



# Policy for Prevention of Discrimination, Harassment and Bullying

Approved by Committee of Management July, 2020

The Chime Choir is committed to providing a safe, flexible and respectful environment for all members, staff and clients, free from all forms of discrimination, bullying and harassment. All Chime members are required to treat others with dignity, courtesy and respect.

The purpose of this Policy is to ensure all members are aware of:

- what 'unlawful discrimination', 'harassment' and 'bullying' mean;
- the procedures that Chime has in place to hear and resolve grievances relating to potential discrimination, harassment and bullying; and
- who you can talk to at Chime if you wish to raise a grievance?

This Policy summarises some of the rights and obligations which are created by applicable legislation, and is not intended to go beyond the legislation.

## **UNLAWFUL DISCRIMINATION**

Discrimination is treating one person or group less favourably than another or causing them disadvantage. Unlawful discrimination is discrimination which law has defined as unacceptable.

There are several Federal and State laws which presently make discrimination unlawful on a variety of grounds (unlawful reasons) including, but not limited to:

- sex, marital or relationship status, pregnancy, breastfeeding or family responsibilities;
- homosexuality;
- race, colour, descent, nationality, national origin, ethnicity, ethno-religious origin or immigrant status;
- religious belief or activity;
- political belief or activity;
- trade union activity;

- disability or impairment;
- physical features;
- transgender status, sexual orientation, gender identity or Intersex status;
- age;
- responsibilities as a carer; or
- service in the voluntary defence forces.

Discrimination can occur in the recruitment or joining process, during the course of participation or when terminating one's association with an organisation. Discrimination can also occur in the provision of goods or services. Members should not discriminate against other members or clients. Similarly, clients should not discriminate against members where engaged on behalf of Chime.

Discrimination can be direct or indirect.

*Direct discrimination* occurs where someone is treated less favourably because of their sex, age, racial group etc. An example of direct discrimination is when a person misses out on a selection or admission because they are considered too old for the group.

*Indirect discrimination* occurs where everyone is treated on the same terms according to a rule, policy or directive but which has the effect of being less favourable to people of a particular sex, age group, race, religion etc and which is not reasonable in all the circumstances. An example of indirect discrimination would be a security company that has height and weight restrictions for its employees – this may exclude a significant proportion of women and/or people of Asian origin.

There are exceptions from anti-discrimination law which may apply in some situations – for example, because of the safety requirements of a particular assignment.

## **UNLAWFUL HARASSMENT**

Unlawful harassment is a type of unlawful discrimination. In general, it is any form of conduct or behaviour which affects a person that:

- is unwelcome (not wanted) or uninvited (not asked for);
- is based on one of the unlawful reasons; and
- is behaviour that a reasonable person would have anticipated might humiliate, offend or intimidate the person being harassed.

Types of unlawful harassment include, but are not limited to:

- sexual harassment;
- verbal abuse or comments that degrade or stereotype people because of their age, race, religion, gender, sex, sexuality, pregnancy, disability, etc;
- jokes based on age, race, religion, gender, sexuality, pregnancy, disability, etc;
- mimicking someone's accent, or the habits of someone with a disability;
- offensive gestures based on age, race, religion, gender, sexuality, pregnancy, disability, etc;
- bullying a person because of their age, race, religion, gender, sexuality, pregnancy, disability, etc;
- ignoring or isolating a person or group because of their age, race, religion, gender, sexuality, pregnancy, disability, etc;
- displaying or circulating of racist, pornographic or other offensive material (including in electronic format);
- sending explicit or sexually suggestive emails or text messages; or
- asking intrusive questions about someone's personal life, including their sex life.

Harassment might not be unlawful, if it is not based on one of the unlawful reasons. In some cases, a single action or incident can create unlawful harassment. In other cases, there may need to be a persistent pattern of behaviour before unlawful harassment has occurred.

However, Chime Choir expects its members and staff, as representatives of Chime, to treat each other and other people with whom they come into contact with respect and courtesy at all times.

## **UNLAWFUL SEXUAL HARASSMENT**

Unlawful sexual harassment is one form of harassment which the law does not allow. Unlawful sexual harassment includes, but is not limited to:

- pressure or demands for dates or sexual favours;
- unnecessary familiarity - for example, deliberately brushing against a person or constantly staring at a person;
- unwanted physical contact - for example, touching or fondling;
- sexual jokes or innuendo;
- offensive telephone calls;
- offensive sexual gestures;

- unwelcome comments or questions about a person's sex life;
- display, circulation of sexual material, including magazines, posters or pictures (including in electronic format);
- sending email or text messages which contain sexual content or tone; or
- sexual assault.

It is important to understand that some of these forms of sexual harassment are also criminal behaviour and may be treated as a criminal offence.

Conduct which is welcome or consensual is not unlawful. However, you should take great care before engaging in conduct you believe to be welcome. Always remember that some people may not feel comfortable telling you that your behaviour is offending them and is not welcome. This may be because of their personality or may be because they are too worried about the possible impact on their membership participation if they complain. It is your responsibility to ensure that you do not engage in conduct which is not welcome. Similarly, it is your responsibility to tell someone if you do not feel comfortable with their behaviour, or at least to raise the issue with some other appropriate person.

Further, any personal friendships that develop should not adversely impact on your responsibilities within Chime or on the performance or productivity of other members.

## **BULLYING**

Bullying is repeated, unreasonable behaviour directed toward a member, or group of members, that may cause harm, including risks to health and safety.

Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to humiliate, intimidate or threaten another person. Such behaviour can include an individual's or group's actions or practices which humiliate, intimidate or threaten another person.

Bullying may also amount to unlawful discrimination or harassment.

The following types of behaviour, particularly if directed towards an individual repeatedly, may amount to bullying:

- demeaning language;
- threats;
- verbal abuse;
- outbursts of anger or aggression;

- physical or verbal intimidation;
- excluding or isolating; and
- ganging up.

## **WHAT ARE YOUR OBLIGATIONS**

Every Chime member has the legal obligation not to discriminate against, or harass for any unlawful reason, or bully for any reason any member, staff, suppliers or visitors.

You must always consider how your behaviour will be viewed by the person or people you are dealing with. You might unlawfully harass someone, bully someone or unlawfully discriminate against someone even if you do not mean to do or say anything offensive. It is not a legally acceptable defence to say that you did not mean or intend to humiliate, offend or intimidate somebody else.

It is sometimes difficult to know whether someone will find your behaviour acceptable. What is offensive to one person may not be offensive to another. You should be careful not to risk being misunderstood and, as a result, becoming the subject of a complaint.

## **WHAT TO DO IF YOU HAVE A GRIEVANCE**

If you feel that you are being unlawfully harassed, discriminated against or bullied, there is action you can take that may resolve the problem, such as:

- do not ignore circumstances where you feel you are being unlawfully discriminated against, harassed or bullied, thinking it will go away. Ignoring the behaviour could be taken as tacit approval by the person causing the harassment, discrimination or bullying;
- where you feel comfortable doing so, ask the person to stop or make it clear that you find the behaviour offensive or unwelcome. Maybe the alleged discriminator/harasser/bully is not aware that his/her behaviour is intimidating or unwelcome and will stop once they are told;
- raise the issue as a grievance with the Chime Committee of Management, as soon as possible after the incident(s) have occurred. In the first instance, you can approach any or all of the President, Secretary, Treasurer or Vice-President to notify your grievance.

Although you may feel the need to tell a trusted friend about the matter, you should be careful. Accusations of unlawful discrimination/harassment can harm the reputation of those involved and could lead to legal action for defamation. Do not allow rumours to spread.



## **WHAT WILL THE COMMITTEE DO WITH A GRIEVANCE?**

All grievances will be treated seriously and generally in accordance with Chime grievance handling process.

The Chime Committee of Management will take whatever action it considers appropriate if there has been unlawful discrimination or harassment or bullying, including suspending or expelling offenders. The processes to be followed in such a case are defined in the Chime Constitution, Part 3: Division 2 – Disciplinary Action; Division 3 – Grievance Procedure.

You should also be aware that if you lie about or exaggerate a grievance issue, the Committee of Management will view this as a very serious matter, and you may be disciplined as a result.