

## PC211 – Anti-Discrimination, Bullying and Harassment Policy

### 1. Purpose

To outline Oxfam Australia’s (OAU) approach to inappropriate behaviour and conduct in the workplace.

### 2. Scope

This policy applies to:

- OAU board members and directors;
- all OAU employees, including hosted employees employed by OAU but performing work for other parts of the Oxfam Confederation;
- prospective employees and candidates;
- placement students, trainees, interns, secondees and volunteers;
- independent contractors and sub-contractors engaged by OAU, including their employees insofar as they perform work for OAU; and
- visitors,

(collectively referred to as **team members**).

### 3. Applicable laws

Discrimination, bullying, harassment, sexual harassment, victimisation and vilification are unacceptable at OAU and are unlawful under the following legislation:

- *Fair Work Act 2009* (Cth);
- *Sex Discrimination Act 1984* (Cth);
- *Racial Discrimination Act 1975* (Cth);
- *Disability Discrimination Act 1992* (Cth);
- *Age Discrimination Act 2004* (Cth); and
- Unique State and Territory discrimination and / or equal employment opportunity laws (i.e. the *Equal Opportunity Act 2010* (Vic) in Victoria).

### 4. Definitions

Term	Meaning
<b>Bullying</b>	Repeated, unreasonable behaviour directed towards another person that creates a risk to health and safety. It can include, but is not limited to, behaviours which may be considered unreasonable, such as: <ul style="list-style-type: none"><li>• deliberately changing rosters to victimise other persons;</li><li>• verbal abuse;</li><li>• initiation or hazing practices;</li><li>• intimidation;</li></ul>

	<ul style="list-style-type: none"> <li>• humiliation;</li> <li>• undermining and threatening behaviours;</li> <li>• sabotaging someone’s engagement with OAU;</li> <li>• ridiculing someone’s opinion;</li> <li>• assigning meaningless tasks unrelated to the position;</li> <li>• psychological harassment;</li> <li>• excluding or isolating team members;</li> <li>• deliberately withholding information that is vital for effective performance of a team members’ duties; and</li> <li>• repeated behaviour of the above types.</li> </ul> <p>Reasonable management action carried out in a reasonable way (including performance management and disciplinary action in line with applicable legislation) is not bullying.</p>
<b>CE</b>	Chief Executive
<b>Discrimination</b>	Unfair treatment towards an individual based on a personal attribute protected by law. Discrimination can be direct or indirect, and protected attributes are different depending which State or Territory the conduct occurs in.
<b>Direct discrimination</b>	Where a person treats – or proposes to treat – another person or persons with an attribute unfavourably because of that attribute.
<b>Indirect discrimination</b>	Where a person imposes – or proposes to impose – a requirement, condition or practice on another person or persons that has, or is likely to have, the effect of disadvantaging persons with an attribute, and that is not reasonable.
<b>ELG</b>	Executive Leadership Group
<b>Harassment</b>	Unwelcome behaviour or conduct that causes a person to feel offended, humiliated or intimidated, where a reasonable person could have anticipated that reaction in the circumstances.  Harassment may include one off behaviours or conduct, and need not be repeated.
<b>OAU</b>	Oxfam Australia (ACN 055 208 636)
<b>OAU EA</b>	<i>Oxfam Australia and Australian Services Union Enterprise Agreement 2023 – 2026</i>
<b>OAU environment</b>	Any physical or virtual place authorised by OAU for official use or performance of duties in connection with OAU’s activities, including: <ul style="list-style-type: none"> <li>• any offsite locations used in OAU activities;</li> <li>• OAU’s offices; and</li> <li>• Online environments (such as OAU’s website, emails, Teams, social media profiles etc.).</li> </ul>

<p><b>Protected attribute</b></p>	<p>Personal characteristics which it is unlawful to discriminate against under applicable legislation. For example, in Victoria under the <i>Equal Opportunity Act 2010</i> (Vic), these are:</p> <ul style="list-style-type: none"> <li>• age;</li> <li>• breastfeeding;</li> <li>• employment activity;</li> <li>• gender identity;</li> <li>• disability;</li> <li>• industrial activity;</li> <li>• lawful sexual activity;</li> <li>• marital status;</li> <li>• parental status or status as a carer;</li> <li>• physical features;</li> <li>• political belief or activity;</li> <li>• pregnancy;</li> <li>• profession, trade or occupation;</li> <li>• race;</li> <li>• religious belief or activity;</li> <li>• sex;</li> <li>• sex characteristics;</li> <li>• sexual orientation;</li> <li>• an expunged homosexual conviction;</li> <li>• a spent conviction; and / or</li> <li>• personal association (whether as a relative or otherwise) with a person who has any of the above attributes.</li> </ul> <p>These attributes will differ depending on the State or Territory the conduct occurs in.</p>
<p><b>Sexual harassment</b></p>	<p>Unwelcome behaviour or conduct of a sexual nature that causes a person to feel offended, humiliated or intimidated, where a reasonable person could have anticipated that reaction in the circumstances. Examples of sexual harassment may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• staring or leering;</li> <li>• unnecessary familiarity, such as deliberately brushing up against another team member, or unwelcome touching;</li> <li>• suggestive comments or jokes;</li> <li>• insults or taunts of a sexual nature;</li> <li>• intrusive questions or statements about a team member’s private life;</li> </ul>

	<ul style="list-style-type: none"> <li>• displaying posters, magazines or screen savers of a sexual nature;</li> <li>• sending sexually explicit emails or text messages;</li> <li>• inappropriate advances on social networking sites;</li> <li>• accessing sexually explicit internet sites whilst at work;</li> <li>• requests for sex or repeated unwanted requests to go out on dates; and / or</li> <li>• other behaviour that may also be considered to be an offence under applicable criminal laws, such as physical assault, indecent exposure, sexual assault, stalking and / or obscene communications.</li> </ul> <p>Sexual harassment may include one off behaviours or conduct, and need not be repeated. Behaviour that does not constitute sexual harassment however may still be inappropriate in the workplace and breach this Policy and / or other OAU policies.</p>
<b>Victimisation</b>	Where a person subjects or threatens to subject another person to any detriment because the other person – or a person associated with the other person – makes a complaint (i.e. of sexual harassment, harassment, bullying etc.).
<b>Vilification</b>	Behaviour that incites hatred, serious contempt, revulsion or severe ridicule for a person or group of people, because of an attribute.

## 5. Policy statement

OAU recognises that inappropriate behaviour in the workplace – such as discrimination, bullying, harassment, vilification, victimisation and / or sexual harassment – can create physical and psychosocial risks to the health and safety for our team members, and are committed to ensuring that we provide a safe, flexible and respectful environment for employees and clients free from all forms of inappropriate behaviour.

All team members are entitled to:

- work free from incivility, and inappropriate behaviour;
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- reasonable flexibility and genuine consideration of their needs in performance of the duties.

## 6. Roles and responsibilities

The CE and ELG are responsible for:

- ensuring all team members understand and are committed to the principles at law relating to inappropriate behaviour and conduct canvassed in this Policy – and applying it in OAU environments;
- setting the example in their own behaviour;
- ensuring OAU follows through with its commitment to proactively addressing inappropriate behaviour;
- ensuring immediate and appropriate steps are taken to minimise or eliminate unlawful and inappropriate behaviour in OAU environments; and
- ensuring all complaints regarding inappropriate behaviour are treated confidentially (insofar as this is possible), serious and sympathetically.

Managers and supervisors must:

- model appropriate standards of behaviour;
- take steps to educate and make employees aware of their obligations under this policy and the law;
- intervene quickly and appropriately when they become aware of inappropriate behaviour;
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- help employees resolve complaints informally where possible;
- refer formal complaints about breaches of this policy to People & Capability for investigation;
- ensure employees who raise an issue or make a complaint are not victimised;
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made; and
- genuinely consider requests for flexible work arrangements.

All team members must:

- comply with this Policy at all times;
- ensure they do not engage, or aid / abet / encourage others to engage, in unlawful or inappropriate behaviours;
- follow the complaint procedure set out in the OAU EA if they experience any inappropriate behaviour, and ensure such complaints are made in good faith and not for an improper purpose;
- maintain confidentiality if involved in the complaint procedure; and
- treat everyone with dignity, courtesy and respect.

## 7. Merit at OAU

All recruitment and job selection decisions at OAU will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates certain questions, or to in any other way seek information, about their personal characteristics unless this can be shown to be directly relevant to a genuine requirement of the position.

## 8. Resolving issues

OAU strongly encourages any team member who has experienced inappropriate or unlawful behaviour to take appropriate action by first speaking directly with the person or persons involved and requesting they cease the behaviour, or if not appropriate to do so, raise with your manager.

Employees who do not feel safe or confident to take such action may seek assistance from their People & Capability Business Partner or a Contact Officer for advice and support or action on their behalf.

### a) Contact Officers

Oxfam have Contact Officers who have been trained to provide employees with information and support about discrimination, bullying and harassment including options for dealing with these behaviours in the workplace. Details for the Contact Officers can be found on the Intranet at [Workplace Discrimination and Harassment Contact Officers | Compass | Oxfam](#)

## b) Lodging and managing complaints

The complaint procedure is set out in the OAU EA, and team members who wish to lodge a formal complaint should be directed to their Section Director or the Head of People & Capability.

All complaints are taken seriously. If upon receipt of a complaint it is determined that an investigation is required, standard OAU procedure will be followed. All cases are registered with the People & Capability to ensure a fair and transparent process is undertaken. The Head of People & Capability shall determine if an internal or external investigator is appointed. If any allegations are substantiated it may result in disciplinary action, up to and including termination of employment without notice or cessation of engagement.

Anonymous complaints may be made via Whispli. This anonymous option is confidential and is available on the home page of the OAU Intranet and OAU's website.

## c) Employee assistance program (EAP)

OAU employees, volunteers, and their immediate family are entitled to access EAP support confidentially through our chosen EAP provider.

## 9. Breach

Any breach of this Policy by a team member may lead to counselling or further disciplinary action by OAU, up to and including dismissal or cessation of engagement.

## 10. Related documents

This policy is to be read in conjunction with:

- a) Oxfam International Protection from Sexual Exploitation and Abuse Policy;
- b) Oxfam Australia Investigation Procedure;
- c) OAU EA;
- d) Parental Leave Kit;
- e) Recruitment & Selection Policy; and
- f) Country Office Handbooks.

## 11. Review of this Policy

This Policy shall be reviewed by the Policy Owner at least every two years, or more frequently in response to legislative change, if warranted.

PC211 – Anti-Discrimination, Bullying and Harassment Policy			
Supersedes	PC211 – Workplace Discrimination & Harassment Policy	Effective	April 2024
Policy Owner	People & Capability	Next review	April 2026

Pages	7	Approved by	Head of People & Capability
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Version control		
Individual	Date effective	Changes
Grace Cue (P&C)	April 2024	Due to normal review cycle and Accreditation – refresh in line with legislative obligations and definitions, and best practice