

Discrimination, Sexual Harassment and Bullying Policy and Procedure

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Page 1 of 5

Introduction:

The purpose of this policy is to articulate the Royal Australian Chemical Institute's (RACI's) commitment to the elimination of discrimination, sexual harassment, bullying and victimisation.

The RACI regards discrimination, sexual harassment, bullying and victimisation as a serious breach of the Code of Conduct. Office bearers members, volunteers and employees must treat everyone with respect and must aim to act as a beacon for good behaviour in the office and at RACI events, including conferences, functions, meetings and social events, wherever RACI members are involved.

It is the responsibility of all RACI members, volunteers and employees to provide a safe environment free from discrimination, sexual harassment and bullying at all times.

This policy aims to:

- create an environment that is free from discrimination, sexual harassment and bullying and where all members of the RACI community are treated with courtesy, dignity, and respect.
- promote appropriate standards of conduct at all times.
- implement strategies to ensure that all RACI members are aware of their rights and responsibilities in this area.
- encourage the reporting of prohibited behaviour.
- protect against victimisation or reprisals.

Purpose:

The purpose of this document is to outline RACI's position on discrimination, sexual harassment, bullying and victimisation. Separate complaints and grievance procedures, based on the principles of natural justice, have been developed by the RACI to treat all complaints in a serious, sensitive, fair and timely manner.

Definitions:

Bullying:

occurs when people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing. Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. Examples of bullying include, but are not limited to:

- verbal abuse, swearing or name calling.
- exclusion or isolation of a person.
- repeatedly making jokes or remarks about a person.
- Intimidation and stalking.
- threats, coercion.
- spreading misinformation or malicious rumours.
- constant criticism or insults.
- harassing someone based on their race, sex, religion, gender or a disability.

- giving nasty looks, making rude gestures, being rude or impolite, and constant negative teasing
- deliberately withholding information critical for a person's work.
- intentionally and repeatedly hurting someone physically

Bullying does not include reasonable management action carried out in a reasonable manner. These may include:

- reasonable management decisions, discussions, or actions (including performance counselling and managing underperformance).
- setting reasonable work goals and standards.
- reasonable supervision and performance of other genuine work-based responsibilities.
- disciplinary action.
- management instruction, directions and requirements that control the way work is done (for example, allocating work).
- differences of opinion.
- reasonable behaviour that does not break any law.
- legitimate restructuring or re-organising of a business or work.

Complainant:

A person who, individually or in conjunction with others, make(s) a complaint under the RACI's Discrimination, Sexual Harassment and Bullying Policy.

Discrimination:

There are two forms of discrimination:

Direct discrimination occurs when people are treated less favourably because they belong to a particular group or category of people or because of certain personal characteristics. It also includes treating someone unfairly because of a stereotype about the particular group or category of people. The following attributes are protected under anti-discrimination legislation:

- age
- criminal record
- impairment, mental, intellectual, psychiatric and physical disability
- marital status
- medical record
- pregnancy or potential pregnancy and breast feeding
- nationality
- political opinion
- race, colour, nationality, national extraction
- social origin
- religion
- sex
- sexual orientation
- trade union activity

Indirect discrimination exists when there is a requirement (a rule, policy, practice or procedure) that is the same for everyone, but which has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is reasonable in all the circumstances, it is likely to be indirect discrimination.

It is understood that discrimination does not always imply intent or malice but can be a consequence of unconscious biases.

Indirect discrimination is unlawful if the discrimination is based on certain attributes protected by law, such as a person's race, sex, pregnancy, marital or relationship status, breastfeeding, age, disability, sexual orientation, gender identity or intersex status. Some limited exceptions and exemptions apply.

Indirect discrimination is not unlawful when the rule or policy is reasonable, having regard to the circumstances of the case.

Respondent: A RACI member, volunteer or employee against whom a complaint has been made under the RACI's Discrimination, Sexual Harassment and Bullying Policy.

Sexual harassment Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to:

- staring or leering.
- unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching.
- Suggestive, crude and sexual comments, innuendo or jokes and general sexual banter.
- insults or taunts of a sexual nature.
- intrusive questions or statements about a person's private life.
- displaying posters, magazines, internet sites 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 sexual acts.
- unwanted, repeated requests to socialise.
- 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.

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment.

Victimisation Victimisation means subjecting or threatening to subject someone to some form of detriment in the context of this policy. It is against the law to subject a person to detriment or threaten to subject a person to detriment because they have:

- asserted their rights under anti-discrimination law.
- Made, or propose to make a complaint of discrimination or harassment.
- helped someone else make a complaint of discrimination or harassment.
- made an allegation that a person has acted unlawfully under anti-discrimination laws
- provided information or documents to an internal investigation or an external agency
- attended a conciliation conference.
- refused to do something because it would be discrimination, sexual harassment, bullying or victimisation.

Policy

The Royal Australian Chemical Institute will not tolerate discrimination, sexual harassment, bullying or victimisation under any circumstances. Responsibility lies with every employee, volunteer and member to provide an environment free from discrimination, sexual harassment, bullying and victimisation.

This policy applies to conduct that takes place at events, including, but not limited to conferences, functions, meetings and social events, where RACI members, employees or volunteers are involved.

No employee, volunteer or member at any level should subject any other employee, volunteer, member, contractor or visitor to any form of discrimination, sexual harassment, bullying or victimisation.

Procedure

1. The Royal Australian Chemical Institute strongly encourages any person who feels they have been discriminated against, sexually harassed or bullied, or who has witnessed such behaviour, to take immediate action. Where possible, the person should also keep a confidential record in a safe place of times, dates, places and details of any offending behaviour, as well as the names of the person(s) who have allegedly behaved in contravention of this policy and any witnesses.
2. If the person feels comfortable in doing so, the issue can be raised with the person(s) who have allegedly behaved in contravention of this policy directly with a view to resolving the issue by discussion. The employee, volunteer or member should identify the discriminatory, harassing or bullying behaviour, explain that the behaviour is unwelcome and offensive, and ask that the behaviour stops.
3. However, given the seriousness of discrimination, sexual harassment and bullying, the RACI recommends that this discussion happens in consultation with the relevant manager, CEO or another RACI office bearer or member.
4. Alternatively, or in addition, the behaviour may be reported using the RACI complaints form available on the website. Once a report is made the RACI will determine how the report should be dealt with in accordance with its obligations, policies and procedures.
5. Any reports of discrimination, sexual harassment or bullying will be treated seriously and promptly with sensitivity and impartiality. Such reports will be treated as completely confidential but the respondent must be notified under the rules of natural justice. The RACI will protect all those involved in the process from victimisation. Complaints will be investigated in accordance with the RACI's Complaint Resolution procedure.
6. Complainants have the right to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.
7. The respondent also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation in accordance with RACI policies and procedures has been completed.
8. No employee, volunteer or member will be treated unfairly as a result of rejecting unwanted advances and making any complaint or report under this policy.
9. Disciplinary action will be taken against anyone who victimises or retaliates against a person who has complained of discrimination, sexual harassment or bullying, or against any person who has been named as a respondent.

All complainants have the right to seek the assistance of the relevant tribunal to assist them in the resolution of any concerns.

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Flowchart of Discrimination, Sexual Harassment and Bullying process

