

**1. Purpose**

1.1 Aviation Australia is committed to providing a safe and fair work environment. We believe that all employees should be able to work in an environment free of discrimination, victimisation, harassment, workplace bullying and vilification. We consider these behaviours unacceptable and they will not be tolerated under any circumstances.

**2. Scope**

2.1 This policy applies to all employees and students of Aviation Australia.

**3. Regulatory References**

3.1 There is a range of legislation underpinning this policy within Aviation Australia, namely:

- Fair Work Act 2009 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Anti-Discrimination Act 1991 (Qld)

**4. Related Documentation**

4.1 AA HR 06a Employee Dispute Complaint.

**5. Glossary of Terms**

5.1 N/A

**6. Responsibilities**

6.1 The Human Resources Manager is responsible for the implementation and adherence to this policy.

**7. Policy****7.1 What is discrimination?**

7.1.1 The Queensland *Anti-Discrimination Act 1991* outlines several areas of activity where discrimination is unlawful. The areas of activity that are applicable to Aviation Australia include, 'work', 'goods and services', and 'education'.

7.1.2 Both direct and indirect discrimination, victimisation, sexual harassment, and vilification are unlawful.

7.1.3 Direct discrimination occurs when groups or individuals are treated less favourably because of differences that are irrelevant to the situation (e.g. sex, race, marital status etc.).

7.1.4 Indirect discrimination occurs when seemingly neutral rules and practices applied to all people contain unreasonable requirements that cannot be met by most people of a particular group (e.g. imposing a height requirement for a job where there is no genuine occupational requirement to do so may effectively disadvantage women).

7.1.5 The grounds on which discrimination is unlawful are as follows:

- sex;
- relationship status;
- pregnancy;
- parental status;
- breastfeeding;
- age;
- race;
- impairment;

- religious belief or religious activity;
- political belief or activity;
- trade union activity;
- sexuality;
- gender identity;
- family responsibilities;
- lawful sexual activity; and
- association with a person identified on the basis of any of these attributes.

7.1.6 Examples of behaviour likely to be interpreted as discrimination include:

- making offensive 'jokes' about another worker's or student's racial or ethnic background, sex, sexual preference, age or disability;
- expressing negative stereotypes about particular groups, e.g. 'married women shouldn't be working';
- judging someone on their political or religious beliefs rather than their work or educational performance.

## **7.2 What is Harassment?**

7.2.1 Harassment is inappropriate behaviour directed at an employee or student that may be offensive, humiliating, intimidating or embarrassing for that person. Harassment includes sexual harassment, workplace bullying and harassment on any of the prohibited grounds for discrimination.

## **7.3 Sexual Harassment**

7.3.1 Sexual Harassment is any form of unwelcome sexual attention that is or might be offensive, humiliating, intimidating, or embarrassing.

7.3.2 Sexual Harassment is prohibited under both the state legislation and the federal *Sex Discrimination Act 1984*, and will not be tolerated in the workplace, or in any work-related context such as conferences, work functions, and business trips.

7.3.3 Sexual Harassment has nothing to do with mutual attraction; such relationships are a private matter.

7.3.4 Examples of behaviour which is likely to be interpreted as sexual harassment include:

- unwelcome physical touching;
- sexual or suggestive comments, jokes, taunts, and insults;
- intrusive questions about a person's private life;
- offensive communications, including telephone calls, letters, faxes, email and text/video messages;
- inappropriate, sexual or suggestive gifts.

## **7.4 What is Workplace Bullying? (Fair Work Act 2009 - anti bullying provisions 1st January, 2014)**

7.4.1 Workplace bullying occurs when:

- an individual or group of individuals repeatedly behaves unreasonably towards a worker/student or a group of workers/students at work, and
- the behaviour creates a risk to health and safety.

7.4.2 Reasonable management action conducted in a reasonable manner does not constitute workplace bullying in relation to an employee's employment or management of a student's education. Examples of behaviour that are likely to be interpreted as workplace bullying include:

- aggressive, intimidating and threatening conduct;
- belittling or humiliating comments;
- victimisation;

- spreading misinformation or malicious rumours;
  - practical jokes or initiation;
  - exclusion from work-related events or educational activities;
  - abusive, insulting or offensive language or comments, often in front of customers, management, or other employees or students;
  - unreasonable work expectations;
  - setting unreasonable timelines or constantly changing deadlines.
  - instant ridicule, unjustified criticisms, and being put down;
  - leaving offensive messages on email, or the telephone;
  - repeated threats of dismissal or expulsion without valid cause, or other severe punishment for no reason;
  - denying access to information, supervision, consultation or resources to the detriment of the worker;
  - singling out, and treating the person differently from others, without good reason.
- 7.4.3 A single incident of unreasonable behaviour is not considered to be workplace bullying however it may have the potential to escalate and should not be ignored.

## **7.5 What is not considered to be workplace bullying?**

### **7.5.1 REASONABLE MANAGEMENT ACTION TAKEN IN A REASONABLE WAY**

7.5.2 It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

7.5.3 Examples of reasonable management action can include but are not limited to:

- setting reasonable performance goals, standards and deadlines;
- rostering and allocating working hours where the requirements are reasonable;
- modifying a worker's duties or transferring/re-deploying a worker for operational reasons;
- deciding not to select a worker for promotion where a reasonable process is followed;
- informing a worker of their unsatisfactory work performance;
- informing a worker of their unreasonable or inappropriate behaviour in an objective and confidential way;
- implementing organisational changes or restructuring;
- taking disciplinary action including suspension or termination of employment;
- refusing an employee permission to return to work due to a medical condition;

## **7.6 What do I do if I am experiencing workplace bullying?**

7.6.1 If you believe you are experiencing or witnessing workplace bullying, report it as early as possible. Your employer cannot address the problem if they do not know about it. If your supervisor is the person whose behaviour is concerning you, speak to the next person of seniority in your workplace.

7.6.2 Speak with your manager / supervisor in the first instance. Your other contact at Aviation Australia is:

Contact Officer - Steve Harridge, Human Resources Manager:

- Direct Telephone: +61 7 3860 0958
- Mobile: +61 455 081 371

Option 1: if you are experiencing discrimination, harassment or workplace bullying, document your complaint on the AA HR 06a Employee Dispute Complaint form.

Option 2: If your complaint is in relation to a regulatory or compliance breach, document your complaint via IT & QA Help Desk, Quality & Risk, Confidential Reporting.

### **7.7 What will your workplace do following a report of workplace bullying?**

- respond to the bullying report quickly and reasonably in accordance with the policies and procedures at your workplace;
- treat all reports seriously;
- inform you of the process of how the matter will be dealt with;
- maintain confidentiality;
- allow the parties to explain their version of events;
- remain neutral and impartial towards everyone involved;
- advise you of support options available to you, such as counselling;
- keep records, e.g. records of conversations, meetings and interviews;
- attempt to resolve the matter.

7.7.1 If you are unable to get resolution from your manager / supervisor, senior managers or CEO, from 1 January 2014, a worker, e.g. an employee, contractor, apprentice or volunteer who reasonably believes they have been bullied at work may apply to the Fair Work Commission for an order to “STOP” the workplace bullying. Such workers should contact the Fair Work Commission to find out if they are eligible to apply for an order.

7.7.2 The Fair Work Commission will only make an order if satisfied the worker has been bullied at work by an individual or a group of individuals and there is a risk the worker will continue to be bullied at work.

7.7.3 Fair Work Australia contact details are:

- Telephone: +61 7 3000 0399
- Out of hours emergency: +61 419 335 202
- Email: [brisbane@fwc.gov.au](mailto:brisbane@fwc.gov.au)

### **7.8 What is Vilification?**

7.8.1 Vilification is behaviour that happens in a public place and incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity.

7.8.2 Examples of vilification include:

- placing a poster or sticker on your desk or locker which incites others to hate people because of their race, religion, sexuality, or gender identity;
- wearing of symbols, badges, or clothing in the workplace or at school with slogans that incite hatred;
- making a speech at work or school that incites hatred of people because of their race, religion, sexuality or gender identity.

### **7.9 What we will do:**

- take all reasonable steps to prevent discrimination, harassment, bullying or vilification occurring in the workplace or educational setting;
- advise employees and students of their responsibilities and provide them with information and coaching in relation to anti-discrimination, harassment, workplace bullying, and vilification issues;
- investigate any complaint regarding discrimination, harassment, workplace bullying or vilification and take action to eliminate inappropriate behaviour from the workplace or educational setting;
- treat employees, students or customers who make complaints with respect;

- make adjustments or modifications to the workplace to fit the specific needs of employees with a disability or impairment whenever it is possible, necessary, or reasonable to do so;
- ensure our Equal Opportunity goals are met;
- base all selection decisions on merit.

**7.10 What employees and students are required to do:**

- behave appropriately and consistently with the spirit of this policy and the Code of Conduct;
- understand that any employee found to have discriminated against, harassed, bullied, or vilified a person while performing their work may be subject to disciplinary action, up to and including termination of employment;
- understand that any student found to have discriminated against, harassed, bullied, or vilified a person whilst enrolled as a student at Aviation Australia may be subject to disciplinary action, up to and including expulsion;
- report any action or behaviour that you believe may be harassment, discrimination, bullying, or vilification. It is expected that Aviation Australia will be given the opportunity to resolve complaints of discrimination, sexual harassment, or vilification before a formal complaint is lodged with the relevant commission or tribunal.

**8. Records**

8.1 Retain all documentation with personnel file

**9. Flowchart**

9.1 N/A

**Declaration**

I confirm that I have read and understood the above policy, including any enforcement of the policy.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_