

**1. Purpose**

- 1.1 Aviation Australia (AA) is committed to providing a safe, respectful and inclusive workplace. We believe that all people should be able to work and study in an environment free of discrimination, , sexual harassment, workplace bullying, victimisation or vilification. We consider these behaviours unacceptable, and they will not be tolerated under any circumstances.

**2. Scope**

- 2.1 This policy applies to all staff, regardless of their employment status, role or position – permanent, temporary, casual or part-time employees, board members, executives, managers, supervisors, team leaders, employees, apprentices, trainees, contractors, volunteers and any other individuals working in association with AA.

**3. Revision Details**

- 3.1 This section outlines any adjustments made to the document during the most recent revision.

Section Reference #	Rationale for Change
All	Document review and update in accordance with legislation and Fair Work. This document scope excludes students.
Document Name	Amended document name to add Sexual Harassment

- 3.2 This section outlines the review frequency of the document.

<b>Planned Revision</b>	Biennially
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**4. Regulatory References**

- 4.1 There is a range of legislation underpinning this policy within AA, namely:
- Fair Work Act 2009 (Cth)
  - Racial Discrimination Act 1975 (Cth)
  - Disability Discrimination Act 1992 (Cth)
  - Sex Discrimination Act 1984 (Cth)
  - Age Discrimination Act 2004 (Cth)
  - Anti-Discrimination Act 1991 (Qld)
  - Disability Act 2006 (Vic)
  - Charter of Human Rights and Responsibilities Act 2006 (Vic)
- 4.2 In addition to the above legislation, any relevant state or territory based legislation relating to discrimination, sexual harassment and workplace bullying also underpins this policy.

	<b>Discrimination, Sexual Harassment and Workplace Bullying</b>	<b>AA PC POL 16</b>
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## 5. Related Documentation

- 5.1 [AA PC PRO 06 Grievance Handling - Staff](#)
- 5.2 [AA PC PRO 06a Grievance Complaint Form - Staff](#)

## 6. Glossary of Terms

- 6.1 **P&C** – People and Culture
- 6.2 **Victimisation:** Retaliation against someone who has made a complaint or supported another person's complaint.

## 7. Responsibilities

- 7.1 The Document Owner holds the delegated authority for the proper content and execution of the protocols within the document.
- 7.2 The Responsible Delegate ensures the proper implementation and adherence to the protocols within the document.

<b>Document Owner:</b>	People and Culture Manager
<b>Responsible Delegate(s):</b>	N/A

Key Stakeholder Positions may contain multiple responsibilities for various parts of the document however the overall responsibility must remain with the document owner.

<b>Key Stakeholder Positions – Mandatory Consultation Required</b>
N/A

## 8. Policy

### 8.1 What is Discrimination?

- 8.1.1 The Anti-Discrimination legislation outlined in section 4 defines areas of activity where discrimination is unlawful. The areas of activity that are applicable to AA include, 'work', 'goods and services', and 'education'.
- 8.1.2 Both direct and indirect discrimination, victimisation, sexual harassment, and vilification are unlawful.
- 8.1.3 Direct discrimination occurs when groups or individuals are treated less favourably because of differences that are irrelevant to the situation (e.g. sexual orientation, age, disability, race, marital status or religion etc.).
- 8.1.4 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).

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

- sex;
- relationship status;
- pregnancy;
- parental status;
- breastfeeding;
- age;
- race;
- impairment;
- sexuality;
- gender identity;
- religious belief or religious activity;
- political belief or activity;
- trade union activity;
- family responsibilities;
- lawful sexual activity; and
- association with a person identified on the basis of any of these attributes.

8.1.6 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.

## 8.2 Sexual Harassment

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

8.2.2 Sexual harassment is prohibited under both 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.

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

8.2.4 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, social media posts, email and text/video messages;
- inappropriate, sexual or suggestive gifts.

### **8.3 What is Workplace Bullying?**

#### **8.3.1 Workplace bullying occurs when:**

- an individual or group of individuals repeatedly behaves unreasonably towards another person or a group of people at work, and
- the behaviour creates a risk to health and safety.

#### **8.3.2 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 is 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;;
- 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.

#### **8.3.3 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.**

### **8.4 What is not Considered to be Workplace Bullying?**

#### **8.4.1 Reasonable management action taken in a reasonable way is not workplace bullying.**

#### **8.4.2 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.**

8.4.3 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.

### **8.5 What do I do if I am Experiencing Workplace Bullying, Discrimination or Sexual Harassment?**

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

8.5.2 You can speak with your:

8.5.3 Your P&C team if you require information or support on workplace bullying, discrimination or sexual harassment prior to lodging your complaint.

- Executive Leader or CEO
- People and Culture Manager – Kerrie Fiechtner
  - Direct Telephone: +61 7 3860 0958
  - Mobile: +61 422 920 723

Option 1: If you are experiencing discrimination, sexual harassment or workplace bullying, document your complaint on the AA PC PRO 06a Employee Grievance Complaint - Staff.

Option 2: If your complaint is in relation to a regulatory or compliance breach, document your complaint electronically via the QMS on SharePoint.

**8.6 What will your Workplace do Following a Report of Discrimination, Sexual Harassment or Workplace Bullying?**

8.6.1 Respond to the bullying, discrimination or sexual harassment report quickly and reasonably consult and investigate the report with the relevant parties involved, in accordance with AA's policies and procedures:

- 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 mediation, employee assistance program (EAP) including counselling, as well as options for recovery and return to work plans for affected individuals where required;
- keep records, e.g. records of conversations, meetings and interviews;
- attempt to resolve the matter, and
- follow up monitoring and wellbeing check-in.

8.6.2 If you are unable to get resolution from your manager/supervisor, senior or executive leader or CEO you may apply to the Fair Work Commission (FWC) for a 'Stop' order. Contact the Fair Work Commission to find out if you are eligible to apply for an order. Note that FWC staff cannot give you legal advice.

8.6.3 Fair Work Commission contact details are:

- Telephone: 1300 799 675 within Australia between 9 am and 5 pm (local time), Monday to Friday. Closed on public holidays.
- Website: [fwc.gov.au](http://fwc.gov.au)

**8.7 What is Vilification?**

8.7.1 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.

8.7.2 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.

**8.8 Aviation Australia will:**

- 8.8.1 Identify, assess and work to control risks and review controls across our business, including taking all reasonable steps to prevent discrimination, sexual harassment, bullying or vilification occurring in the workplace or educational setting;
- 8.8.2 Advise employees of their responsibilities and provide them with information and coaching in relation to anti-discrimination, sexual harassment, workplace bullying, and vilification issues;
- 8.8.3 Investigate any complaint regarding discrimination, sexual harassment, workplace bullying or vilification and take action to eliminate inappropriate behaviour from the workplace or educational setting
- 8.8.4 Treat anyone who is involved in an investigation, makes a complaint or escalates a concern with respect;
- 8.8.5 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;
- 8.8.6 Continue to deliver annual awareness training to all employees; and
- 8.8.7 Initiate disciplinary action, or referral to external authorities where appropriate.

**8.9 What Employees are Required to do:**

- 8.9.1 Behave appropriately and consistently within the spirit of this policy and the Code of Conduct;
- 8.9.2 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;
- 8.9.3 Report any action or behaviour that you believe may be sexual harassment, discrimination, bullying, victimisation or vilification. It is expected that AA will be given the opportunity to resolve complaints in the first instance and before a formal complaint is lodged with the relevant commission or tribunal.

**8.10 Breach of Policy**

- 8.10.1 Where an employee is found to have breached this policy, whether through acts of discrimination, sexual harassment, bullying, or victimisation, or failure to uphold their duty to prevent such conduct, may be subject to disciplinary action.
- 8.10.2 Breaches include, but are not limited to:
  - engaging in prohibited behaviour,
  - failing to report known incidents,
  - retaliating against complainants, or obstructing investigations.

8.10.3 Disciplinary outcomes may range from formal warnings to termination of employment, depending on the severity and nature of the breach. Where applicable, breaches may also be referred to external authorities and could result in legal penalties under relevant legislation.

**9. Records**

9.1 All documentation is held electronically on employees personnel file indefinitely.

**10. Flowchart**

10.1 N/A.

**Declaration**

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

Employee Name:

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