

Harassment, Discrimination & Bullying Policy

Summary

Overview

At LaunchVic we believe everyone should be able to come to work each day without fear of being harassed, discriminated against, or bullied – or victimised for identifying this type of behaviour, or being involved in a complaint about harassment, discrimination or bullying.

That's why we've put in place this policy to clearly explain what behaviour constitutes harassment, discrimination, bullying and victimisation. The policy also outlines the serious potential consequences for those who harass, discriminate against, bully or victimise their fellow workers, clients or suppliers.

Audience and Application

This policy applies to all People working with LaunchVic or its Controlled Entities, including Directors and Committee Members, and all people engaging with LaunchVic.

Policy Principles

We believe everyone has a right to feel safe and respected at work and as such:

- Harassment, discrimination, bullying and victimisation is unacceptable and is not tolerated at LaunchVic.
- Everyone has the responsibility, and the ability, to prevent harassment, discrimination and bullying at work – if you see harassment, discrimination or bullying, you have an obligation to report it.
- Everyone has a "positive duty" to eliminate harassment in the workplace and those who aid or permit someone to harass another person will also be held liable.
- We aim to address all complaints promptly and all complaints will be addressed fairly.
- Managers have an additional obligation to ensure that their workplace is free from harassment, discrimination, bullying and victimisation.

What are harassment, discrimination, bullying and victimisation?

Harassment, discrimination, bullying and victimisation are defined in **Attachment 1**.

What if I don't mean to be offensive?

While you may believe that your comments or conduct are 'just a joke' or acceptable, you must always be mindful that another person may nevertheless be offended.

Whether or not you intend to offend another Person in LaunchVic is not relevant in determining whether you engaged in harassment, discrimination or bullying. Your conduct may be in breach of this policy, even if you did not intend to harm or offend another person.

When does this policy apply?

We expect everyone involved with LaunchVic to be respected and safe wherever they are and to refrain from harassment, discrimination and bullying at all times. Therefore, this Policy covers behaviour that happens during work activity, work related social activity, or any activity (including social media, texting and emails) that has a connection with your employment or engagement with LaunchVic.

How do I report harassment, discrimination or bullying?

No level of harassment, discrimination or bullying is acceptable at LaunchVic. You are required to report this type of behaviour whenever you see it.

There are a few different ways you can make a complaint, so choose the one you feel most comfortable with:

- Raise it directly with the employee involved, if appropriate and if you are comfortable doing so.
- Speak to, write to, or email your manager.
- Speak to, write to, or email the CEO or the Company Secretary.
- If the complaint relates to the CEO or a Director; speak to, write to, or email the Chair of the Board.
- If the complaint relates to the Chair of the Board; speak to, write to, or email the Chair of Board's Audit, Finance and Risk Committee.

LaunchVic will keep any complaints of harassment, discrimination or bullying confidential and will only disclose matters where necessary as part of the investigation or resolution process. You are also required to maintain confidentiality in relation to any complaint that involves you, or of which you become aware.

Malicious, frivolous or vexatious complaints

Harassment, discrimination, bullying and victimisation are serious matters and treated as such by LaunchVic. However, LaunchVic will not tolerate malicious, frivolous or vexatious complaints. The making of a complaint of harassment, discrimination, or bullying without a reasonable basis for doing so may amount to misconduct leading to disciplinary action.

Breaches of the Policy

Any behaviour that breaches this Policy will be managed through the applicable investigation and disciplinary processes. A proven breach may result in disciplinary action, up to and including termination of employment.

Where a breach of this policy by a contractor or a grant recipient is proven, the contract between the contractor or the grant recipient and LaunchVic may be terminated.

Attachment 1

Definitions of Harassment, Discrimination, Bullying and Victimisation

What is harassment?

Harassment includes any physical, verbal or non-verbal behaviour that meets the following Three Part test.

1. It's directed at (or related to) a person's sex, race, disability, age (or any other characteristic listed in the 'What are the 'protected grounds'?' section below);
2. the behaviour is unwanted by the recipient; and
3. a reasonable person would consider it offensive, insulting, humiliating, intimidating or embarrassing.

It is important to note that a one-off incident can be harassment.

Harassment includes:

- Intrusive or inappropriate questioning
- Derogatory name-calling
- Offensive remarks or jokes, or making fun of someone's personal circumstances or appearance.

For example, referring to someone's skin colour, making reference to their cultural heritage (and stereotypes associated with that cultural heritage), making fun of someone's disability, or asking intrusive questions about someone's sexual preference may amount to harassment.

The definition above applies broadly to all harassment. For clarity, we've further defined one specific type of harassment – sexual harassment – below.

What is sexual harassment?

Sexual harassment includes any physical, verbal or non-verbal behaviour of a sexual nature which is unwelcome. It can be something that is said, done, sent, displayed, or written. If a reasonable person would anticipate that the behaviour would lead to the recipient being offended, humiliated or intimidated, then it is considered sexual harassment.

Sexual harassment may include for example:

- Unwelcome physical contact.
- Sexual or sexist jokes.
- Sexual innuendo or propositioning.
- Sexual assault.
- Displays of sexually explicit material (including via email, mobile phone or social media).
- Giving inappropriate gifts.
- Repeatedly asking someone on a date, when they have indicated that they are not interested.

What is discrimination?

Discrimination is treating a person, or group of people, unfairly or less favourably than others because of their sex, race, disability or age (or any other characteristic listed in the 'What are the 'protected grounds?' section below), rather than according to their individual skills, abilities and talents.

Discrimination can also occur when there's a requirement or a condition that unreasonably disadvantages a person, or group of people, on the basis of their sex, race, disability or age (or any other of the characteristics listed in the 'What are the 'protected grounds?' section below).

Discrimination may include for example:

- Overlooking an employee for promotion because they are over 50 years of age or due to go on parental leave.
- Organising team meetings for times that exclude employees with caring responsibilities.
- Refusing to work with any employee whose first language is not English.

What are the 'protected grounds'?

It is in breach of this policy and it may also be unlawful to harass or discriminate against someone due to their:

- Race.
- Colour.
- Age.
- Disability.
- Physical features.
- Religion.
- Ethnic or social origin or national extraction.
- Sex.
- Sexual orientation.
- Gender.
- Gender identity.
- Sexuality.
- Intersex status.
- Lawful sexual activity.
- Status as a parent or carer.
- Parental or carer responsibilities.
- Marital or relationship status.
- Pregnancy.
- Breast-feeding.
- Political belief or activity.
- Union or employer association status or activity.
- Trade or profession.
- Irrelevant medical record.
- Irrelevant criminal record.

It's also in breach of this policy and it may also be unlawful to discriminate against someone because of their association with another person who possesses any of the above characteristics.

What is bullying?

Bullying includes any behaviour that meets the following AB test.

- A. It's **repeated**, unreasonable behaviour directed towards a person, or a group of people, that puts their health and safety at risk; and
- B. A reasonable person would see the behaviour as victimising, humiliating, intimidating or threatening.

Bullying can include, but isn't limited to:

- Abusive, insulting or offensive language.
- Vilification – i.e. behaviour that incites hatred against, serious contempt for, or revulsion or severe ridicule of a person (or group of people) on the basis of things such as race, religion or sexuality.
- Unjustified criticism or complaints.
- Deliberately excluding someone from workplace activities.
- Setting unreasonable or inappropriate deadlines or work tasks.
- Spreading misinformation or rumours.
- Yelling criticism.
- Practical jokes.
- Comments on social media, in particular when accessed at work.

Bullying generally doesn't include:

- Reasonable and proper performance management.
- Legitimate disciplinary action.
- Reasonable supervisory practices.
- Allocating work in accordance with terms or conditions of employment and LaunchVic's practices
- Reasonable directions by management

What is victimisation?

Victimisation is treating a person unfairly, or subjecting them to any disadvantage, because they've complained, could complain, or have been involved in a complaint about harassment, sexual harassment, discrimination or bullying.