

Scope

This policy applies to all 50-50 Foundation's (**the Foundation's**) team members, including employees, contractors and volunteers. It applies to all communications with and conduct toward every person that team members come into contact with during the course of their activities with the Foundation, including (but not limited to):

- how team members interact with the Foundation's other team members, corporate and charity partners and members of the public;
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; working arrangements; and equipment; and
- not only during normal working hours, but in any work-related context including fundraising events, work-related social events, conferences and via mobile phones, email and other electronic communication (including social media).

Aims

We are committed to providing a safe, flexible and respectful environment for team members, customers and members of the public free from all forms of unlawful discrimination, bullying, harassment (including sexual harassment), and victimisation.

Team member rights and responsibilities

All team members are entitled to expect:

- to work in a workplace that is committed to their physical and mental wellbeing, free from discrimination, bullying and harassment;
- that a genuine complaint relating to any of these issues will be handled with appropriate pace and sensitively, in a reasonable, respectful and impartial manner with appropriate confidentiality;
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture; and
- that recruitment and selection decisions will be based on merit (that is, the candidate's skills and abilities as measured against the relevant position's inherent requirements) and will not be affected by irrelevant personal characteristics.

All team members are responsible for ensuring that they:

- comply with this policy during the course of their work (including volunteer work) with the Foundation;
- treat everybody that they come into contact with in connection with their activities with the Foundation in a professional, fair and respectful manner; and
- offer support to anyone who feels they have been exposed to inappropriate workplace behaviour and encourage them to seek help.

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What is inappropriate workplace behaviour?

Various examples of inappropriate workplace behaviour are given below and include unlawful discrimination, bullying, harassment (including sexual harassment) and victimisation.

Breaches of this policy will be taken seriously, and any team member found to have engaged in such conduct will likely be disciplined, which could mean counselling, a warning or other actions up to and including termination.

Discrimination

What is unlawful discrimination? Unlawful discrimination is treating, or proposing to treat, someone less favourably than another on grounds such as sex, age, race, disability or impairment, physical features, political beliefs, industrial activity, gender identity, marital or relationship status, sexual orientation, intersex status, gender expression, pregnancy (actual or potential), breastfeeding, family responsibilities or parental or carer status. It is also against the law to treat someone unfavourably because it is assumed that a person has a personal characteristic such as those mentioned above, or may have it at some time, or because a person is personally associated with (e.g. related to) a person identified by reference to such a characteristic. Unlawful discrimination can occur directly and indirectly.

What is equal opportunity at work? The Foundation is an equal opportunity employer. This means we aim for all decisions in relation to any aspect of the workplace (such as recruitment, promotion, training or employment conditions) to be based on merit or a person's competence or experience, rather than on an irrelevant consideration prohibited by legislation.

What do 'direct' and 'indirect' discrimination mean? Unlawful discrimination can occur:

Directly, when a person or group is treated or is proposed to be treated less favourably because of an irrelevant consideration such as those mentioned above.

For example, a worker is harassed and humiliated because of their race, or a worker is refused promotion because they are 'too old'.

Indirectly, where a requirement, policy or practice, which on its face appears to be non-discriminatory, operates so as to disadvantage one person or a group of people (because of an irrelevant consideration) when compared to another, and the requirement, policy or practice is not reasonable.

For example, a decision to promote one person because they can work full-time, may, if the requirement to work full-time is not reasonable, be indirectly discriminatory to applicants with family or caring responsibilities.

Workplace bullying

Workplace bullying is repeated, unreasonable behaviour directed towards another person, that has the effect of humiliating, intimidating, offending, degrading, insulting, undermining or threatening the person.

What is considered 'unreasonable behaviour'? Under this policy, 'unreasonable behaviour' refers to behaviour that a reasonable person, having regard to all the circumstances, would expect to humiliate, intimidate, offend, degrade, insult, undermine or threaten a person. This behaviour may occur in private, in front of team members, customers or members of the public, or by other means such as via social media. It may include physical and/or psychological behaviour.

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What if it's not 'repeated'? While one-off instances of unreasonable behaviour are not likely to be bullying under this policy (because they are not repeated), isolated instances are still not condoned, may still be a health and safety issue and are to be avoided.

What are some examples of 'unreasonable behaviour'? Unreasonable behaviour can take many forms, and may include, without limitation:

- acting in an aggressive or frightening manner;
- baiting or teasing;
- publicly belittling someone or their opinions;
- dismissing someone's contribution without reason;
- using unwelcome nicknames;
- sending abusive or demeaning emails, pictures or text messages;
- deliberately isolating, excluding or ignoring someone; and
- unfair work practices, such as withholding information or equipment necessary for effective work performance, unreasonable refusal of requests for leave, training or other workplace benefits.

What is not workplace bullying? The Foundation's proper, reasonable workplace processes do not constitute bullying. For example, performance management and disciplinary action, when managed in a reasonable and non-threatening manner, is not bullying.

Workplace bullying is unacceptable and may also be a breach of workplace health and safety laws.

Harassment

What is harassment? Harassment is any form of behaviour which: is unwelcome; causes a hostile or uncomfortable workplace by causing offence to, or humiliation or intimidation of, another person; and a reasonable person would have anticipated that the person would feel that way.

What are some examples of harassment? Harassment may include: distributing offensive material, such as racist or homophobic emails or text messages; making belittling comments about a person's gender, sexual orientation, race or religion; bullying; and intimidation. Harassment also includes sexual harassment.

When might harassment occur? Harassment is not confined to the physical workplace, or within work hours. It may also take place at work-related events, or from one team member to another outside work premises or work hours. It is also important to remember comments and behaviour that don't offend one person (or that you think may not be offensive) can offend another person.

What is sexual harassment? Sexual harassment is any form of sexually-related behaviour which: is unwanted, uninvited or unwelcome; makes a person feel offended, humiliated or intimidated; and a reasonable person would have anticipated that the person would feel that way. Sexual harassment can be physical, spoken or written. It can be in person or online, and can include:

- repeated comments or questions about a person's private life or the way they look;
- sexually suggestive behaviour, such as leering or staring;
- uninvited touching, which might include brushing up against someone, fondling or hugging;

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- sexually suggestive comments or jokes, or insults or taunts of a sexual nature;
- repeated requests to go out after prior refusal, or requests for sex (including via social media); and
- sharing sexually based material or making inappropriate advances via email, text message, or social media.

What else do I need to understand about sexual harassment?

- This type of behaviour may also be an offence under criminal law.
- Just because someone doesn't object to inappropriate behaviour at the time, it doesn't mean they are consenting to the behaviour.
- Sexual harassment includes conduct that happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.
- Sexual harassment is not confined to the physical workplace, or within work hours.
- A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.
- Sexual harassment is not sexual attraction or friendship which is invited, mutual, consensual and reciprocated.

Victimisation

Victimisation is treating a person less favourably or unfairly because they have made a complaint (or are suspected of making one), sought advice or made an enquiry, are witness to a complaint, or are involved in making or investigating a complaint.

The Foundation does not tolerate victimisation and any incidents of victimisation will be regarded extremely seriously.

Reporting issues

The Foundation strongly encourages any team member who believes they have been discriminated against, bullied, harassed or victimised to raise their concerns through an initial discussion with their supervisor. Team members who do not feel safe or confident to take such action may contact any of the Foundation's Board members for support or action. The Board are identified on our website www.5050foundation.net.au and can be contacted as follows:

Email: info@5050foundation.net.au

Post: 50-50 Foundation
GPO Box 1066
Brisbane QLD 4001

Consequences of breach

It is every team member's responsibility to understand and comply with this Policy. Non-compliance is a serious matter and will likely result in disciplinary action which could include termination of employment or engagement at the Foundation. The Foundation aims to promptly address good faith complaints made under this policy. We may take disciplinary action (including termination) in response to unfounded complaints that have been raised vexatiously or in bad faith.

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Relevant laws and external pathways

Complaints about inappropriate workplace behaviour can also be made externally. Bodies that receive complaints of inappropriate workplace behaviour include:

- **Victorian** Equal Opportunity and Human Rights Commission | 1300 292 153
<https://makeacomplaint.humanrights.vic.gov.au/>
- Anti-Discrimination Commission **Queensland** | 1300 130 670
<http://www.adcq.qld.gov.au/complaints>
- Anti-Discrimination Board of **New South Wales** | 02 9268 5500
www.antidiscrimination.justice.nsw.gov.au
- **ACT** Human Rights Commission | 02 6205 2222
<http://hrc.act.gov.au/>
- **South Australian** Equal Opportunity Commission | 1800 188 163
<https://eoc.sa.gov.au/what-discrimination/making-complaint>
- Australian Human Rights Commission | 1300 656 419
www.humanrights.gov.au
- Fair Work Commission | 1300 799 675
www.fwc.gov.au

Relevant Laws include:

- Human Rights and Equal Opportunity Commission Act 1986 (Cth), Disability Discrimination Act 1992 (Cth), Racial Discrimination Act 175 (Cth), Age Discrimination Act 2004 (Cth), Sex Discrimination Act 1984 (Cth), Fair Work Act 2009 (Cth)
- Anti-Discrimination Act 1991 (QLD), Anti-Discrimination Act 1977 (NSW), Equal Opportunity Act 2010 (Vic), Equal Opportunity Act 1984 (WA), Equal Opportunity Act 1984 (SA), Discrimination Act 1991 (ACT), Anti-Discrimination Act 1998 (Tas), Anti-Discrimination Act 1996 (NT)

More information

If you have a query about this policy or need more information, please contact the Foundation, at info@5050foundation.net.au.

Review details

This policy was adopted by the Foundation on 1 January 2020.

This policy was last updated on 19 May 2021.

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