

Policy Name	Respect (Bullying, Discrimination & Harassment Prevention) Policy		
Approver	Board	Owner	Chief People & Culture Officer
		Lead	Head of Workplace Experience & Compliance
Version	Date of Approval	Summary of changes made	Next review due
1.0	25 August 2023	New policy consolidating bullying, discrimination, harassment and aggression prevention from other policies into one	2025

1 Purpose

- (a) Australian Red Cross is committed to maintaining positive relationships in a safe, inclusive, and respectful environment that is free from unacceptable behaviour and aligns with our Fundamental Principles, Code of Conduct, values, legal obligations, and the principles of equal opportunity.
- (b) This policy sets out:
 - (i) The standards of behaviour required of all Australian Red Cross People and Suppliers.
 - (ii) What constitutes unlawful Discrimination, Harassment, Sexual Harassment, Bullying and Victimisation, which are not tolerated by Australian Red Cross.
 - (iii) The responsibilities of all Australian Red Cross People in respect of inappropriate behaviour.

2 Scope and Audience

This policy applies to all Australian Red Cross People and Suppliers:

- (a) When working or volunteering on behalf of Australian Red Cross, including when not at Australian Red Cross' sites.
- (b) At all times while engaging in business for or on behalf of Australian Red Cross, including conferences and social activities.
- (c) Where the conduct may impact on Australian Red Cross or any Australian Red Cross People.
- (d) Does not apply to Lifeblood.

3 Policy

3.1 Responsibilities

Australian Red Cross People and Suppliers must:

- (a) Treat all stakeholders (including other Australian Red Cross People, customers, clients, and community members) with dignity and respect.
- (b) Never engage in or encourage aggression, unlawful Discrimination, Harassment, Sexual Harassment, Bullying or Victimisation (which are described below and can be unlawful).

Note: It is important to remember that conduct can still be Bullying, unlawful Discrimination, Harassment, Sexual Harassment or Victimisation even where there was no intention to behave inappropriately, treat someone less favourably or cause offence, humiliation, or intimidation. It is therefore important to always be aware of your behaviour, how it can be perceived and its potential impacts. What may be considered acceptable behaviour to one person may not necessarily be acceptable to another and can still be a breach of this policy or even unlawful.

- (c) Follow all reasonable and lawful directions and comply with all applicable laws.
- (d) Comply with all work health and safety requirements, including by ensuring your own behaviour does not adversely impact the health and safety of others.
- (e) Engage in training as required on appropriate conduct at Australian Red Cross.
- (f) Participate fully in any investigation, grievance or disciplinary process concerning inappropriate behaviour at Australian Red Cross.

3.2 Supervisors' and managers responsibility

Supervisors and managers of Australian Red Cross People must:

- (a) Take early and prompt action when becoming aware of behaviour that may breach this policy.
- (b) Ensure all employment and volunteer work opportunity decisions are made fairly and not influenced by any irrelevant or unlawful considerations or biases.

- (c) Seek advice from their People & Culture Business Partner if unsure whether any behaviour breaches this policy or how to deal with behaviour that does.

3.3 Raising inappropriate behaviour

If you experience or witness any inappropriate behaviours (including aggression, Bullying, unlawful Discrimination, Harassment, Sexual Harassment, or Victimisation), you should:

- (a) (If you feel safe and able to do so) speak with the alleged offender to object to the behaviour or defuse the situation.
- (b) Keep a record of what happened, when, where and the names of persons involved, including witnesses.
- (c) Report the matter to your manager, People & Culture, or (for members) the Divisional Advisory Board.

Note: *Grievances regarding inappropriate behaviour at Australian Red Cross are managed under the Grievance Policy.*

3.4 Confidentiality

- (a) Allegations of inappropriate or unlawful behaviour can potentially harm a person's reputation, even where a complaint is ultimately unsubstantiated.
- (b) To ensure procedural fairness, Australian Red Cross People must keep any discussions, information, and records related to complaints and investigations confidential with their supervisor, manager, People & Culture, and (for members) the Divisional Advisory Board (unless directed otherwise).

3.5 Breaches of this policy

- (a) Any breaches of this policy may lead to disciplinary action. Depending on the severity of the breach, such disciplinary action against:
 - (i) Australian Red Cross People may include reprimand, formal warning, demotion, stand down, suspension, or termination of employment or engagement.
 - (ii) Suppliers, partners, or other parties may include suspension, or termination of any agreement.
- (b) Breaches of applicable laws or regulations may also result in legal action taken against the offender or Red Cross.

3.6 What is Discrimination?

Discrimination:

- (a) Occurs when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. This is known as **direct discrimination**.
- (b) Occurs when an unreasonable rule or policy is applied to everyone but has the effect of disadvantaging some people because of a personal characteristic they share. This is known as **indirect discrimination**.
- (c) Can be unlawful under different Federal, State and Territory laws (unless an exception applies) where the discrimination is because of attributes such as:
 - (i) Sex.
 - (ii) Age.
 - (iii) Race, including colour, national or ethnic origin or immigrant status.
 - (iv) Disability, including physical, psychiatric, or intellectual.
 - (v) Religious belief or activity.
 - (vi) Sexual orientation or lawful sexual activity.
 - (vii) Gender identity, history, or expression.
 - (viii) Transgender, transsexual, or intersex status.
 - (ix) Relationship status or carer responsibilities.
 - (x) Pregnancy, potential pregnancy and/or breast feeding.
 - (xi) Illness, injury, or other medical records.
 - (xii) Irrelevant criminal record.
 - (xiii) Political belief, opinion, or activity.
 - (xiv) Industrial activity or membership of an industrial association.
 - (xv) Physical features.
 - (xvi) Employment activity e.g., exercising a workplace right.

(xvii) Personal association with a person identified by reference to any of these attributes.

Examples of unlawful Discrimination:

- *Cutting a casual employee's hours because they announced they are pregnant.*
- *A policy requiring all Australian Red Cross People to hold a valid driver's licence (which could indirectly discriminate against people with certain disabilities if driving is not required in their role).*

Examples of conduct that is not unlawful Discrimination:

- *Prohibiting Australian Red Cross People from inciting racial hatred, even if someone claims to have a religious reason for engaging in such behaviour.*
- *Taking disciplinary action against a Red Cross Person for making a political comment on behalf of Australian Red Cross, or for failing to declare or manage a conflict of interest, even where that conflict is a result of their political activity.*
- *Not employing a candidate in a role that requires a 'Working with Childrens Check' after the candidate failed the check.*

3.7 What is Harassment?

Harassment:

- (a) Is unwelcome and unsolicited behaviour that offends, humiliates, or intimidates another person.
- (b) Includes behaviour that creates a hostile working environment.
- (c) Can be unlawful if it is based on one of the protected grounds listed above in section 3.6 (such as sex, gender identity, age, marital status, sexual orientation, or race).

Examples of Harassment:

- *Persistent and unjustified criticism.*
- *Derogatory comments about another person's racial background, religion, age, disability, or sexual orientation.*
- *Telling insulting jokes about particular racial groups.*
- *Displaying inappropriate materials designed to humiliate or intimidate colleagues based on (for example) race, orientation, or gender identity.*

3.8 What is Sexual Harassment?

- (a) **Sexual Harassment** is conduct that meets all the following criteria:

- (i) It is unwelcome.

Note: Behaviour that is consensual, reciprocated, invited, or based on mutual attraction would not be considered Sexual Harassment, as it is not unwelcome. However, you cannot assume conduct was 'welcome' just because someone did not object to it at the time.

- (ii) It is of a sexual nature.
 - (iii) A reasonable person would have anticipated that the person harassed would feel offended, humiliated, or intimidated.

- (b) Sexual Harassment is unlawful, takes many forms, and can:

- (i) Be a one-off incident or a pattern of behaviour.
 - (ii) Involve physical or non-physical behaviour.
 - (iii) Occur digitally, such as through email, text messages and social media.
 - (iv) Include a work environment or culture that is sexually charged or hostile, even where the behaviour in question is not directed at anyone in particular.

Examples of Sexual Harassment:

- *Physical contact, such as inappropriate touching, pinching, grabbing, hugging, kissing, or deliberately brushing against someone.*
- *Unwelcome or suggestive questions, comments or jokes about someone's sex life, appearance, or dress.*
- *Persistent romantic or sexual advances that are repeatedly refused.*
- *Whistling or catcalling.*
- *Offensive gestures.*
- *Displaying or sharing offensive material such as cartoons, images (including pictures of body parts), posters, pornography, calendars, or screen savers.*

- *Sexually explicit gifts.*

3.9 What is Bullying?

- Bullying** is repeated, unreasonable behaviour towards a person or group that creates a risk to health and safety (whether physical or mental).
- Bullying can:
 - Include verbal, physical, or written conduct.
 - Occur digitally, such as through email, text messages and social media.
- Behaviour is considered:
 - unreasonable** if someone would reasonably expect it to victimise, humiliate, undermine, or threaten another.
 - repeated** even where there is a series of different types of incidents, for example, verbal abuse, followed by isolation and subsequently being unreasonably denied training opportunities.

Examples of what is considered Bullying:

- *Verbal abuse.*
- *Psychological harassment.*
- *Intimidation.*
- *Constant innuendo or suggestive language pertaining to orientation or gender identity.*
- *Practical jokes.*
- *Unfair verbal criticism or abuse.*
- *Physical violence.*
- *Encouraging others to participate in bullying behaviour.*
- *Spreading malicious rumours or innuendo.*
- *Isolating or excluding someone from a work team.*
- *Setting impossible deadlines.*
- *Assigning meaningless tasks unrelated to the job.*
- *Deliberately withholding information vital for effective work performance.*
- *Teasing another person about their opinions.*

Examples of what would NOT be considered Bullying:

- *Occasional differences of opinion.*
- *Non-aggressive conflicts or problems in working relations.*
- *Constructive feedback.*
- *Legitimate managerial actions that are done reasonably, such as managing performance, allocating or altering work, rostering decisions, setting performance goals, workplace counselling, disciplinary processes, implementing or following policies and procedures, altering reporting structure or duties.*

3.10 What is Victimisation?

Victimisation can be unlawful and is conduct that causes or is intended to cause detriment because of the belief that a person has or will:

- Make a complaint under this policy or another policy.
- Make a complaint under a workplace law.
- Be involved in a complaint process, such as an investigation.

Note: Australian Red Cross does not tolerate Victimisation and will ensure Australian Red Cross People are not treated less fairly for making genuine complaints or participating in a complaint process.

3.11 Proactive support

Australian Red Cross provides all Australian Red Cross People with access to a free, confidential, and independent Employee and Volunteer Assistance Program (**EAP**) which can be used to seek professional counselling on any work-related or non-work-related matter. For more information contact the People & Culture team or (for internal users only) visit [The Lounge > Departments > WHS > Employee and Volunteer Assistance Program](#).

Australian Red Cross will:

- (a) Continually promote appropriate standards of behaviour for all Australian Red Cross People and Suppliers.
- (b) Proactively and promptly identify, manage, and resolve incidents that breach this policy.
- (c) Apply a risk management approach to the design of work environments and processes to minimise the risk of unsafe and inappropriate behaviours.
- (d) Encourage the reporting of behaviours which breach this policy.
- (e) Provide processes for raising and addressing concerns about inappropriate behaviour.
- (f) Treat complaints in a sensitive, fair, timely and confidential manner.
- (g) Provide training and implement awareness-raising strategies.
- (h) Take proactive measures to build and foster an inclusive and diverse culture.

4 Other

4.1 Definitions

Term	Definition
Australian Red Cross	Australian Red Cross Society
Australian Red Cross People	As the context requires, all employees, volunteers, and members of Australian Red Cross
Bullying	Has the same meaning as set out in section 3.9 of this policy
Conduct	Any form of behaviour, including an act or omission
Discrimination	Has the same meaning as set out in section 3.6 of this policy
Divisional Advisory Board	The body as established in accordance with Rule 17.4 to provide advice in Divisions pursuant to the Divisional Regulations
Divisional Regulations	The same meaning as given to that term in the Rules
Harassment	Has the same meaning as set out in section 3.7 of this policy
Lifeblood	Australian Red Cross Lifeblood, the trading name of Australian Red Cross Blood Service established under Rule 19.1
Rule(s)	The rules of Australian Red Cross dated 2 August 2013 (as amended or substituted from time to time)
Sexual Harassment	Has the same meaning as set out in section 3.8 of this policy
Supplier	Any organisation or person who supplies Australian Red Cross with goods or services, and includes their officers, directors, subcontractors, agents, related entities, and consultants
Victimisation	Has the same meaning as set out in section 3.10 of this policy

4.2 Related Documents

- (a) Aggression Prevention and Management Procedure.
- (b) Grievance Policy.
- (c) Disciplinary Policy.
- (d) Inclusion and Diversity Policy.
- (e) Prevention of Sexual Exploitation, Abuse and Harassment Policy.
- (f) Code of Conduct.
- (g) Whistleblower Policy.

4.3 Related legislation / standards

- (a) *Fair Work Act 2009* (Cth).
- (b) *Racial Discrimination Act 1975* (Cth).
- (c) *Sex Discrimination Act 1984* (Cth).
- (d) *Disability Discrimination Act 1992* (Cth).
- (e) *Age Discrimination Act 2004* (Cth).
- (f) *Australian Human Rights Commission Act 1986* (Cth).
- (g) *Discrimination Act 1991* (ACT).
- (h) *Anti-Discrimination Act 1977* (NSW).
- (i) *Anti-Discrimination Act 1992* (NT).
- (j) *Anti-Discrimination Act 1991* (QLD).
- (k) *Equal Opportunity Act 1984* (SA).
- (l) *Anti-Discrimination Act 1998* (TAS).
- (m) *Equal Opportunity Act 2010* (VIC).
- (n) *Equal Opportunity Act 1984* (WA).