

1. Purpose

- 1.1 CareFlight recognises that all employees, contractors and volunteers have a right to work in an environment that respects the dignity of individuals, is free from bullying, harassment and discrimination and is committed to eliminating intimidation of any form.

2. Scope

- 2.1 Bullying, harassment and discrimination are in breach of CareFlight's Code of Conduct, Discrimination and Work Health & Safety (WHS) legislation. It is regarded as a serious offence and may result in termination of employment under the Disciplinary Procedure (ref: [HR-004](#))
- 2.2 This Policy applies to:
- Board members
 - all employees including: full-time, part-time or casual, temporary or permanent, student placements, interns, apprentices, contractors, sub-contractors and volunteers
 - off-site or after hours work, work-related social functions and conferences – wherever and whenever employees may be as a result of their CareFlight duties.

3. Definitions

- 3.1 The Fair Work Act (2009) refers to discrimination as the disadvantaging of someone in the workplace based on race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer responsibilities, pregnancy, religion, political opinion, national extraction or social origin.
- 3.2 WHS legislation describes harassment as “*unwanted behaviour that offends, humiliates or intimidates a person, and targets them based on characteristics such as gender, race or ethnicity*”.
- 3.3 Forms of harassment include:
- a) **General Harassment:** May involve action, behaviour, comment or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated or patronised and it can create an intimidating work environment.
- b) **Sexual Harassment:** Uninvited, unreciprocated and unwelcomed behaviour of a sexual nature which is offensive to the recipient and causes that person to feel threatened, humiliated or embarrassed. Examples include:
- requests for sexual favours (including implied or overt promises of preferential treatment or threats concerning employment status)
 - offensive gestures or comments
 - sexually-orientated jibes, innuendo or jokes
 - unwanted physical contact
 - displaying of sexually offensive visual material such as calendars, photographs, books or videos.

Sexual harassment may be experienced by men or women and applies equally regardless of grade or level of job and may also occur when dealing with external clients and / or members of the public.

- c) **Racial or Sectarian Harassment:** Actual or threatened physical abuse, offensive jokes, verbal abuse, language, graffiti or literature of a racist or sectarian nature or offensive remarks about a person's skin colour, physical characteristics or religion. It may include repeated exclusion of a person from an ethnic or religious minority from conversations, patronising remarks, unfair / inadequate allocation of work or

pressure about the speed and / or quality of their work that is inconsistent with the treatment of other employees.

- 3.4 Bullying is repeated, intentional behaviour towards an individual or a group of people to cause distress and risk to their well-being. Bullying is often linked to the areas of harassment described above.

The following are examples of bullying:

- Excluding someone from a group (online or offline)
- Acting in an unpleasant way near or towards someone
- Giving nasty looks, making rude gestures, calling names, being rude and impolite and constant negative teasing
- Spreading rumours or lies, or misrepresenting someone
- Mucking about that goes too far (eg hazing, initiations)
- Harassing someone based on the forms of discrimination outlined above
- Intentionally and repeatedly hurting someone physically
- Intentionally stalking someone.

- 3.5 Bullying is not the same as conflict between people, such as having a fight or a personality clash.

- 3.6 Bullying may be overt (face to face) or covert (more subtle, out of sight).

4. Responsibilities

- 4.1 It is the responsibility of all employees to:

- a) Follow the standards of behaviour outlined in this policy.
- b) Be aware of and understand the reporting procedures if they feel they are the subject of bullying, harassment or discrimination.
- c) Offer support or know where to refer other employees who experience bullying, harassment or discrimination and wish to make a complaint.
- d) Bring to the immediate attention of their manager If they become aware of any bullying, harassing or discriminatory behavior.
- e) Know the legal and disciplinary consequences associated with harassment and bullying.

- 4.2 In addition all managers have the following responsibilities:

- a) Fully understand the rationale and legal implications of this policy so you can effectively deal with questions and queries from your staff.
- b) Be a good role model by making it clear that you will not tolerate any form of bullying, harassment or discrimination.
- c) Ensure your team fully understand the policy.
- d) Mitigate the risk of discrimination, harassment / bullying and take immediate action should it be identified, whether or not a complaint has been made.
- e) Deal with allegations of such behaviour received informally or formally, promptly, confidentially and sensitively, ensuring all parties involved are treated with care and respect and afforded procedural fairness.
- f) Recognise when it is not appropriate for you to be involved in the complaint handling process. For example, if the complainant is male and wishes to speak to a male, but the manager is female, or, if the complaint relates to the conduct of the line manager. The procedure in Section 5 sets out the alternatives for such instances.

5. Procedure

- 5.1 An employee who feels they are the subject of discrimination, harassment or bullying may attempt to resolve the matter informally in the first instance. In some cases it may be possible and sufficient for the individual to clearly explain to the offender that their behaviour is unwelcome, offensive or makes them uncomfortable.
- a) If, at the initial informal discussion stage the circumstances are too difficult to raise with the harasser alone, the complainant may wish to be accompanied by a friend or colleague.
 - b) There is no requirement of employees to take informal action themselves, particularly if they are not comfortable in doing so, for whatever reason.
 - c) The complainant should keep a record of any incidents, detailing when, where, what occurred, and witnesses (if any).
- 5.2 Where the steps outlined in 5.1 above are unsuccessful or inappropriate, the complainant should raise the matter informally and in confidence with his/her manager. Alternatively, the matter may be raised with the Head of Human Resources or a senior manager (if felt necessary this could be of the same sex as the complainant).
- 5.3 If the complaint relates to the conduct of the complainant's manager, the complainant may choose to discuss the matter with their manager's line manager or a Human Resources representative.
- 5.4 The Manager or Human Resources representative will discuss the matter with the complainant and agree a course of action. The complainant may be accompanied by a representative or work colleague at these meetings.
- 5.5 The alleged offender will have the right to respond and may also be accompanied by a representative or colleague.
- 5.6 The complainant will be assured they will not be discriminated against or victimised for raising the complaint. Confidentiality will be observed throughout and the need for any disclosure of the details of the case will be deliberated and agreed.
- 5.7 During any stage of the process, the complainant, the manager dealing with the complaint or the accused may feel they need the help of an independent person before determining the best course of action. This person's role will be to provide confidential advice and assistance, including:
- advising on the nature of harassment; and
 - offering guidance on resolving the issue, including acting as an independent broker.

These individuals will generally be employees of CareFlight; however CareFlight may also retain an external resource who may be more appropriate for the individual requiring assistance. The name and method of contact for these individuals will be supplied confidentially from the Head of Human Resources.

- 5.8 If the situation cannot be resolved informally then the complainant has the right to pursue his or her complaint formally via CareFlight's Grievance Procedure (ref: [HR-005](#)).
- 5.9 Where management consider there may be evidence of the alleged behaviour, they may consider it appropriate to undertake a full investigation of the circumstances. In this case a manager not connected with the department involved, or an individual external to CareFlight will be appointed to undertake this investigation.
- 5.10 Confidentiality will be maintained throughout the investigation process; and both the complainant and alleged offender will have the opportunity to have their say. The investigator will also interview and take statements from any appropriate witnesses to the alleged harassment.

- 5.11 Where there is evidence to support bullying, harassment or discrimination has occurred, prompt and corrective action will be taken, including disciplinary action, where appropriate. In serious cases, where gross & wilful misconduct has been identified, the consequence may summary dismissal.

6. Communication

- 6.1 All staff will be informed of the Bullying, Harassment & Discrimination Policy and Procedure. They must be re-assured regarding:
- fear that others will consider the behaviour trivial and not take complaints of harassment seriously;
 - fear that no action will be taken against a person guilty of bullying, harassment or discrimination; and
 - fear of retaliation or victimisation in registering a complaint either informally or formally through the Grievance Procedure (ref: [HR-005](#)).

- 6.2 Where there is evidence that harassment has occurred, prompt and corrective action will be taken, including disciplinary action where appropriate. Harassment is a serious offence which may result in summary dismissal.

7. Training

- 7.1 Where there is evidence that the alleged behaviour has occurred, prompt and corrective action will be taken, including any required education / training of the offender.

8. Employee Assistant Program

All CareFlight employees are entitled to access the Employee Assistance Program relevant to them for free, confidential counselling.

CareFlight employees and their immediate family members can contact:

AccessEAP on 1800 818 728. Information and resources are also available at www.accesseap.com.au

9. When a Breach of this Policy Occurs

Disciplinary Procedures

- a) As outlined in this policy if bullying, harassment or discrimination has occurred, appropriate action will be taken against to ensure the behaviour stops. In particular, staff found to be involved in any of the banned behaviours may be dismissed under CareFlight's Disciplinary Policy and Procedure.
- b) CareFlight will not tolerate staff being victimised, harassed and bullied in any way for making a complaint. Anyone who victimises anyone else will be disciplined and, depending on the situation, may even be dismissed.
- c) Complaints should be settled within the workplace wherever possible. However, where staff feel their complaints have not been handled properly, they have a right to approach an external authority such as the Anti-Discrimination Board.
- d) If it is found that someone made a mischievous or untrue harassment or bullying complaint, they will be disciplined in an appropriate manner, in line with CareFlight's disciplinary procedures. If the false allegations were serious enough, this may also result in dismissal.

10. Related and Supporting Documents

- Code of Conduct (ref: [HR-609](#))
- Grievance Procedure (ref: [HR-005](#))
- Disciplinary Procedure (ref: [HR-004](#))
- Employee Assist Program (ref: [HR-006](#)) Anti-Discrimination Act 1997 (NSW)
- iSex Discrimination Act 1984 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)

- Racial Discrimination Act 1984 (Commonwealth)
- Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
- NSW Disability Services Act 1993
- Fair Work Act 2009
- Work Health and Safety Act 2011
- Workers Compensation Act 1987
- Occupational Health and Safety Act 2000
- Industrial Relations Act 1996 (NSW)
- Workplace Relations Act 1996 (Commonwealth)

11. Sign-off

I have read and understood the Bullying, Harassment and Discrimination policy.

Employee Name:
Employee Signature:
Date:

12. Document Change History

Version	Date	Summary of Changes
01	26/08/2014	Initial publication of document, created by HR, ratified by the Board.
02	01/12/2014	Added Section 10, Sign-off
03	28/2/2019	<ul style="list-style-type: none"> • Change made to: <ul style="list-style-type: none"> ○ Scope ○ Managers' and Employees' rights • Addition of Employee Assistance Program details • Addition of Breach of Policy clause • Additions to Related and Supporting Documents
04	12/03/2020	Update to EAP information.

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