



PREVENTING DISCRIMINATION, HARASSMENT AND BULLYING

OBJECTIVES:

This procedure aims to:

- Ensure all employees are treated fairly, consistently and with respect.
- Ensure all workplace decisions and policies are based on the individual merit of the employee.
- Provide a mentally healthy, harmonious, equitable workplace, free of discrimination and harassment via education and training.
- Ensure compliance with our duty of care to our employees and contractors as per Occupational Health and Safety legislation and standards, and Equal Opportunity legislation.
- Provide guidelines for dealing with discrimination, bullying and harassment issues.

This procedure applies to all employees, directors, contractors performing work under the direction of Wangki Radio .

DEFINITIONS:

Duty of Care:	A responsibility owed to another person because of a form of relationship between the parties
Equal Opportunity:	Fair and equitable treatment of others achieved by creating an environment which is free from discrimination as per guidelines in the Equal Opportunity Act 1984
Direct Discrimination:	When someone is treated unfavourably because of a personal characteristic that is protected under law.
Indirect Discrimination:	When a rule seems fair but has a discriminatory effect on certain people.
Victimisation:	Treating a person unfairly who has made a complaint.

PROCEDURE STATEMENT:

We are committed to providing a fair and equitable workplace free from discrimination, harassment, victimisation and bullying. Unacceptable workplace behaviour will not be tolerated and if it occurs, management action will be taken, including investigation into the incident and disciplinary action where applicable. A training program is in place to educate employees and management on the required acceptable workplace behaviour and processes. We will ensure our policies and procedures do not discriminate against one or a group of persons.

To achieve an open, inclusive and discrimination free workplace, we will:

- Ensure that Wangki employees, community members and the public, as well as suppliers receive fair treatment when dealing with us.
- Ensure all employment practices and policies eliminate and ensure the absence of discrimination and bias.
- Encourage an open and inclusive environment for employees.
- Educate employees and line managers on required workplace behaviour.
- Deal with instances of harassment or bullying in a timely, sensitive and decisive manner.



TYPES OF UNACCEPTABLE BEHAVIOUR

1. Unlawful Discrimination

We must not treat another person who applies for a job with us or works with us differently based on a personal characteristic such as those below.

We must make all our recruitment and decisions about employees based on their ability to perform their role, not a personal trait.

As per Equal Opportunity laws, you cannot treat anyone unfairly because of their:

- Age
- Breastfeeding
- Family responsibility
- Family status
- Gender history or Sex
- Marital status
- Political belief
- Pregnancy
- Race
- Sexual or Racial harassment
- Impairment
- Sexual orientation
- Religious conviction
- Spent conviction

See your line manager or the Station Manager for any further information on these grounds.

2. Sexual Harassment

Under legislation you are not allowed to sexually harass another person. You must also make sure you act to prevent such behaviour, because ignoring unlawful behaviour is also not allowed.

Sexual harassment means inappropriate behaviour which is unwelcome and uninvited that offends, humiliates or intimidates another. It does not matter if the behaviour was not meant to hurt or embarrass someone, but only that the person felt that way.

Examples include:

- Uninvited hugging, touching or kissing
- Intrusive questions or insinuations about a person's private life;
- Displays of offensive or pornographic material
- Sex-based insults or taunts
- Unwanted invitations for dates
- Offensive communication (texts, emails, mail, phone calls)

It is not sexual harassment, when friendships develop between employees are mutual (sexual or otherwise).

3. Workplace Harassment and Bullying

Workplace harassment is any form of behaviour (including comments, jokes and innuendo) which is unwelcome and causes the other person to feel offended, humiliated or intimidated.

Harassment at work is not allowed under employment law and is not tolerated. Disciplinary action will follow if the behaviour does not cease.



Workplace bullying is an extension of harassment and is defined as any form of persistent inappropriate behaviour occurring in the course of work which is aimed at belittling, intimidating or undermining an individual's dignity.

Bullying causes serious and long-term health impacts on the victim and it is not tolerated and will be dealt with seriously. It can be verbal or secret, and can include threats, sarcasm or excluding someone or sabotaging their work.

Where the bullying behaviour does not relate to grounds covered by equal opportunity legislation It may be illegal under other laws relating to assault or threatening behaviour and may be referred to the police in extreme circumstances.

We will prevent bullying and harassment by ensuring all employees understand the required acceptable behaviour and the limits, via regular training programs.

Wangki Radio takes a zero tolerance to workplace bullying and harassment and all reported incidents will be investigated thoroughly and confidentially. Anyone who is found guilty of workplace bullying will be counselled and disciplined, which may result in the termination of their employment.

4. Victimisation

Victimisation of an individual who has lodged a complaint is also not allowed. This is where people ignore you or treat you unfairly because you have made a complaint. This will not be tolerated and will be investigated accordingly. Disciplinary action may follow to any person who victimise another.

RESPONSIBILITIES:

The **employer** acknowledges it is responsible for:

- Providing and maintaining a safe and harassment free working environment.
- Providing adequate training, instruction and supervision to ensure all employees understand and display the appropriate workplace behaviour.
- Adequately communicating this procedure and its requirements.
- Dealing with any instance via mediation, investigation, education, training and/or disciplinary action where warranted in a timely, confidential and impartial manner.

Managers and Line Managers are responsible for:

- Taking all reasonable steps to prevent and address all forms of unlawful discrimination, harassment, bullying and victimisation consistent with this procedure.
- Immediately reporting and appropriately dealing with any instances of unacceptable behaviour.

Employees are responsible for:

- Adhering to the Code of Conduct and this procedure, including reporting any potential breach of this procedure to a Manager.
- Assisting in the investigation of any incidents.
- Not making any false accusation, not bringing about false complaints and not victimising any other person if they lodge a complaint.



PROCEDURES:

When reporting and managing complaints or issues employees and Line Managers will follow the standard Grievance Procedure. (refer to Managing Grievances procedure, overleaf)

FURTHER INFORMATION / REFERENCES:

Equal Opportunity Act 1984, Age Discrimination Act 2004, Disability Discrimination Act 1992, Fair Work Act 2009, Racial Discrimination Act 197, Sex Discrimination Act 1984, Occupational Safety and Health Act (WA) 1984 and Regulations 1996,



MANAGING GRIEVANCES

COMMITMENT:

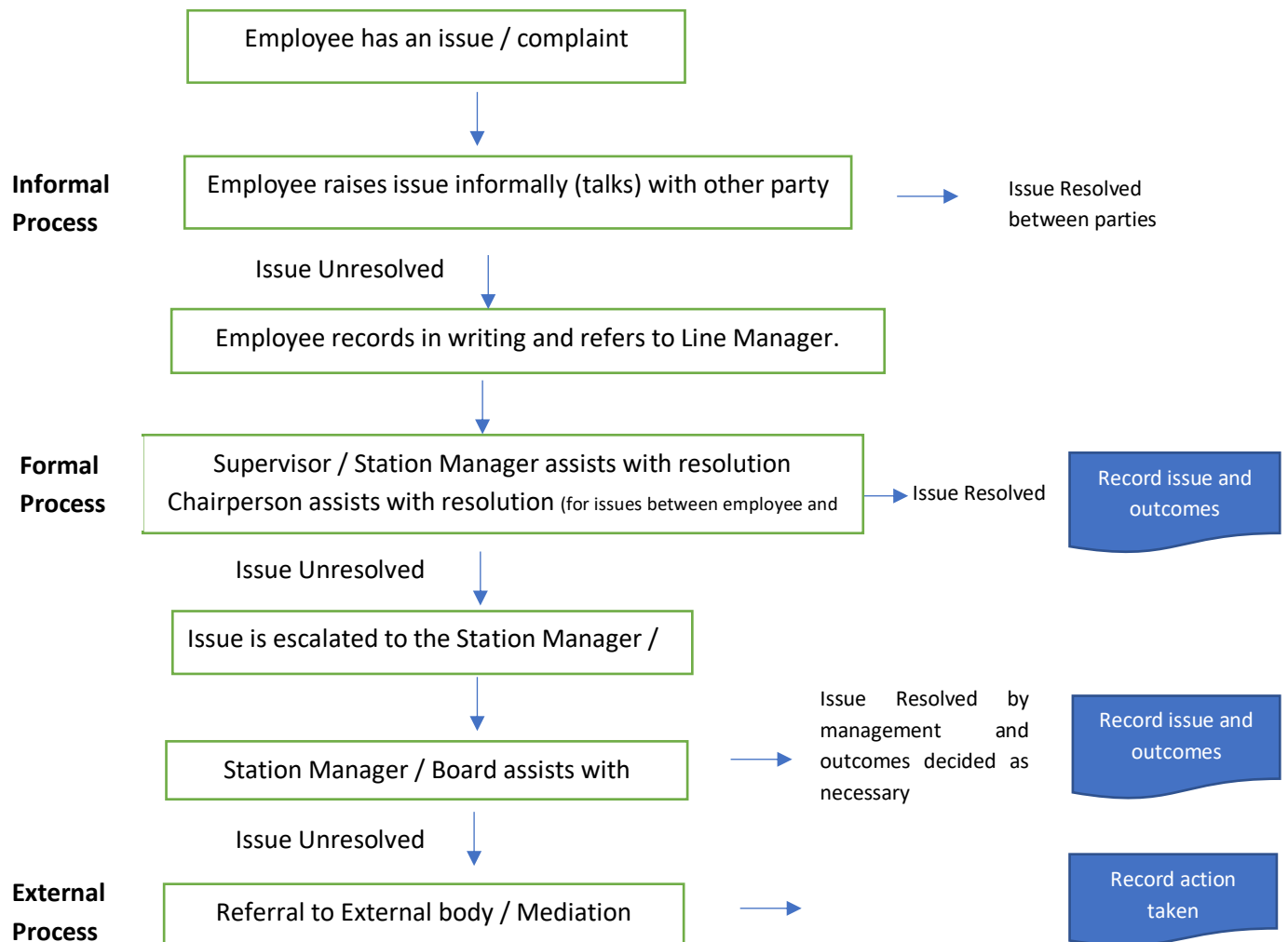
Limited is committed to working with employees and management when preventing and settling all workplace disputes.

PROCEDURES:

The following procedures are for any employee who wishes to report a complaint, and Line Managers who receive and need to investigate a complaint. All actions are taken with the view of natural justice in mind, where all parties have the right to respond to allegations with a support person present (if desired) and a fair process is followed.

Wardi prefers that issues are to be dealt with as per the flowchart below.

ACTION FLOWCHART:





DETAILED PROCEDURES:

Step	Parties involved	What is done?	Tips / Forms
<p>OPTIONS FOR MAKING A DISCRIMINATION, BULLYING OR HARASSMENT COMPLAINT or GENERAL GRIEVANCE</p> <p>Any employee has the following 3 options if they wish to report any inappropriate behaviour</p>			
<ul style="list-style-type: none"> Informal resolution 	Complainant and respondent (and potentially Line Manager)	Parties meet and complainant advises other party (respondent) of issue and the effect it is having on them. Request other party feedback/response. Parties listen and respond. Agree on future behaviour/process.	<ul style="list-style-type: none"> All complaints will be treated seriously and dealt with promptly, impartially and confidentially. Be tactful, respectful and calm. Give time frame for process. Line Manager may be required to facilitate.
<ul style="list-style-type: none"> Manager Referral 	Complainant Witness(es) Manager Respondent	Complainant reports the issue to Line Manager or Station Manager. If an incident is witnessed which breaches this procedure, it must be reported to the Line Manager or Station Manager.	<ul style="list-style-type: none"> All complaints will be treated seriously and dealt with promptly, impartially and confidentially. Ensure Natural Justice and Procedural Fairness applies. Complaint may be withdrawn. If complaint is frivolous or unsubstantiated, it is dismissed Should not take more than one week.
<ul style="list-style-type: none"> Gather advice from Equal Opportunity Commission or Fairwork Australia. as relevant 	Complainant	Complainant contacts EOC for advice	<ul style="list-style-type: none"> Respect all parties' confidentiality Ensure no victimisation occurs of the complainant
<p>RECEIVING AN DISCRIMINATION, BULLYING OR HARASSMENT OR GENERAL COMPLAINT</p>			
Information gathering	Employee (complainant) and relevant Line Manager	Ask the complainant to explain the whole story, including what happened, step by step. Record it accurately and have the complainant sign it.	<ul style="list-style-type: none"> Treat confidentially and seriously and allow support person.



Step	Parties involved	What is done?	Tips / Forms
Next Step	Complainant and relevant Line Manager	Explain next step of process and agree on next action.	<ul style="list-style-type: none"> Ask employee to check notes for accuracy.
Investigation not requested by complainant:	Line Manager and parties	Assuming no breach of procedure: Act promptly to pass any information on to the Station Manager	<ul style="list-style-type: none"> Maintain confidentiality
Investigation requested by complainant	Station Manager plus parties	Line Manager identifies parties to the investigation issue (including clarifying the issue with complainant) and reports to Station Manager with recommendation. Interview preparations are made. Complainant is responded to in writing.	This level should not exceed one week following the last meeting.
<p>CONDUCTING AN INVESTIGATION</p> <p>Employee must continue to work during the investigation process, unless an imminent risk to their safety is apparent. (Complainant may take the issue to an external body such as Fairwork or Equal Opportunity Commission at any stage)</p>			
Meeting with complainant	Station Manager and Complainant	Advise the process to be undertaken and possible outcomes if complaint substantiated	<ul style="list-style-type: none"> DO NOT ASSUME GUILT. LISTEN CAREFULLY. ENSURE CONFIDENTIALITY If respondent is Line Manager refer to Station Manager. If respondent is the Station Manager, the employee must attempt to resolve the situation with the Station Manager. If unsuccessful they are to refer to the Chairperson. Treat seriously and with respect. Give reasonable notice of all meetings Allow support person at all meetings Document all meetings and get sign off from participants.
Meet with Respondent	Station Manager and Respondent	Inform respondent and advise of allegation and process. Allow response – they may prefer to respond in writing after meeting.	
Investigation	Complainant, respondent, witnesses	Gather facts from all parties separately, including witnesses. Document the facts.	
Decision	Investigator	Review all facts and decide on appropriate action. Refer complaint to Station Manager if no immediate decision is possible.	<ul style="list-style-type: none"> Get advice from external body or Station Manager if needed.



Step	Parties involved	What is done?	Tips / Forms
CONSEQUENCE OPTIONS: Ensure chosen action meets needs of organisation and is matched to severity of action.			
Dismissal of complaint	Complainant and Respondent	If not enough evidence to substantiate complaint or it is found to be false.	<ul style="list-style-type: none"> Document process, advise parties in person and follow up in writing
Mediation	Complainant, respondent, witnesses	If applicable, attempt to mediate the issue between the parties. Document and get sign off for agreed actions.	<ul style="list-style-type: none"> Document process and have parties confirm completion.
Discipline	Station Manager/ respondent	Meet with respondent and advise of outcome.	<ul style="list-style-type: none"> Document details and have all parties sign.
Training and Education of individual, team or whole organisation	As relevant	Ensure relevant acceptable policy and procedure reminders and workplace training is delivered where required.	<ul style="list-style-type: none"> Provide any additional training for respondent if necessary. Document attendance
Apology	Respondent / Complainant	Details to be agreed with all parties prior to being delivered.	<ul style="list-style-type: none"> Document accurately and have all parties sign that action has been completed as per agreement.

Grievance with the Station Manager:

If an employee has a grievance with the Station Manager, the Station Manager should be verbally advised, where an attempt will be made to resolve the matter between the parties, with the assistance of the Supervisor if necessary.

If the matter is not resolved, it will be formally recorded in writing by the employee to the Station Manager. The Chairperson is informed in writing by the employee and the Chairperson acknowledges the correspondence. The Chairperson will attempt to resolve the issue via mediation and may refer the issue to the Board at any time.

If the Board is unable to resolve the issue the matter will be referred to an external body or a mediator.

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STANDARD FORMS:

- [File Note / Meeting Record](#)
- [Warning Record Template](#)