

POLICY: Discrimination and Harassment

1. PURPOSE:

This document has been designed to outline St John Ambulance (NSW), commitment to anti-discrimination and harassment processes and practices, and to document the responsibilities of all parties for the management and continual improvement of processes within our workspace to ensure all [members](#) and [visitors](#) are treated with dignity, respect and in a supportive and inclusive environment.

2. TARGET AUDIENCE:

This policy applies to all personnel in attendance at St John Ambulance (NSW), including the organisations managers, employees, volunteers, contractors, associates and any visitors to our premises and workspaces

3. OBJECTIVES

The objectives of this policy are to: -

- Manage the ongoing dignity and respect of all visitors to our sites (incl. employees, volunteers, Contractors and visitors etc.)
- Reduce injury and/or illness in the workplace due to disrespectful behaviour and conflict

4. DEFINITIONS

DEFINITION	DESCRIPTION
Direct Discrimination	<p>Occurs when a person or group of people are treated less favourably than another person or group of people because of their background or certain personal characteristics</p> <p>Direct Discrimination is unlawful under federal discrimination laws if the discrimination is based on Protected Characteristic or grounds.</p> <p>Refer to definition of Protected Characteristics for further detail</p>
Exempt Behaviour	<p>Behaviour(s) that does not constitute Discrimination or Harassment are: -</p> <ol style="list-style-type: none"> 1. Reasonable Management Practices, including performance management and discipline processes 2. Lawful reasonable instruction to carry out a reasonable duty or task 3. Direction to comply with St John (NSW), rules, regulations and policies 4. The provision of valid feedback on performance where it is reasonable and constructive.

Definitions cont....

DEFINITION	DESCRIPTION
Hazard	<p>In relation to a person; a hazard means anything that may result in: -</p> <ul style="list-style-type: none"> • Injury to the person; or • Detriment or harm to the health of the person
Indirect Discrimination	<p>Occurs when there is an unreasonable rule or policy that is the same for everyone, but has an unfair effect on people who share a particular attribute. This type of discrimination is unlawful if the discrimination is based on Protected Characteristics</p>
Manager of St John (NSW)	<p>For the purpose of this policy a manager is a paid or unpaid person with delegated authority to manage or supervise people or a worksite, this can include but is not limited to: -</p> <ul style="list-style-type: none"> • Paid Managers – reporting staff • Unpaid Managers – Division Superintendents, Officers, Event Managers, Site Managers • Training Officers in charge of a classroom • Training Centre Coordinators/receptionists who manage remote sites
Member of St John (NSW)	<p>A person who is a registered and authorised volunteer or employee of St John (NSW), they can be but are not limited to: -</p> <ul style="list-style-type: none"> <input type="checkbox"/> EHS Volunteers <input type="checkbox"/> Take Kare Volunteers <input type="checkbox"/> Casual employees <input type="checkbox"/> Contract employees
Protected Characteristics	<p>Grounds for unlawful discrimination and/or harassment are discrimination due to: -</p> <ul style="list-style-type: none"> <input type="checkbox"/> Race <input type="checkbox"/> National extraction or social origin <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Impairment <input type="checkbox"/> Religion <input type="checkbox"/> Marital/Relationship Status <input type="checkbox"/> Association with a child

Definitions cont....

DEFINITION	DESCRIPTION
	<ul style="list-style-type: none"> <input type="checkbox"/> Pregnancy/breastfeeding <input type="checkbox"/> Carer/family responsibilities <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Gender Identity <input type="checkbox"/> Intersex status <input type="checkbox"/> Industrial, political or trade union activity
Reasonable Adjustment	<p>Allowing or making an adjustment to work conditions/environment to assist employees with particular attributes to have fair access to the workplace and its conditions.</p>
Risk	<p>The probability of injury or harm occurring to the individual</p>
Sexual Harassment	<p>Is defined under the Federal Sex Discrimination Act 1983, as any unwelcome sexual advance, request for sexual favours or conduct of a sexual nature in relation to the person harassed in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended or intimidated</p> <p>Examples are: -</p> <ul style="list-style-type: none"> • Inappropriate remarks with sexual innuendos, jokes or comments • Suggestive remarks about a person’s body or appearance • Persistent unwanted requests for dates • Offensive hand or body gestures • Uninvited physical contact • Other acts or behaviours that may amount to an offence of sexual assault under relevant criminal legislation
Unlawful Discrimination	<p>Is defined under State and Federal Legislation as treating someone or a group of people less favourably than another person or group because of a characteristic(s) e.g. gender, religion etc.</p>
Unlawful Harassment	<p>Is defined under Federal and State legislation, as any form of behaviour where a person is made to feel intimidated, or humiliated because of a particular characteristic(s) as specified under the Human Rights and/or Anti – Discrimination legislation.</p>

Definitions cont....

DEFINITION	DESCRIPTION
	<p>Unlawful harassment can be verbal, written or physical, and has the intent or effect of creating an intimidating, hostile or offensive work and/or study/service environment.</p>
	<p>Harassment can be a single or repeated behaviour</p> <p>Examples are (but not limited to)</p> <ul style="list-style-type: none"> • Intrusive questions of a personal nature • Comments that put down or stereotype a person • Offensive communications including: <ul style="list-style-type: none"> ○ Written ○ Digital (Facebook, twitter, emails) ○ Images ○ Telephone • Derogatory or demeaning jokes intended to offend based on stereotyped characteristics
<p>Visitor of St John (NSW)</p>	<p>Any person(s) who are accessing St John(NSW) workplaces that are not registered members of St John (NSW).</p>
<p>Workplace</p>	<p>Is any location that the employee/volunteer will work in, in the course of completing their duties for St John Ambulance (NSW), including Vehicles, Machinery and alternate work locations</p>

5. POLICY STATEMENT

St John Ambulance (NSW) will conduct its operations and business in a manner that is conducive to the Health and Wellbeing of all members and visitors to our sites including but not limited to employees, contractors and the public.

To achieve this St John Ambulance (NSW) will commit to the following: -

- 5.1. Provide an environment where volunteers, employees and visitors are treated with dignity, courtesy and respect.
- 5.2. Provide an environment where employees, volunteers and visitors can work or be served in an environment free from discrimination and harassment.
- 5.3. Provide procedures (Grievance Procedure) by which all members or visitors can have their complaint of discrimination or harassment addressed in a sensitive, fair, confidential and timely manner.

6. RESPONSIBILITIES

ST JOHN AMBULANCE (NSW)

St John Ambulance (NSW) recognises that it has a duty and responsibility for: -

- Comply with the legislative requirements of the current legislation
- Creating and maintaining appropriate [Workplace](#) systems to manage discrimination and/or harassment incidents
- Recording all notifications of behaviours in contravention of this policy on an appropriate risk register

MANAGERS OF ST JOHN (NSW)

- Comply with the legislative requirements of the current legislation
- Make all reasonable efforts to ensure that acceptable standards of conduct and behaviour are observed at all times within the workplace
- Undertake timely, corrective action to deal with behaviour that may be offensive or intimidating, regardless of whether a complaint has been made.
- Ensure grievances are addressed promptly, fairly, sensitively and in accordance with the Grievance Policy and Procedure.
- Escalate complaints or witnessed behaviour to an appropriate level for reporting

MEMBERS & VISITORS OF ST JOHN (NSW)

All members of St John Ambulance (NSW) have a duty of care to: -

- Comply with the legislative requirements of the current legislation
- Ensure that at all times their behaviour is consistent with the expectations outlined under this policy
- Protect their fellow members, by highlighting potential risks appropriately
- Engage in the Grievance Process to achieve resolution
- Avoid vexatious and frivolous complaints and the vilification or victimisation of complainants
- Treat all members and visitors of St John Ambulance (NSW) with respect and dignity.

7. REFERENCES

REFERENCES	
Racial Discrimination Act 1975	Common wealth Work Health & Safety Act 2011
Sex Discrimination Act 1984	Work Health & Safety Act 2011(NSW)
Age Discrimination Act 2004	Work Health & Safety Regulations 2011(NSW)
Disability Discrimination Act 1992	Commonwealth Work Health & Safety Regulations 2011
Human Rights and Equal Opportunity Commission Act 1986	
NSW Anti-Discrimination Act 1977	

8. DOCUMENT CONTROL INFORMATION

Document Status

Title	DISCRIMINATION AND HARASSMENT POLICY
Version	2.0
Effective Date	17 May 2017
Owner	Manager, Human Resources
Authorising Officer	CEO
Review Date	December 2018

Document History

Version	Date Published	Author	Description
1.2	DEC 2012	Manager, HR	
2.0	17 May 2017	Manager, HR	Proposed - Update Policy to provide definitions and link to integrated policies and procedures such as WHS and Grievance Procedure

Linked Documents

Version	Name	Author	Status
2.0	Grievance Procedure	Manager, HR	Current
1.0	WHS Policy		Current
1.0	Investigation Process	TBA	TBA