Prevention of Discrimination, Bullying and Harassment Policy

1.0 Purpose and Scope

Discrimination, Bullying and Harassment is unlawful and prohibited by both state, territory and federal laws. This policy reinforces UQ Sport Ltd (UQSL) commitment to providing an inclusive, respectful, supportive and safe workplace that is free from any discrimination, bullying and/or harassment.

Any form of discrimination, bullying and/or harassment is a risk to health (physical and mental) and safety and will not be tolerated. This policy outlines UQSL's commitment to:

- Creating a workplace culture that is focused on equality, inclusivity and respect, which supports people to take bystander action and takes a zero-tolerance approach to discrimination, bullying and/or harassment and victimisation.
- A work environment that is free from all forms of discrimination, bullying and/or harassment.
- The establishment of a safe and supportive complaints procedure.

Ensuring any workers who make a complaint about discrimination, bullying and/or harassment or takes bystander action in response to inappropriate behaviour, will be protected from victimisation.

It is the obligation and responsibility of everyone working at UQSL to treat others with dignity, courtesy and respect and ensure that the workplace is free from discrimination, bullying and/or Harassment

2.0 Definitions

2.1 Discrimination

Discrimination refers to any unjust or less favourable treatment of an individual or group of individuals based on specific personal attributes or characteristics. Discrimination can happen as a one-off event. These attributes include but are not limited to:

- **Sex:** Discrimination based on gender or sexual orientation.
- **Age:** Discrimination due to a person's age, whether they are young or elderly.
- **Race:** Discrimination based on race, ethnicity, or nationality.
- **Religious Belief or Religious Activity:** Discrimination rooted in a person's religious beliefs or religious practices.
- **Impairment:** Discrimination against individuals with disabilities or impairments.
- **Political Belief or Activity:** Discrimination based on an individual's political beliefs or political activities.
- **Trade Union Activity:** Discrimination against those engaged in activities related to trade unions.
- **Lawful Sexual Activity**: Discrimination based on an individual's consensual sexual activities.
- **Gender Identity:** Discrimination against individuals due to their gender identity, including transgender individuals.

- **Sexuality:** Discrimination based on an individual's sexual orientation.
- **Family Responsibilities:** Discrimination against individuals with family responsibilities, including caregiving responsibilities.
- **Association with, or Relation to, a Person Identified on the Basis of Any of the Above Attributes:** Discrimination based on an individual's association with someone possessing any of the aforementioned attributes.

This is not an exhaustive list of attributes and other forms of discrimination may be covered under this policy. These attributes are protected under federal discrimination laws. The Human Rights Commission Act 1986 also protects people from discrimination in employment.

2.1.1 Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person in a similar situation because of a characteristic that is protected under anti-discrimination laws. This could be based on attributes such as race, gender, age, disability, or other protected characteristics. Direct discrimination is overt and involves a clear and direct distinction or disadvantageous treatment based on these characteristics.

2.1.2 Indirect Discrimination

Indirect discrimination occurs when a seemingly neutral rule, policy, or practice disproportionately affects individuals with specific personal attributes or characteristics protected by anti-discrimination laws. Even though the rule or practice may apply to everyone equally, it may put certain individuals at a disadvantage compared to others based on their protected characteristics. Indirect discrimination is often unintentional but results in unfair and discriminatory outcomes. It is essential to identify and address such practices to ensure equality and fairness in the workplace.

2.2 Harassment

Harassment in the workplace involves any behaviour that is unwelcome, unreasonable, and poses a risk to the health and safety, whether physical or psychological, of an individual or a group. Harassment can be a one-off event. It can manifest in various forms, including but not limited to:

- **Verbal Harassment:** Any spoken or written language that is offensive, aggressive, or demeaning.
- **Visual Harassment:** Any form of non-verbal behaviour, such as gestures, images, or objects, that is offensive or creates discomfort.
- **Physical Harassment:** Any unwanted physical contact or behaviour that creates an intimidating, hostile, or offensive work environment.
- **Cyber Harassment:** Harassment carried out through electronic communication channels, such as emails, messages, or social media platforms.
- **Discriminatory Harassment:** Targeting an individual based on protected characteristics such as race, gender, religion, disability, or sexual orientation.

This policy does not cover incidents of sexual harassment. Sexual harassment is dealt with according to the *Prevention of Sexual Harassment Policy.*

2.3 Bullying

Workplace bullying or harassment encompasses any behaviour that is unreasonable, unwelcome, and creates a risk to the health and safety either physical or psychological of an individual or group of individuals.

Bullying in the workplace involves repetitive and unreasonable behaviour targeting an individual or a group, creating a pattern of mistreatment. Such behaviour may manifest in various forms, including but not limited to:

- **Abusive Behaviour:** Behaviour that is verbally, physically, or emotionally abusive, aggressive, or offensive.
- **Unjustified or Unconstructive Criticism:** Providing unwarranted or unhelpful criticism that undermines an individual's self-esteem or performance.
- **Exclusion or Isolation:** Deliberately excluding or isolating someone from workplace activities, meetings, or social interactions.
- **Teasing or Practical Jokes:** Engaging in teasing or practical jokes that cause distress or discomfort.
- **Undermining Work Performance:** Hindering work performance by withholding critical information, setting unrealistic expectations, or creating obstacles.
- **Setting Unreasonable Timelines:** Assigning tasks with unreasonably short deadlines or constantly changing deadlines.
- **Assigning Tasks Outside Skill Level:** Assigning tasks that are significantly above or below an individual's skill level or job requirements.
- **Denying Access to Information or Resources:** Preventing access to essential information, supervision, consultation, or resources necessary for work.
- **Spreading Malicious Rumours:** Disseminating false or malicious information about an individual.
- **Manipulating Work Arrangements:** Changing work arrangements, such as schedules or leave approvals, to inconvenience specific individuals or groups.

2.4 Direction of Behaviour

Bullying, Discrimination and Harassment can happen in any direction listed but not limited to:

- Sideways between workers.
- Downwards from managers to workers.
- Upwards from workers to supervisors or managers.
- Upwards and sideways from or to customers, clients and members of the public.

3.0 Policy Coverage

This policy applies to all persons engaged by UQSL, which includes, but is not limited to:

- Board members
- Managers, supervisors, and team leaders
- All current or prospective employees (full-time, part-time, fixed term, and casual)
- Clients, customers
- Agency on-hire staff, labour hire workers
- Consultants, Contractors, sub-contractors and secondees
- Student placements, apprentices, work experience students/interns

- Volunteers and anyone working in an unpaid capacity
- Any other workers.

All UQSL workers must comply with this policy as amended from time to time. While every worker is required to comply with this policy, this policy is not incorporated as a term of any employment contract or contract for services and does not create any rights enforceable by a worker against UQSL.

To the extent that there is an inconsistency between the law and this policy, the law will prevail.

This policy applies when:

- working at UQSL (including working from home) during or outside normal working hours;
- performing functions in connection with or in relation to their work (e.g. lunch breaks, after work drinks, social functions, conferences, travelling to work jobs, at accommodation whilst travelling for work, at work functions and events);
- working on behalf of or acting in an official capacity for UQSL, including when providing a service to clients and when interacting with members of the public;
- performing work activities off site (e.g. at other offices, client/customer work sites);
- out of work hours interaction where there is a connection to work; and
- using social media and other electronic communication (e.g. email, text message) (this is the case regarding the use of social media professionally or personally, in the workplace and after hours where there is a connection with work e.g. interactions on social media between work colleagues).

4.0 Reporting

If a UQSL worker considers they are being discriminated against, bullied or harassed, they are encouraged to follow the steps below:

4.1 Self-Management (Initial Attempt):

In the first instance, individuals are encouraged to self-manage the situation. Communicate to the person responsible that their behaviour is unwelcome and request it to stop; if you feel safe to do so.

4.2 Formally report

If self-management is unsuccessful or uncomfortable, formally report the matter either to your immediate supervisor/HR/WHS or via the Workplace Health and Safety Incident Report Form available on TheHub, TheHuddle or Organisational Library. Supervisors, HR and WHS are trained to address and manage incidents promptly.

4.3 Document Situations

Keep a detailed diary of events, recording incidents with dates, times, and descriptions. Note how the actions made you feel and include the names of any witnesses who may support your claims.

4.4 Grievance Resolution Procedures

If the matter remains unresolved or escalates, UQSL provides a formal Grievance Procedure referenced within the Grievance Resolution Policy and Grievance Resolution Procedure.

4.5 Other Support:

- In cases involving physical assault or threatened harm, Human Resources may refer the matter to the police. This step is taken to ensure the safety and well-being of all parties involved.
- Employees exposed to discrimination, bullying and/or harassment are encouraged to seek support through the Employee Assistance Program (EAP) or other available support services.
- Additional information on workplace discrimination, bullying and/or harassment can be found on external websites such as the Fair Work Commission (www.fwc.gov.au) or Safe Work Australia (https://www.safeworkaustralia.gov.au).

5.0 Responding to Reports

In the event of reported workplace discrimination, bullying and/or harassment, UQ Sport Ltd (UQSL) is committed to swift and comprehensive responses. Follow the outlined steps for an effective resolution:

5.1 Initial Assessment and Communication:

The supervisor, manager, Workplace Health & Safety, or Human Resources representative receiving the report will promptly communicate with the involved parties. This involves gathering information, understanding perspectives, and seeking an initial resolution.

5.2 Informal Resolution (If appropriate):

For less severe cases, an informal resolution may be pursued. This involves discussions between parties to address concerns, clarify misunderstandings, and find mutually agreeable solutions.

5.3 Formal Investigation (if necessary):

For more complex or severe matters, a formal investigation may be initiated. An impartial person will be appointed to investigate the issue, adhering to the procedures outlined in the Misconduct and Serious Misconduct Policy and Procedure.

5.4 Confidentiality Assurance:

All reports and investigations are treated with the strictest confidentiality. Only individuals directly involved in the complaint or the investigation process will have access to relevant information.

Where possible and appropriate, disclosures/complaints of discrimination, bullying, harassment, behaviour resulting in a hostile workplace environment and victimisation to UQSL will remain confidential to the extent possible, taking into account UQSL's obligation to provide a safe workplace, afford natural justice to the respondent and require disciplinary action.

Workers who are directly involved with a complaint or an accompanying investigation must maintain confidentiality. A failure to do so may result in disciplinary action.

In some situations, a complainant or witness may wish to request to remain anonymous and where appropriate, anonymity will be provided.

It may however not be possible in all circumstances to keep the identity of a person, or people providing information, confidential. In some situations, it may be the case that a respondent may need to be provided with the full details of allegations, including the complainant and witness details, when consideration of procedural fairness and natural justice are taken into account.

5.5 No Retaliation or Victimisation:

There will be no victimisation of the person making the report or assisting in its resolution. Any claims without substance or complaints made maliciously or in bad faith will be subject to disciplinary action.

5.6 Timely Resolution:

Reports of workplace discrimination, bullying and/or harassment will be addressed as soon as possible. Timely responses contribute to a swift resolution and demonstrate UQSL's commitment to addressing concerns promptly.

5.7 Ongoing Monitoring and Support:

Post-resolution, ongoing monitoring may occur to ensure a supportive and respectful work environment. Additional support, counselling, or further interventions may be provided as needed.

5.8 Documentation of Actions:

All actions taken during the response, whether informal or part of a formal investigation, will be thoroughly documented. This includes steps taken, decisions made, and outcomes achieved.

5.9 Bystander Intervention

Bystanders who witness or are aware of discrimination, bullying, harassment, behaviour creating a hostile workplace environment or victimisation occurring, can play an important role in preventing such inappropriate behaviour in the workplace.

In order to promote a safe, equitable and respectful workplace, UQSL encourages all workers to take bystander action to:

- provide support to individuals who are being subjected to discrimination, bullying and/or harassment, a hostile workplace environment or victimisation;
- formally or informally challenge concerning behaviour witnessed; and
- report all incidents of discrimination, bullying, harassment, behaviour resulting in a hostile workplace environment and/or victimisation that they witness or hear about in the workplace.

UQSL will not tolerate any victimisation, bullying, harassment or intimidation against those who take bystander action.

5.10 Victimisation & Vilification

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint, or they are involved in a complaint of unlawful conduct.

Vilification occurs when individuals or groups are unfairly treated due to a complaint made against them. This mistreatment may include unjust criticism, ridicule, or condemnation, regardless of the complaint's merits. Such behaviour violates the principles of this policy and contributes to a hostile working environment.

Workers must not retaliate against a person who raises a complaint or subject them to any detriment.

Victimisation and vilification is unlawful and will not be tolerated at UQSL. Any person found to victimise, vilify, harass or take reprisal action against individuals participating in procedures associated with this policy may be subject to separate disciplinary action.

Any incidents of victimisation or vilification should be immediately reported to Human Resources

6.0 Roles, Responsibilities and Accountabilities

6.1 Managers and Supervisors are responsible for:

- Ensuring that staff members or workers of their respective department are aware of this policy.
- Ensuring the activities of their respective department are conducted in accordance with this policy.
- Actively and promptly intervening to prevent, responding to, and managing any incidents of discrimination, bullying or harassment occurring in the workplace.
- Early identification of unreasonable behaviour and situations likely to increase the risk of workplace discrimination, bullying, and/or harassment.
- Ensuring all actions taken to manage inappropriate behaviours or incidents are appropriately documented.

6.2 Workers are responsible for:

- Behaving in a responsible, respectful and professional manner in accordance with the UQSL Code of Conduct.
- Taking reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.
- Ensuring they do not engage in any behaviour that may constitute discrimination, bullying and/or harassment towards another worker or a member of the public; victimisation or any other unlawful conduct towards other workers or member of the public with whom they have contact with in the course of their employment.
- Understanding and complying with this policy
- Taking reasonable care for their own health and safety at work.
- ensuring they do not aid, abet or encourage other persons to engage in unlawful conduct that constitutes discrimination, bullying and/or harassment, or subjects a person to a hostile workplace environment or victimisation;
- Following the reporting and complain procedure in this policy if they experience any unlawful conduct;
- Reporting any unlawful conduct they see occurring to others in the workplace which is in breach of this policy;
- Maintaining confidentiality if they are involved in the complaint procedure;

6.3 Human Resources is responsible for:

- Organizing, facilitating and/or delivering training sessions to educate all UQSL officers, employees, contractors, and sub-contractors about the policy, its implications, and the procedures for reporting incidents of discrimination, bullying, or harassment.
- Serving as a resource for individuals seeking guidance or support related to instances of discrimination, bullying, or harassment. Offering confidential consultations and advice on appropriate courses of action.
- Managing formal investigations. In cases where a formal investigation is deemed necessary, Human Resources takes the lead in appointing an impartial investigator and ensuring that the investigation

follows the procedures outlined in the Misconduct and Serious Misconduct Policy and Misconduct and Serious Misconduct Procedure.

- Ensuring that all reports and investigations are handled with the utmost confidentiality. Information is shared only with individuals directly involved in the complaint or those tasked with investigating and resolving it.
- Providing mediation services to facilitate resolution in situations where it is deemed appropriate and both parties are willing to engage in a mediated discussion.
- Periodically reviewing the effectiveness of the policy, collecting data on reported incidents, and recommending updates or revisions as needed.
- Regularly reporting to Leadership Team on the overall compliance with the policy, any emerging trends or issues, and the effectiveness of preventative measures.
- Collaborating with external resources, such as Employee Assistance Programs (EAPs) or relevant authorities, to ensure that UQSL workers have access to the necessary support services.
- Promoting a workplace culture that values diversity, inclusion, and respect. This includes initiatives to foster a positive work environment and prevent incidents of discrimination, bullying, or harassment.

7.0 What Is Not Workplace Discrimination, Bullying or Harassment

A single incident of unreasonable behaviour is not bullying, however it may have the potential to escalate and should not be ignored.

Differences of opinion, disagreements and workplace conflict are generally not considered inappropriate workplace behaviours, if they are conducted in a respectful and collaborative manner. Conflict that is not managed may escalate to the point where it becomes inappropriate, disrespectful, intimidatory or humiliating.

Management action carried out in a reasonable manner does not constitute discrimination, bullying or harassment. Reasonable management action may include:

- Performance management processes including ongoing meetings to address underperformance or inappropriate work behaviour and disciplinary procedures.
- Investigation of alleged misconduct.
- Implementing organisational changes or restructures.
- A direction to carry out reasonable duties.
- A direction to comply with UQSL policies and procedures.
- Refusing an employee permission to return to work due to a medical condition.

8.0 Review and Variations

UQSL will undertake periodic reviews of this policy to ensure alignment to regulations, legislations and best practice. UQSL reserves the right to review, vary, replace or terminate this Policy at any time.

9.0 Breach of Policy

Discrimination, Bullying, Harassment and/or behaviour that subjects another person to a hostile workplace environment and victimisation at work are all forms of serious misconduct.

Failing to comply with this policy at any time may lead to disciplinary action, up to and including termination of employment.

Contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with UQSL terminated or not renewed.

Non-compliance with this policy may also breach applicable anti-discrimination, equal employment opportunity or health and safety laws and may result in legal proceedings being commenced against the individual. In the event of legal proceedings, individuals may be exposed to legal costs, penalties, orders to pay compensation and even imprisonment in some circumstances.

Workers, who cause, instruct, induce, aid, abet, or encourage or permit other persons to engage in unlawful conduct, can also be legally liable.

10.0 Meta Data for Document Management

Web Links	Prevention of Sexual Harassment Policy Code of Conduct Policy Code of Conduct Principles Misconduct and Serious Misconduct Policy Misconduct and Serious Misconduct Procedure Grievance Resolution Policy Grievance Resolution Procedure Workplace Health and Safety Incident Report Form
Approval Authority	CEO
Last Approval Date	15 March 2024
Next Review Date	15 March 2026
Audience / Users	All UQSL Staff and Stakeholders
Notes	N/A