	BUZZWORKS DISCRIMINATION & HARASSMENT POLICY	Doc Type:	Policy
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Policy Statement

Buzzworks is committed to providing a safe, flexible and respectful environment for Workers and clients free from all forms of discrimination, victimisation, vilification, bullying, sexual harassment, sex-based harassment and behaviours that create a hostile workplace environment on the ground of sex and the seeking of unnecessary information on which discrimination might be based. These behaviours are unlawful and unacceptable, and they will not be tolerated at Buzzworks.

All Workers at Buzzworks are required to treat others with dignity, courtesy and respect.

Buzzworks is an equal opportunity employer. At all stages of the employment relationship (recruitment and selection, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement, retrenchment and termination) staff will be treated on their merits and valued according to how well they perform their duties. By effectively implementing our Discrimination and Harassment Policy we will attract and retain talented Workers and create a positive environment for Workers.

Scope

This policy applies to:

- all Workers, including managers and supervisors, full-time, part-time or casual, temporary or permanent employees, apprentices, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work for Buzzworks, a work experience student or a volunteer.
- how Buzzworks provides services to clients and how it interacts with other members of the public;
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport;
- on-site, off-site or after-hours work; work-related social functions; conferences – wherever and whenever Workers may be as a result of their duties for Buzzworks;
- Workers' treatment of other Workers, of clients, and of other members of the public encountered in the course of their duties for Buzzworks.

Responsibilities

All Workers are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and sexual harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All Workers must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect.

Managers and supervisors must also:

- model appropriate standards of behaviour
- promote this policy and reporting of incidents by Workers to Managers in accordance with this policy
- take steps to educate and make Workers aware of their obligations under this policy and the law
- intervene quickly and appropriately when they become aware of inappropriate behaviour

- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- help Workers resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure Workers who raise an issue or make a complaint are not victimised
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- seriously consider requests for flexible work arrangements.

Anti-discrimination Legislation

Discrimination, bullying and sexual harassment are unacceptable at Buzzworks and are unlawful under the following legislation:

- *Sex Discrimination Act 1984* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth).

In addition, under the Queensland *Anti-Discrimination Act 1991* (the Act) discrimination, victimisation, sexual harassment, vilification and seeking unnecessary information on which discrimination might be based are illegal.

Discrimination on the following grounds is against the law:

- race, (including colour, descent or ancestry, nationality, national or ethnic origin)
- age (whether young or older)
- impairment (including biological, functional, learning, physical, sensory, mobility, cognitive, psychological, psychiatric impairment or the presence of an organism capable of causing disease);
- religious belief or activity (including not holding a religious belief)
- sex and gender identity
- relationship status (including being married, single, divorced, separated, de facto or in a same sex relationship)
- sexuality
- pregnancy and breastfeeding
- parental status (including being or not being a parent, guardian, foster parent, adoptive parent, or step parent)
- family responsibilities (including the responsibility to care for and support a dependent child or immediate family member)
- lawful sexual activity as a sex worker
- trade union activity
- political belief or activity
- association with someone else who is identified because of one of the above attributes

These personal characteristics are called ‘attributes’.

Other behaviour that is against the law includes:

- seeking unnecessary information on which discrimination might be based
- victimisation because a person has made a complaint, agreed to be a witness or has had a complaint made against them, or because they refused to do something that would contravene the Act
- sexual harassment is prohibited wherever it happens, even in ‘private’

- vilification on the basis of a person's race, religion, gender identity or sexuality

Federal anti-discrimination legislation prohibits discrimination on the basis of criminal record, medical record or social origin.

Workers found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example, a Worker is harassed and humiliated because of their race
OR
A Worker is refused promotion because they are 'too old'

Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

For example, redundancy is decided based on people who have had a Worker's compensation claim rather than on merit.

Protected personal characteristics under Federal discrimination law include:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is unacceptable at Buzzworks and may also be against occupational health and safety law.

Sexual Harassment

Sexual or sex-based harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual or sex-based harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All Workers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Buzzworks recognises that comments and behaviour that do not offend one person can offend another. This policy requires all Workers to respect other people's limits.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Examples of victimisation include:

demoting, reducing hours or shifts, excluding or threatening a person because they reported unlawful behaviour

- refusing to purchase from an independent contractor because they reported unlawful behaviour
- intimidating a worker to stop them from reporting unlawful behaviour
- denying someone a promotion because they helped someone else to report unlawful behaviour.

Victimisation is a very serious breach of this Policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Buzzworks has a zero-tolerance approach to victimisation.

Hostile Workplace Environment

Buzzworks will not tolerate behaviour that creates a hostile workplace environment. It is unacceptable for Workers at Buzzworks to behave in a way that a reasonable person would expect might be offensive, intimidating or humiliating to someone because of their sex or a characteristic generally associated with people of their sex. Behaviour that can contribute to a hostile work environment includes:

- behaviour involving gendered stereotypes, such as making women clean the office
- displaying pornographic or sexually explicit posters, photos or images
- sexist, derogatory, suggestive or sexual jokes, banter or nicknames
- sexist, derogatory, suggestive or sexually explicit emails, phone calls or messages.

Behaviours can create a hostile work environment even if they are not directed at any one person.

Gossip

It is unacceptable for Workers at Buzzworks to talk with other Workers, clients or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this Policy and may lead to formal discipline.

Merit

All recruitment and job selection decisions at Buzzworks will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

Vicarious Liability

Under the Act the person who discriminates against, victimises, sexually harasses, vilifies or asks for unnecessary information can be liable for the unlawful behaviour as well as their employer, Buzzworks, unless Buzzworks can show we have taken reasonable steps to prevent it.

Buzzworks provides all Workers with this Policy and information about discrimination and sexual harassment at induction, and conduct regular awareness training.

Managers must ensure that all Workers are treated fairly and are not subject to any of the behaviours mentioned in this Policy. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way.

If you are discriminated against, sexually harassed, vilified or asked for unnecessary information you can take steps. Don't ignore discrimination, sexual harassment, vilification or requests for unnecessary information, thinking it will go away, often it just gets worse. Choose the action you feel most comfortable with. You can follow more than one action at the same time.

More Information

If you have a query about this Policy or need more information please contact:

- Contact one of the following people in Buzzworks who have been nominated to give information:

Name:	Shane Sarlin	Name:	Nathalie Sarlin
Position:	Director	Position:	Director
Location:	Brisbane	Location:	Brisbane
Contact:	0413 417 446 or shane@buzzworks.net.au	Contact:	0410 477 242 or nat@buzzworks.net.au

- Call the Anti-Discrimination Commission Queensland on 1300 130 670 or TTY 1300 130 680 for information about your rights and responsibilities.

Self Help

If you feel confident and want to deal with the situation yourself, you can use self-help techniques. However, it is not necessary that you try to resolve the complaint this way.

This option involves approaching the person responsible for the discriminatory or sexually harassing behaviour yourself. You should tell the person what you are unhappy about, why you are unhappy about it, and what you would like to happen. Taking a person with you for support may be helpful.

Make an Internal Complaint

Buzzworks has an obligation to treat all complaints of discrimination, victimisation, sexual harassment, vilification or seeking unnecessary information seriously. All complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented. Steps for dealing with an internal complaint:

1. The starting point to resolving a compliant is to talk with someone. This can be your manager (or another member of the management team if more appropriate). Tell them what your concerns are; explain what has happened and how it has affected you.
2. The manager may take immediate action (e.g. removing offensive graffiti or posters).
3. The manager may provide a range of options. One approach is to centre on the resolution of the issue, without deciding fault. The manager may speak to the person you are making a complaint about, to see if the situation can be resolved simply.
4. Some matters are not resolved so easily, especially if the person being complained about denies or disputes the allegations, or the issues are complex. Your manager (or another management team member if appropriate) may handle your complaint, or refer it to specialist human resource staff or engage an independent external agency. This option will involve an investigation, collecting evidence and witness statements, and making findings and recommendations which will be implemented by Buzzworks.

Make an External Complaint

You can complain to the Queensland Human Rights Commission (QHRC). They have offices in Brisbane, Rockhampton, Townsville, and Cairns can be contacted on 1300 130 670 (statewide). An enquiry officer can send you a complaint form and explain the process to resolve your complaint. The QHRC complaint resolution service is free. The Commission's website www.qhrc.qld.gov.au has more information including the complaint form.

NOTE: A complaint to the QHRC must be made within one year of the incident, unless good reasons for any delay can be shown.

Policy Updates

This Policy may change from time to time and is available on our website https://buzzworks.net.au/policies.

Policy Complaints and Enquiries

Buzzworks is committed to providing an environment which is safe for all Workers. You will not be disadvantaged in your employment conditions or opportunities as a result of lodging a complaint.

If you have any queries or complaints about our Discrimination & Harassment Policy please contact us at:

Buzzworks

Enquiries: info@buzzworks.net.au

Complaints: complaints@buzzworks.net.au

Telephone: +61 7 3366 5080