

Discrimination, Harassment and Bullying

1. Purpose and Objective

At the Heart Foundation we are committed to improving the heart and overall health of all Australians.

As part of this commitment, we believe that we need to create workplaces and work practices that protect and promote the physical and psychological health and safety of our honoraries, volunteers and employees. This means being treated and treating others fairly without any form of discrimination, harassment or bullying and with dignity, courtesy and respect.

We do not tolerate any form of discrimination, harassment or bullying and aim to prevent them from occurring by providing a clear and shared understanding of these behaviours and the consequences of engaging in them. However, where they do occur, we have supporting procedures in place to raise and resolve grievances.

2. Scope / Coverage

This Policy applies to all Heart Foundation honoraries, volunteers and employees. It applies in all locations where our people are volunteering and working for the Heart Foundation including our State/Territory offices, home offices and any other remote workplaces.

It also applies whenever our people are representing the Heart Foundation or identifying themselves as an honorary, volunteer or employee of the Heart Foundation such as in the media including social platforms and at external meetings, fundraising and other public events, professional development activities (conferences, course, workshops etc.) and social functions.

3. Relevant Legislation and Related Documents

Applicable Federal and State Human Rights and Equal Opportunity, Anti-Discrimination, Racial and Religious Tolerance, and Occupational Health & Safety Legislation, Regulations and Codes of Practice.

- Code of Conduct

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- Workplace Health and Safety Policy
- Disciplinary Procedures
- Grievance Resolution Procedures

4. Definitions / Abbreviations

Nil

5. Policy

The Heart Foundation is committed to providing a safe, flexible and respectful work environment. One which is free from all forms of discrimination, harassment and bullying thereby encouraging diversity, inclusion and participation in all the opportunities available at the Heart Foundation.

In order to implement this Policy effectively, the Heart Foundation will:

- Ensure its structures, policies, procedures and practices are free from discrimination;
- Provide mandatory training about discrimination, harassment and bullying;
- Offer flexibility in working arrangements, especially where needed to accommodate family responsibilities, disability, religious beliefs or culture;
- Ensure there are procedures for grievances to be raised and resolved;
- Treat any grievance seriously and confidentially; and
- Take appropriate action against anyone who is found to have breached this Policy.

All Heart Foundation honoraries, volunteers and employees are required to treat others with dignity, courtesy and respect and must not engage in any form of discrimination, harassment or bullying.

5.1 *What is discrimination?*

Discrimination is the unfair or unequal treatment of a person on the basis of one or more attributes protected by law.

These attributes include age, breastfeeding, gender identity, impairment or disability, industrial activity or inactivity, irrelevant criminal conviction, lawful sexual activity/orientation, marital status, physical features, political belief or activity, pregnancy or potential pregnancy,

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race, religious belief or activity, sex, status as a parent or carer and personal association with a person who is identified by reference to any of these attributes.

It is also unlawful to treat someone less favourably because you wrongfully assume that they have an attribute or may develop it at some time in the future.

Discrimination can be direct or indirect.

5.1.1 *Direct discrimination*

Direct discrimination is the treatment or proposed treatment of one person or a group of people unfavourably on the basis of a protected attribute which the person may or may not have.

5.1.2 *Indirect discrimination*

Indirect discrimination occurs when a policy or practice appears to be neutral but in effect, has a disproportionate impact on a particular person or group. Indirect discrimination may not be intentional however lack of intent is not necessarily a defence to a discrimination complaint.

5.2 *What is harassment?*

Harassment is a form of discrimination. It is unwanted, unwelcome behaviour which a reasonable person could anticipate would create intimidation, humiliation or offence for another person(s) in those particular circumstances.

This behaviour may include, for example, physical contact, verbal comments, jokes, propositions, the display of offensive material, lewd gestures, ostracism by an individual or group, mockery through ridicule, name-calling or insulting or dismissive gestures, denigrating another person by means of rumour based on hearsay, not providing information critical to a person's ability to do their job and other behaviour that creates an unpleasant work environment.

5.2.1 *Sexual Harassment*

Sexual harassment is a specific and serious form of harassment. It occurs when a person makes an unwelcome sexual advance or unwelcome request for sexual favours to another person or engages in any other unwelcome conduct of a sexual nature in relation to another person.

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It has nothing to do with mutual attraction or private consenting relationships whether sexual or otherwise.

Some examples of sexual harassment include:

- persistent, unwelcome demands or even subtle pressures for sexual favours or outings;
- Leering, patting, pinching, touching or unnecessary familiarity;
- Offensive comments on physical appearance, dress or private life;
- Sending sexually explicit emails, text messages or through social media applications; and
- The public display of pornography (especially when it is directed at particular individuals).

The Heart Foundation recognises that behaviour that offends one person may not offend another. However, this Policy requires all employees and volunteers to respect other people's limits.

Sexual harassment can occur regardless of the intention or the formal authority of the perpetrator. It is the effect of the behaviour and the degree to which this effect could be reasonably anticipated that makes it sexual harassment.

5.3 What is bullying?

Workplace bullying is *repeated*, unreasonable behaviour directed towards an employee or volunteer group of employees or volunteers, that creates risk to health and safety.

The following are some examples of behaviour that could be considered bullying when they are repeated or form a pattern:

- aggressive and intimidating conduct
- abusive, insulting or offensive language or comments
- belittling comments
- victimisation
- spreading malicious rumours
- practical jokes or initiation
- exclusion from work-related events
- withholding information that is vital for effective work performance

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- unreasonable work expectations including for example setting unreasonable timelines, constantly changing timelines, or 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.

Workplace bullying does not include:

- reasonable management action conducted in a reasonable manner, which includes but is not limited to setting reasonable performance goals, transferring an employee for operational reasons, implementing organisational changes or restructuring and taking disciplinary action including suspension or termination of employment
- discrimination or harassment which is not repeated or part of a pattern of behaviour
- differences of opinion and disagreements in the workplace generally which is not repeated, unreasonable behaviour that creates a risk to health and safety.

Bullying can occur regardless of the intention or the formal authority of the perpetrator. It is the unreasonableness of the behaviour and the degree to which it could reasonably anticipated to create physical or mental health risks that makes it bullying.

5.4 If you experience or witness discrimination, harassment or bullying

All discrimination, harassment or bullying should be reported with your manager or the People and Culture team whether experienced or witnessed.

All grievances will be treated seriously and managed in accordance with our Grievance Resolution Procedures which include both informal and formal options.

The Heart Foundation will not tolerate the victimisation of anyone who raises a grievance in good faith or who is a witness in a grievance investigation. Victimisation can include threats, punishment or other negative consequence.

5.5 If you discriminate, harass or bully someone

If you are found to have discriminated, harassed or bullied someone you may be subject to action in accordance with our Disciplinary Procedures which could include mandatory education, counselling, warnings or termination of volunteering or employment.

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6. Roles and Responsibilities

Role: Board	
Responsibility	Frequency
Ensures that the Policy is in place and is reviewed.	Ongoing
Oversee, review and approve this Policy.	Every two years
Role: Risk, Audit and Governance Committee (RAG Committee)	
Responsibility	Frequency
Endorse this Policy.	Every two years
Role: Group CEO	
Responsibility	Frequency
Ensures that the Heart Foundation develops procedures and controls to implement the policy.	Ongoing
Role: Executive Group	
Responsibility	Frequency
Oversee, review and endorses this Policy	Every two years
Role: People Leaders	
Responsibility	Frequency
Ensure staff, volunteers and themselves are aware of and comply with this Policy.	Ongoing
Be role models for the appropriate and expected standards of behaviour.	Ongoing
Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made.	Ongoing
Ensure team members complete training and understand their obligations under this Policy and the law.	Ongoing
Act promptly when they become aware of inappropriate behaviour.	Ongoing
Assist in the informal resolution of issues wherever possible and appropriate.	Ongoing
Refer complaints about breaches of the Policy to People and Culture for investigation.	As required
Ensure anyone who raises an issue or makes a complaint is not victimised for doing so.	Ongoing
Act impartially in resolving issues and end enforcing behavioural standards and ensure relevant parties have an opportunity to be heard.	Ongoing
Document complaints and actions taken to resolve the complaint.	As required

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Role: All Staff	
Responsibility	Frequency
Comply with the policy	Ongoing
Treat others with dignity, courtesy and respect.	Ongoing
Offer support and referral to the victims of any discrimination, harassment, vilification, bullying and victimisation that they witness.	As required
Avoid gossip and respect the confidentiality of the Grievance Resolution Procedures.	As required

7. Review and Document Control

The policy is to be reviewed every two years or as determined by the Board.

Policy Type	Governance Policy	
Function Owner	People and Culture	
Version Number	1.0	
Approved Date	31/08/2020	
Endorsement Dates	Executive Group	RAGC
	13/05/2020	02/06/2020
Scheduled Review Date	31/08/2022	

8. Attachments

Nil.