</i> Tasmania: <i>Anti-Discrimination Act 1998</i> Australian Capital Territory: <i>Discrimination Act 1991</i> Northern Territory: <i>Anti-Discrimination Act 1992</i></p>

POLICY REVIEW

This policy will be reviewed at least every three years, or as necessitated by legislative changes, incorporating lessons learned.