

DISCRIMINATION, BULLYING AND SEXUAL HARASSMENT POLICY

Introduction

7RGY trading as Huon and Kingston FM (hereinafter called “Huon and Kingston FM’ or ‘the station”) will defend to the utmost the right of every employee and volunteer to perform their work without being subjected to discrimination, bullying and sexual harassment. Each and every employee and volunteer will be responsible to provide an environment that is supportive of this aim.

Huon and Kingston FM recognises and understands that discrimination, bullying and sexual Harassment are illegal.

Everyone must treat everyone else with respect and must aim to act as a beacon for good behavior in the workplace.

It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from discrimination, bullying and sexual harassment. Everyone working at Huon and Kingston FM is responsible for the care and protection of our people and for reporting information about suspected discrimination, bullying and sexual harassment.

Huon and Kingston is fully committed to its obligation to prevent and eliminate discrimination, bullying and sexual harassment in the workplace.

Purpose

The purpose of this document is to outline Huon and Kingston FM’s position on discrimination, bullying and sexual harassment and to set out the process which is to be followed should a complaint arise.

Huon and Kingston FM will not tolerate discrimination, bullying or sexual harassment by or against any volunteer and will take action to resolve any issues and to take disciplinary action where, after a thorough investigation, this is found necessary.

Definitions

SEXUAL HARASSMENT means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature

- intrusive questions or statements about your private life
- displaying posters, magazines or screen savers of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behavior that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Behavior based on mutual attraction, friendship and respect is not sexual harassment. However should one of the parties subsequently inform the other party that they are no longer attracted and wish to withdraw from the relationship then subsequent actions may constitute sexual harassment.

BULLYING

Bullying is repeated, unreasonable behavior that offends, intimidates, undermines, degrades, humiliates or otherwise affects a person or group of persons.

Bullying may be oral, written, physical, electronic and on social media. It may include but is not limited to:

- behavior or language that frightens or degrades a person and may include threats, yelling, swearing or derogatory language.
- Constant criticism or insults that humiliate or intimidate a person.
- Spreading cruel and malicious rumors, gossip and innuendo.
- Deliberately and repeatedly ignoring or excluding a person from activities.
- Undermining a person's efforts or work.

DISCRIMINATION

Discrimination on the workplace occurs where a person or group of persons is treated less favorably than others on grounds prohibited by anti-discrimination laws.

The Tasmanian Anti-Discrimination Act 1998 sets out the grounds on which people cannot be discriminated against. race

- age
- sexual orientation
- lawful sexual activity
- gender
- marital status
- relationship status
- pregnancy
- breastfeeding

- parental status
- family responsibilities
- disability
- industrial activity
- political belief or affiliation
- political activity
- religious belief or affiliation
- religious activity
- irrelevant criminal record
- irrelevant medical record
- association with a person who has, or is believed to have, any of these attributes

Grievance Officers

Huon and Kingston FM shall appoint a Grievance Officers to deal with all discrimination, bullying and sexual harassment complaints.

- A grievance officer and alternate grievance officer to deal with sexual harassment complaints.
- A grievance officer to cope with bullying.
- A Grievance officer to deal with discrimination matters.

Training

Training will be provided to the grievance officers to enable them to carry out their roles.

Training will be provided to members of the Management Committee and volunteers to assist them in identifying, preventing and dealing with sexual harassment

Policy

Huon and Kingston FM will not tolerate discrimination, bullying or sexual harassment under any circumstances.

All management committee members, staff and volunteers to ensure that discrimination, bullying and sexual harassment does not occur.

Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establish minimum standards of behavior for all employees.

This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.

No employee or volunteer at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment.

A breach of this policy will result in disciplinary action, up to and including termination of employment.

When a Discrimination, Bullying or Sexual Harassment Issue arises

Huon and Kingston FM strongly encourages any employee who feels they have been discriminated against, bullied or sexually harassed to take immediate action.

1. If an employee or volunteer feels comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. The employee or volunteer should identify the harassing behavior, explain that the behavior is unwelcome and offensive and ask that the behavior stops. This discussion should involve designated Grievance Officer dealing with discrimination, bullying or sexual harassment complaints or the Public Officer where no grievance officer has been appointed.
2. Alternatively, or in addition, they may report the behavior in accordance with the relevant procedure. Once a report is made the grievance officer shall determine how the complaint should be dealt with.
3. All reports of discrimination, bullying or sexual harassment shall be treated seriously, promptly and with sensitivity. Such reports will be treated as completely confidential but the person the subject of the complaint must be notified under the rules of natural justice. The organisation will protect all those involved in the process from victimisation.
4. Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.
5. Where the grievance officer or public officer becomes aware of an incident that raises the issue of discrimination, bullying or sexual harassment the management committee shall be informed and if deemed serious may instigate an enquiry even if a complaint has been made.
6. The person or persons against whom a complaint has been made or where the management committee has resolved to investigate has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.
7. No employee or volunteer will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of discrimination, bullying or sexual harassment or against any employee or volunteer who has been alleged to be a harasser.
8. All employees and volunteers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.
9. Managers or Supervisors who fail to take appropriate corrective action when aware of discrimination, bullying or sexual harassment of a person will be subject to disciplinary action.

Huon and Kingston FM shall where necessary engage and involve an independent third party provider, to receive and investigate concerns and allegations of sexual harassment.

Application of Policy

This policy will apply to behaviors that:

1. Are connected with the involvement of Huon and Kingston FM's volunteers that occur on the stations premises, at outside events organized by the station or where the person alleging the harassment is involved in representing the station.
2. Occur during work or volunteer activities on behalf of the station.
3. Occur at any work related event or function
4. Occur on any social media platforms where volunteers may interact.
5. By any electronic device utilised by Huon and Kingston FM.

Complaint procedure

Where an alleged incident had has occurred the aggrieved person may take the matter up with the alleged perpetrator either one-to-one or in the presence of the grievance officer about the incident and requesting that there be no repeat of the conduct.

If the matter can be dealt with between the parties involved no further action shall be necessary except for the grievance officer to make a detailed note on the process followed and information provided.

Given the nature of a sexual harassment complaint Huon and Kingston FM may refer the matter to a person trained and experienced in the handling of such complaints.

Huon and Kingston FM has established the following procedure for lodging a complaint of harassment, discrimination or retaliation.

1. Complaints shall be handled by the appropriate grievance officer.
2. A complaint should be submitted as soon as possible after an incident has occurred, preferably in writing. If an oral complaint is made, if possible, it should be supported by a written statement to ensure that all aspects of the complaint have been covered.
3. The grievance officer may assist the complainant in completing a written statement or where a volunteer refuses to provide information in writing, shall make a detailed note verbal complaint.
4. Upon the receipt of a complaint or being advised that an incident has taken place the grievance officer shall advise the Management Committee.
5. Where necessary the station president or public officer shall obtain legal advice.
6. The grievance officer shall investigate the incident to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

7. Where the complaint is serious then a decision shall be made whether it should be handled by a third party outside Huon and Kingston FM.
8. During the investigation, the grievance officer with any legal representative, outside third party or member of Huon and Kingston FM shall interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
9. Upon conclusion of an investigation, the grievance officer or other person conducting the investigation will submit a written report of his or her findings to Huon and Kingston FM. If it is determined that this policy has been breached the grievance officer will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:
 - a) The severity, frequency and seriousness of the conduct;
 - b) Whether there have been prior complaints made by the complainant;
 - c) Whether there have been prior complaints made against the respondent; and

Where the investigation is inconclusive or no breach of policy has been established then the Management Committee shall investigate the matter to determine whether the complaint has raised issues or conduct that should be addressed or which may raise issues that should be addressed in this policy.

10. The management committee shall review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the grievance officer and other people involved in dealing with the complaint shall decide what action, if any, will be taken.
11. Once a final decision is made by senior management, the grievance officer will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.
12. Any person involved in the discrimination, bullying or sexual harassment complaint has the right to appeal. An appeal shall be dealt with in accordance with Huon and Kingston FM's Complaints and Disputes Policy.

Adopted