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| <b><u>Policy Approver:</u></b> | <b>Chief Executive Officer</b> |
| <b><u>Policy Owner:</u></b>    | <b>Chief Operating Officer</b> |
| <b><u>Policy Lead:</u></b>     | <b>Head of Human Resources</b> |

## **Workplace Anti-Bullying, Harassment and Discrimination Policy**

**Our policy on upholding appropriate workplace behaviours and preventing workplace bullying, harassment, sexual harassment and unlawful discrimination.**

### **1 Introduction**

This policy:

- (a) sets out our commitment to provide a safe and healthy workplace;
- (b) sets out our commitment to prevent bullying, harassment, sexual harassment and discrimination. These behaviours are not an acceptable part of our work culture and will not be tolerated; and
- (c) provides a guide for our personnel on what to do if there is actual or suspected non-compliance.

### **2 Scope of the Policy**

- (a) This policy applies to all our personnel (being our directors<sup>1</sup>, employees, interns, students on vocational placement, volunteers and independent contractors and consultants).
- (b) Where there is an overlap between this policy and our Safeguarding Policy, the Safeguarding Policy will take precedence to the extent of any inconsistency.

### **3 Policy Statement**

- (a) We are committed to creating and maintaining a safe, healthy and harmonious workplace where everyone is treated with respect.
- (b) We are committed to supporting a positive work culture through effective and appropriate communication, collaboration and teamwork.
- (c) We are committed to and take reasonable and proportionate measures to provide all our personnel a work environment free of:
  - (i) bullying;
  - (ii) harassment, including sexual harassment and harassment on the ground of sex;

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<sup>1</sup> If our Board has adopted a separate policy regarding the subject matter of this policy, then that policy takes precedence with respect to our directors.



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- (iii) unlawful discrimination;
  - (iv) conduct that subjects a person to a workplace environment that is hostile on the ground of sex; and
  - (v) acts of victimisation that relate to workplace grievances, proceedings, assertions or allegations in relation to the conduct listed above.
- (d) We take reasonable and proportionate measures to prevent our personnel from engaging in any of the conduct described above and to eliminate, as far as possible, this conduct.
- (e) We are committed to handling workplace grievances relating to bullying, harassment, sexual harassment and unlawful discrimination fairly, impartially, promptly and with due confidentiality.
- (f) Compliance with this policy and the law are conditions of working or undertaking any form of business with or for us. Any breach of this policy is a serious matter that may compromise our status as a charity and/or funding for our work. A breach of this policy may result in disciplinary action (including dismissal) and/or termination of a partnership or an agreement.

## 4 Policy in Practice

### 4.1 What we mean in this policy

In this policy:

- (a) By “**attribute**” we mean age, breastfeeding, pregnancy, sex, intersex status, family responsibilities, family/marital status, status as a parent or carer, intellectual, physical or psychiatric impairment or disability (includes past, present or possible future disability), gender identity, sexual orientation, industrial activity, trade union/employer association activity, physical features, medical record, criminal record, race (including racial vilification), colour, ethnic or ethno-religious background, descent or nationality, religious belief/activity, or political belief/activity.
- (b) By “**unreasonable**” we mean behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, intimidate, undermine or threaten an individual or a group.
- (c) By “**bullying**” we mean repeated, unreasonable and unwanted behaviour directed toward a person that creates a risk to their health and safety. The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered bullying (noting that these are examples only and this is not an exhaustive list):
  - (i) excluding staff, isolating or ostracising behaviour and/or victimisation;



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- (ii) psychological harassment and/or intimidation;
- (iii) assigning meaningless tasks unrelated to the job;
- (iv) deliberately changing work rosters to inconvenience a particular staff member;
- (v) deliberately withholding information necessary for a staff member's ability to adequately perform their work;
- (vi) verbal and written communications (including emails, social media, text messages etc) containing abuse, threats, sarcasm, and other forms of demeaning language such as spreading gossip, rumours and innuendo;
- (vii) constant unconstructive criticism and/or belittling comments;
- (viii) assigning staff impossible assignments, overloading them with work or providing unrealistic deadlines;
- (ix) physical attacks or threats of any kind (occupational violence);
- (x) initiation ceremonies;
- (xi) stalking;
- (xii) threats of harm; or
- (xiii) taking credit for work done by others.

Legitimate and reasonable management actions(s) carried out in a fair and reasonable manner is **not** bullying. Reasonable management action(s) include (but are not restricted to): setting realistic performance goals, standards and deadlines; allocating tasks; providing constructive feedback; commencing a performance management process; informing a person about inappropriate behaviour; and giving legitimate (lawful and reasonable) instructions and expecting them to be carried out.

- (d) By “**child**” and “**children**”, we mean every human being under the age of 18 unless under the law applicable to the child, the age of majority is attained earlier. For the purposes of this policy, we consider a child to be a person under the age of 18 years.<sup>2</sup>
- (e) By “**conduct that subjects a person to a workplace environment that is hostile on the ground of sex**” we mean conduct that results in an offensive, intimidating or humiliating environment for a person by reason of:
  - (i) the person's sex;

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<sup>2</sup> In accordance with the *United Nations Convention on the Rights of the Child*.



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- (ii) a characteristic that appertains generally to persons of that sex; or
- (iii) a characteristic that is generally imputed to persons of that sex, but is not necessarily directed at any individual person.

The following types of behaviour could be considered conduct that subjects a person to a workplace environment that is hostile on the ground of sex (noting that these are examples only and this is not an exhaustive list):

- (i) displaying or circulating obscene, sexist, pornographic or sexual photos or materials;
  - (ii) conduct involving gendered stereotypes, such as making only female employees responsible for cleaning the office;
  - (iii) making demeaning comments about anatomical attributes or topics such as pregnancy, menstruation or menopause;
  - (iv) making sexist, derogatory, suggestive or sexual comments, jokes or sexual innuendo which feel hostile to the members of one sex; and
  - (v) sending or making sexist, derogatory, suggestive or sexual emails, text messages, phone calls or online interactions – including the use of emojis with sexual connotations.
- (f) By “**harassment**” we mean behaviour that is unwelcome, unreciprocated, uninvited and usually, but not always, repeated - a one-off incident can also constitute harassment. Harassment includes a wide range of conduct and may create a hostile working environment if left unaddressed. It causes another person to feel offended, humiliated, intimidated, insulted or ridiculed.
- (g) By “**harm or exploitation**”, we mean any forms of physical and mental abuse, exploitation, coercion or ill-treatment, for example:
- (i) sexual harassment, bullying or abuse;
  - (ii) sexual criminal offences and serious sexual criminal offences;
  - (iii) threats of, or actual violence, verbal, emotional or social abuse;
  - (iv) cultural or identity abuse, such as racial, sexual or gender-based discrimination or hate crime;
  - (v) coercion (i.e., using threats or force) and exploitation (i.e., deliberate maltreatment, manipulation or abuse of power and control over another person or taking advantage of another person or situation, whether for personal gain or otherwise);
  - (vi) abuse of power; and



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- (vii) conduct that subjects a person to a workplace environment that is hostile on the ground of sex.
- (h) By “**reportable incident**” we mean any actual, likely or suspected incident of bullying, harassment, sexual harassment or unlawful discrimination.
- (i) By “**safeguarding incident**”, we mean an incident of harm or exploitation to a vulnerable individual.
- (j) By “**sexual harassment**” we mean unwelcome conduct of a sexual nature that is likely to offend, humiliate or intimidate the person at which it is directed. Sexual harassment may occur in a single incident as well as a series of incidents and may be subtle and implicit rather than explicit. Behaviour that constitutes sexual harassment may include (but is not limited to) unwelcome:
  - (i) demands for sexual favours;
  - (ii) offensive or demeaning comments, jokes and innuendo;
  - (iii) sexual propositions or advances or requests for dates;
  - (iv) displaying, sending, emailing or downloading sexually offensive material;
  - (v) questions, remarks or insinuations about a person’s sexual activities or private life;
  - (vi) physical contact (e.g. kissing, touching, patting or brushing against a person);
  - (vii) a direct or implied threat, benefit or promise of a sexual nature;
  - (viii) behaviour that creates a hostile working environment;
  - (ix) offensive gestures of a sexual nature;
  - (x) staring inappropriately; or
  - (xi) behaviour which would also be an offence under criminal lawSexual harassment does not include sexual interaction, flirtation, attraction or friendship that is invited, mutual, consensual and reciprocated.
- (k) By “**unlawful discrimination**” we mean both:
  - (i) (direct discrimination) the direct and less favourable treatment of one individual or group with a certain attribute, in comparison with treatment of another individual or group (without that attribute). Treating someone ‘less favourably’ means treating them worse or subjecting them to a detriment because of the certain attribute, or a characteristic generally associated with people of that certain attribute.



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- (ii) (indirect discrimination) having a requirement that is the same for everyone but has an effect or result that is unfair to particular groups with a certain attribute. For example, scheduling meetings outside normal business hours when some employees or potential employees have carer responsibilities that preclude their attendance.
- (l) By “**unreasonable or unjust treatment**” we mean treatment that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, intimidate, undermine or threaten an individual or a group.
- (m) By “**vulnerable individual**” we mean a person who is often marginalised or particularly vulnerable to infringements of their rights because of their membership of a particular group or another reason. This includes any child or individual who is or may be unable to protect themselves against harm or exploitation regardless of their age, gender, race, religious beliefs, disability, sexual orientation, or family or social background.
- (n) By “**victimisation**” we mean conduct intending to treat a person badly or cause detriment to a person because that person has raised (or plans to raise) a workplace grievance or provide information or evidence about a workplace grievance.
- (o) By “**workplace**” we mean any place where work or other activities are carried out by or on behalf of us. This includes any place our personnel go, or are likely to be, while at work. Examples include but are not limited to our offices (including when working from home or remotely), project sites, and work-related events (such as work-related functions, meetings, conferences, fieldwork, Christmas parties and donor events) and other places where our personnel come into contact with other people in the course of their work (such as visitors, partners, supporters, recruitment candidates and other stakeholders).
- (p) By “**workplace grievance**” we mean a complaint by one or more of our personnel on the grounds of unreasonable or unjust treatment by the organisation or another person(s) in the workplace.

#### 4.2 Responsibilities

- (a) **Policy Approver:** accountable for approving this policy, including approving after formal reviews.
- (b) **Policy Owner:**
  - (i) accountable to the Policy Approver for overseeing the implementation of and overall compliance with this policy;
  - (ii) ensures this policy is regularly reviewed (at least every three years or earlier if warranted); and



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- (iii) delegates the implementation, training, maintenance and monitoring of this policy to the Policy Lead.
- (c) **Executive team:** responsible for role modelling behaviour consistent with this policy.
- (d) **Policy Lead:**
  - (i) responsible for the implementation, maintenance and monitoring of the policy at an organisational level, including through appropriate procedures, training and reporting;
  - (ii) supports the Policy Owner to review this policy; and
  - (iii) manages risk and compliance issues related to this policy.
- (e) **All of our personnel:** must be familiar with, comply and implement with this policy and manage risks relating to bullying, harassment, sexual harassment and unlawful discrimination.
- (f) Detailed responsibilities can be found in our Policy Lifecycle Stages, Roles and Responsibilities (see Annexure A to the Policy Governance Framework).

### 4.3 Reporting and Managing Incidents

#### (a) Safeguarding incidents

If any of our personnel has reasonable grounds to believe that a safeguarding incident has taken place, may be taking place or could be taking place, then the matter must be reported and managed in accordance with our Safeguarding Policy.

#### (b) Other reportable incidents

- (i) If any personnel have reasonable grounds to suspect that a reportable incident (other than a safeguarding incident reported in accordance with paragraph (a)) has taken place, may be taking place or could be taking place, they must report it as soon as practicable to the Policy Lead and comply with their directions.
- (ii) The Policy Lead must ensure that the report is promptly and appropriately investigated. If the Policy Lead believes the report may involve an actual, likely or suspected safeguarding incident, then the Policy Lead must ensure the matter is reported and managed in accordance with our Safeguarding Policy.

#### (c) Whistleblowing channel

A reportable incident can also be reported directly to the WWF Network Global Reporting channel and independent whistleblowing mechanism - WhistleB: <https://report.whistleb.com/en/wwf>.



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#### **4.4 Record Keeping**

We will ensure that accurate and complete records of reports, our reviews, any referrals and any investigations are securely retained for a minimum of 7 years after receipt of the report.

#### **5 Availability of this Policy**

We will ensure that this policy is available to download on our website and intranet.

#### **6 Relevant Laws**

- *Australian Charities and Not-for-profits Commission Act 2012 (Cth) and Australian Charities and Not-for-profits Commission Regulations 2013 (Cth)*, in particular:
  - ACNC Governance Standard 3 (s 45.15 of the above Regulations)
  - ACNC External Conduct Standard 4 (s 50.35 of the above Regulations)
- *Corporations Act 2001 (Cth)*, in particular Part 9.4 AAA – Whistleblowing
- *Fair Work Act 2009 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Workplace Gender Equality Act 2012 (Cth)*
- *Human Rights and Equal Opportunity Commission Act 1986 (Cth)*
- *Racial Discrimination Act 1975*
- *Racial Discrimination Act (1975): Racial Vilification*
- *Sex Discrimination Act 1984*
- *Sex Discrimination Amendment (Pregnancy and Work) Act 2003*
- *Workplace Health and Safety Acts (State – various)*
- *State & Territory Equal Opportunity/Anti-discrimination legislation*

#### **7 Related Policies**

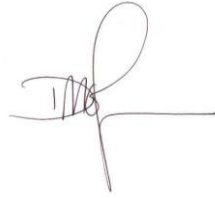
- (a) Safeguarding Policy
- (b) Speak Up Policy
- (c) Workplace Grievance Policy





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## 8 Revision History

| <b>Action:</b>   | <b>Approver Name:</b> | <b>Title:</b> | <b>Signed:</b>  | <b>Date:</b> |
|--|-----------------------|---------------|---|--------------|
| Approval and adoption of policy by the Policy Approver | Dermot O’Gorman       | CEO           |  | 2 May 2024   |
| Revision   |                       |               |   |              |