

National Anti-Discrimination, Bullying and Harassment Policy

1. Scope

1.1. This policy applies to:

- 1.1.1. AALA Executive and Branch Committee Members and ordinary Members;
- 1.1.2. how AALA provides services to its Members and how it interacts with other members of the public;
- 1.1.3. AALA related events, social functions, conferences or wherever and whenever Members may be as a result of their AALA duties or participation in AALA; and
- 1.1.4. all aspects of AALA recruitment and selection, task allocation, workload, equipment, transport and other activities carried out within AALA.

2. Aims

- 2.1. AALA is committed to providing a cohesive professional network to advocate for, and provide support to, its Members and to benefit from shared learning and experience.
- 2.2. AALA is dedicated to providing a safe and respectful environment for its Members and the general public free from all forms of discrimination, harassment and bullying.
- 2.3. All AALA Members and the general public with whom we engage are required to treat others with dignity, courtesy, and respect.
- 2.4. By effectively implementing our National Anti-Discrimination, Bullying and Harassment Policy we will create a positive environment for all Members and the general public with whom we engage.

3. Member rights and responsibilities

3.1. All Members are entitled to:

- 3.1.1. be a part of an organisation free from discrimination, bullying and harassment; and
- 3.1.2. the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.

3.2. All Members must:

- 3.2.1. follow the standards of behaviour outlined in this Policy;
- 3.2.2. offer support to people who experience discrimination, bullying and harassment within AALA, including providing information about how to make a complaint;
- 3.2.3. avoid gossip and respect the confidentiality of complaint resolution procedures; and

3.2.4. treat everyone with dignity, courtesy, and respect.

4. Additional responsibilities of AALA Executive and Branch Committee Members

4.1. AALA Executive and Branch Committee Members must also:

4.1.1. model appropriate standards of behaviour;

4.1.2. take steps to educate and make members aware of their obligations under this Policy and the law;

4.1.3. respond quickly and appropriately when they become aware of inappropriate behaviour;

4.1.4. act fairly to resolve issues and enforce behavioural standards, making sure relevant parties are heard;

4.1.5. help Members resolve complaints via the procedures outlined in this Policy and under the AALA Constitution;

4.1.6. refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation; and

4.1.7. ensure Members who raise an issue or make a complaint are not victimised.

5. Unacceptable conduct

5.1. Discrimination, bullying and harassment are unacceptable at AALA and are unlawful, including under the following legislation:

5.1.1. *Sex Discrimination Act 1984* (Cth);

5.1.2. *Racial Discrimination Act 1975* (Cth);

5.1.3. *Disability Discrimination Act 1992* (Cth);

5.1.4. *Age Discrimination Act 2004* (Cth); and

5.1.5. *Australian Human Rights Commission Act 1986* (Cth).

5.2. Any person found to have engaged in such conduct might be counselled, warned or disciplined under this Policy and the AALA Constitution.

6. Discrimination

6.1. 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.

6.2. Discrimination can occur:

6.2.1. **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); and

6.2.2. **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).

6.3. Protected personal characteristics under Federal discrimination law include:

6.3.1. a disability, disease, or injury, including work-related injury;

6.3.2. parental status or status as a carer, for example, because they are responsible for caring for children or other family members;

6.3.3. race, colour, descent, national origin, or ethnic background;

6.3.4. age, whether young or old, or because of age in general;

6.3.5. sex;

6.3.6. 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;

6.3.7. religion;

6.3.8. pregnancy and breastfeeding;

6.3.9. sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual;

6.3.10. marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;

6.3.11. political opinion;

6.3.12. social origin;

6.3.13. medical record; and

6.3.14. 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.

6.4. 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.

6.5. Discrimination is a serious breach of this Policy and may result in formal discipline against the perpetrator.

7. Bullying

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

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

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

7.4. Behaviours that may constitute bullying include:

7.4.1. sarcasm and other forms of demeaning language;

7.4.2. threats, abuse or shouting;

7.4.3. coercion;

7.4.4. isolation;

7.4.5. inappropriate blaming;

7.4.6. ganging up;

7.4.7. constant unconstructive criticism; and

7.4.8. deliberately withholding information or equipment that a person needs to do their job or access their entitlements.

7.5. Bullying is unacceptable in AALA and may also be against occupational health and safety law.

7.6. Bullying is a serious breach of this Policy and may result in formal discipline against the perpetrator.

8. Victimisation

8.1. 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.

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

8.3. Victimisation is a serious breach of this Policy and may result in formal discipline against the perpetrator.

9. Harassment

9.1. Harassment is any uninvited, unwelcome, or unreciprocated behaviour that is likely to offend, humiliate or embarrass another person, and which targets them on the basis of a protected characteristic.

9.2. Harassment need not be repeated or continuous; a single incident can amount to harassment.

9.3. Harassment can include behaviour such as telling insulting jokes about particular racial groups or making derogatory comments about someone's race.

9.4. Harassment is a serious breach of this Policy and may result in formal discipline against the perpetrator.

10. Gossip

10.1. It is unacceptable for members to talk with other members, associates or partners of AALA about any complaint of discrimination or harassment.

10.2. Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as an AALA Executive or Branch Committee Member) is a serious breach of this Policy and may result in formal discipline against the perpetrator.

11. Resolving issues at AALA

11.1. AALA strongly encourages any person who believes they have been discriminated against, bullied, victimised or harassed to make a complaint (which the complainant may make on a confidential basis if the complainant chooses to do so) to:

11.1.1. the AALA National Discipline and Grievance Officer; or

11.1.2. the AALA Deputy National Discipline and Grievance Officer; or

11.1.3. the National President; or

11.1.4. the National Vice President; or

11.1.5. the National Secretary; or

11.1.6. the National Treasurer; or

11.1.7. a Branch President; or

11.1.8. a Branch Secretary.

11.2. AALA also strongly encourages any person who believes they have been discriminated against, bullied, victimised or harassed to consider their legal rights.

11.3. Subject to cl 11.5, the AALA Executive Committee must by Ordinary Resolution appoint for the duration of its term:

11.3.1. a member of the Executive Committee to be the AALA National Discipline and Grievance Officer, who will serve as the Convenor of the AALA National Disciplinary Subcommittee as it sits from time to time; and

11.3.2. another member of the Executive Committee to be the AALA Deputy National Discipline and Grievance Officer, who will serve as the Deputy Convenor of the AALA National Disciplinary Subcommittee as it sits from time to time.

11.4. Subject to cl 11.5, the AALA Executive Committee may appoint by Ordinary Resolution another member of the Executive Committee to act in the position of the AALA National Discipline and Grievance Officer or the AALA Deputy National Discipline and Grievance Officer if the Executive Committee considers the circumstances require.

11.5. The AALA National Discipline and Grievance Officer and AALA Deputy National Discipline and Grievance Officer must be of different genders.

11.6. The AALA National Technology Officer must create the following e-mail addresses:

11.6.1. For the AALA National Discipline and Grievance Officer:
disciplineandgrievance1@aala.org.au; and

11.6.2. For the AALA Deputy National Discipline and Grievance Officer:
disciplineandgrievance2@aala.org.au.

11.7. A person who receives a complaint (**the notifier**) from another person in accordance with cl 11.1 (**the complainant**) must notify the AALA Executive Committee as soon as possible and must do so in a manner that maintains any confidentiality requested by the complainant.

11.8. As soon as possible after the notifier notifies the AALA Executive Committee of the complaint in accordance with cl 11.7, the Executive Committee must meet to decide by Ordinary Resolution on the appropriate course of action, which may include:

11.8.1. instigating disciplinary action against the relevant person in accordance with Part 3 Division 2 of the AALA Constitution;

11.8.2. instigating the grievance procedure in relation to the relevant person in accordance with Part 3 Division 3 of the AALA Constitution;¹

11.8.3. enforcing any duty or power under the AALA Constitution;

11.8.4. reporting the incident to a relevant law enforcement authority; and

11.8.5. any other course of action permitted by the law.

11.9. All complaints will be assessed objectively and in an unbiased manner in accordance with the AALA Constitution.

11.10. A Member who does not feel safe or confident to make a complaint themselves may seek assistance from another Member to obtain advice, support, or undertake action on their behalf.

12. Other relevant AALA policies

12.1. Members are encouraged to read this policy in conjunction with other relevant AALA policies, including:

12.1.1. AALA National Sexual Harassment Policy.

13. More information

¹ Note that cl 26.2 of the AALA Constitution states that “A Member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed”.

13.1.If you have a query about this policy or need more information, please contact the AALA National Discipline and Grievance Officer and/or the AALA Deputy National Discipline and Grievance Officer.

14. Review details

14.1.This policy was adopted by AALA on 24 August 2021.

14.2.This policy was last updated on 24 August 2021.