




Workplace Bullying, Harassment and Discrimination Policy

STATEMENT

The Paraplegic & Quadriplegic Association of South Australia Ltd (PQSA) regards the health and safety of its workers, volunteers and stakeholders as a primary responsibility and is fully committed to eliminating, as far as possible, all forms of workplace bullying, harassment and discrimination in the workplace and in its relationships with its clients through a culture of openness, support and accountability.

This Policy commits to addressing complaints of harassment or bullying, via PQSA's Complaint - Concern (Worker) Management Policy and Procedures. It applies to all conduct in work-related contexts, including conferences, social events and business trips, and includes face-to-face and online harassment and bullying.

<p>Approved by:</p>  <p>Chief Executive Officer</p>	<p>Date: May 2021</p>
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In this policy, 'us' 'we' or 'our' refers to The Paraplegic & Quadriplegic Association of South Australia Ltd ACN 644 670 977, which is a Company Limited by Guarantee and conducts its business through Lifestyle Support and HomeCare+ services.

Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.

SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

Refer to the PQSA Policy and Procedure Definition Glossary

RESPONSIBILITIES

It is our responsibility to communicate our policies and procedures to all workers on a systematic basis. Individual Directors and Supervisors are responsible for monitoring workers' understanding of their obligations and need for compliance with policies and procedures. Workers are responsible for complying with our policies and procedures.

POLICY

Bullying

Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. It can include:

- physical or verbal abuse
- yelling, screaming or offensive language
- excluding or isolating workers
- psychological harassment
- intimidation
- assigning meaningless tasks unrelated to the job
- giving workers impossible jobs
- deliberately changed work rosters to inconvenience particular workers
- undermining work performance by deliberately withholding information vital for effective work performance.

Legitimate comment and advice, including relevant critical/negative feedback, from managers and supervisors on the work performance or work-related behaviour of an individual or group should not be confused with bullying, harassment or discrimination.

Providing challenging feedback to workers during a formal performance appraisal, or counselling workers regarding their work performance, can be confronting. Managers should handle these conversations with sensitivity but they should not avoid their responsibility to provide full and frank feedback to workers.

PQSA recognises that bullying is harmful for worker(s) who experience and/or witness it. Those who witness bullying may experience guilt and fear because they are can not help or support the affected person, in case they too become a target for bullying behaviour. Witnesses may feel angry, unhappy or stressed with the workplace and this may impact motivation.

PQSA commits to promoting a workplace culture which provides an environment of support, respect for others and will take action against any form of inappropriate behaviour towards another person or group of people.

Harassment

Under discrimination law, it is unlawful to treat a person less favourably on the basis of particular protected attributes such as a person's sex, race, disability or age. Treating a person less favourably can include harassing or bullying a person. The law also has specific provisions relating to sexual harassment, racial vilification and disability harassment.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying racially offensive or pornographic posters or screen savers
- making derogatory comments or taunts about a person's disability, or
- asking intrusive questions about someone's personal life, including his or her sex life.

It is important to understand that a one-off incident can constitute harassment.

Discrimination

Discrimination 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.

Federal discrimination laws protect people from discrimination on the basis of their:

- race, including colour, national or ethnic origin or immigrant status
- sex, pregnancy or marital status and breastfeeding
- age
- disability, or
- sexual orientation, gender identity and intersex status.

A number of these characteristics are also covered by the Fair Work Act 2009 (Cth). Some state and territory laws protect people from discrimination on the basis of additional personal characteristics. For more information, see [A quick guide to Australian discrimination laws at www.humanrights.gov.au/employers](http://www.humanrights.gov.au/employers).

Discrimination can happen at different points in the employment relationship, including:

- when recruiting and selecting workers
- in the terms, conditions and benefits offered as part of employment
- who is considered or selected for training and the sort of training offered
- who is considered or selected for transfer or promotion
- who is considered and selected for retrenchment or dismissal.

Everyone has the right to work in an environment free from bullying, harassment, discrimination and violence, and PQSA will do everything to ensure that the working environment or workplace culture is not sexually or racially hostile.

PQSA will be proactive in addressing hostile behaviour that may be embedded in the workplace culture. Examples of a potentially hostile working environment are where racially or sexually crude conversations, innuendo or offensive jokes are part of the accepted culture. Any worker may make a complaint about such conduct as harassment even if the conduct in question was not specifically targeted at him or her.

Everyone in our workplace has a work health and safety duty to ensure workplace bullying does not occur. Workers should be aware that they may be held personally responsible for their actions where they are deemed as bullying. Workers who aid or encourage other persons to bully, harass or discriminate may also be held responsible and subject to disciplinary action.

PROCEDURES

This Policy should be read in conjunction with PQSA's Complaint - Concern (Worker) Management Policy and Procedures.

RELATED LEGISLATION

- Australian Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992
- Fair Work Act 2009
- Racial Discrimination Act 1975
- Return to Work Act 2014
- Sex Discrimination Act 1984
- Public Interest Disclosure Act 2018
- Work, Health and Safety Act 2012

SUPPORTING PQSA DOCUMENTATION

- Code of Conduct and Ethical Behaviour
- Complaint - Concern Management Policy and Procedures (Client Complaints)
- Complaint - Concern (Worker) Management Policy and Procedures
- Discipline & Termination of Employment Policy and Procedures
- Work Health and Safety Management System
- Worker Wellbeing Statement

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.