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# Grads Social Club Inc. ('Grads')

## Policy regarding discrimination and harassment

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Background	1
2. Aims	1
3. Member rights and responsibilities	2
3.1 Additional responsibilities of officers	2
4. Unacceptable conduct	2
4.1 Discrimination	3
4.2 Bullying	3
4.3 Sexual harassment	4
4.4 Victimisation	5
4.5 Gossip	5
5. Objective assessment of membership candidates	5
6. Resolving issues at Grads	5
7. Other relevant Grads policies	5
8. More information	6
9. Review details	6

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### 1. Background

This paper documents Grads' policies and procedures for equal opportunity, anti-sexual harassment, discrimination, termination etc. It draws on material prepared by the Australian Human Rights Commission.

#### Scope

This policy applies to all Club members, including Committee members.

### 2. Aims

Grads is committed to providing a safe, flexible, and respectful environment for members free from all forms of discrimination, bullying, and sexual harassment.

All Grads members are required to treat others with dignity, courtesy, and respect.

By effectively implementing our *policy regarding discrimination and harassment*, we will make Grads an attractive social environment.

### 3. Member rights and responsibilities

All members and potential members are entitled to:

- selection decisions based on formal criteria and not affected by irrelevant personal characteristics
- be free from discrimination, bullying and sexual harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised

All members must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy, and respect.

#### 3.1 Additional responsibilities of officers

Officers must also:

- model appropriate standards of behaviour
- take steps to educate and make members 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 behavioural standards, making sure relevant parties are heard
- help members resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure members who raise an issue or make a complaint are not victimised
- ensure that new membership decisions are based on merit and that no discriminatory requests for information are made

### 4. Unacceptable conduct

Discrimination, bullying, and sexual harassment are unacceptable at Grads and are unlawful under the following legislation: *Sex Discrimination Act 1984 (Commonwealth)*; *Racial Discrimination Act 1975 (Cth)*; *Disability Discrimination Act 1992 (Cth)*; *Age Discrimination Act 2004 (Cth)*; *Australian Human Rights Commission Act 1986 (Cth)*.

Members found to have engaged in such unacceptable conduct might be counselled, warned, or disciplined. Severe or repeated breaches can lead to formal discipline up to and including membership cancellation.

## 4.1 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race, or disability.

Discrimination can occur:

**Directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

**Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

**Protected personal characteristics under Federal discrimination law include:**

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

## 4.2 Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for training

Bullying is unacceptable in Grads and may also be against occupational health and safety law.

### **4.3 Sexual harassment**

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- 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.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All members have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require Grads officers to respond quickly and appropriately.

Grads recognises that comments and behaviour that do not offend one person can offend another. This policy requires all members and volunteers to respect other people's limits.

#### **4.4 Victimisation**

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Grads has a zero tolerance approach to victimisation.

#### **4.5 Gossip**

It is unacceptable for members at Grads to talk with other members about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing confidential personal information is a serious breach of this policy and may lead to formal discipline.

### **5. Objective assessment of membership candidates**

New membership decisions at Grads will be based on matching the profile of the candidate as measured against the inherent requirements of membership – and ignore personal characteristics irrelevant to membership specifications.

It is unacceptable and may be against the law to ask candidates 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.

### **6. Resolving issues at Grads**

Grads strongly encourages any member who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by [making a complaint to the President.

Members who do not feel safe or confident to take such action may seek assistance from other Committee members for advice and support or action their behalf.

### **7. Other relevant Grads policies**

Members are encouraged to read this policy in conjunction with other relevant Grads policies, including

- Occupational health and safety policy
- Mission, vision and values statements

## **8. More information**

If you have a query about this policy or need more information please contact a member of the Committee.

## **9. Review details**

This policy was adopted by Grads on 3 July 2021