



Code of Conduct: Discrimination, Bullying and Harassment

The Australian Democrats (the Party) is committed to providing a diverse, fair and equitable environment for members, employees, contractors and visitors and will aim to take all reasonable steps to ensure unlawful discrimination, bullying and harassment do not occur.

This code of conduct relates to activities undertaken by any Member or representative acting in any capacity for or on behalf of The Australian Democrats.

The Australian Democrats expects all Members and representatives to behave in a professional manner and to treat others within and outside the Party with dignity and respect when they are acting in any capacity for or on behalf of the Party.

Policy Objectives

The Australian Democrats aims to promote an environment characterised by respect where Members, staff and volunteers can interact free from unlawful discrimination, harassment (sexual or otherwise) or bullying, in order to provide an organisation free of unlawful discrimination, bullying and harassment.

Discrimination

Unlawful direct discrimination occurs when a person is treated less favourably than another because of characteristics such as:

- Gender;
- Marital Status;
- Disability;
- Age;
- Ethnicity;
- Religion;
- Carer's responsibilities;
- Sexual identity or orientation;
- Political views.

Indirect discrimination can occur when a policy or requirement operates to the disadvantage of a particular group because of one of the characteristics of that group as set out above, such as gender, age or race.

To be unlawful, the discrimination must occur in one of a number of prescribed areas of activity, such as at work or in the provision of goods or services.

Office Holders must ensure they do not discriminate against other Office Holders and Members, employees or contractors.

Harassment

Unlawful harassment is a type of discrimination. Harassment involves unwelcome conduct which is based on one of the characteristics set out above such as gender, age or race and which:

- Creates an intimidating, hostile or offensive environment; or
- Unreasonably interferes with a member's ability to undertake their duties as an Office Holder.

Reasonable disciplinary action or performance management is not harassment.

Sexual Harassment is any unwelcome, unwanted or uninvited behaviour of a sexual nature which a reasonable person should have known would make a person feel offended, humiliated or intimidated. Sexual harassment can take many forms and may include physical contact, verbal comments, display(s) or suggestive of explicit material, or other behaviours which create a sexually hostile environment.

The following is a sample of behaviour that can constitute sexual harassment:

- uninvited touching of any kind;
- uninvited touching or fiddling with a person's clothing;
- sexually explicit conversations;
- jokes or comments of a sexual nature;
- displays of sexually graphic material;
- persistent invitations for social contact outside of work despite prior refusals;
- sexual gestures;
- sex based insults, taunts, teasing or name-calling;
- requests for sex; or
- phone calls or emails of a sexual nature.

Sexual harassment does not include behaviour which is based on mutual attraction, friendship and respect. If the interaction is welcome, invited, reciprocated or consensual, it is not sexual harassment.

Harassment can be unlawful even when it occurs outside the organisation's physical offices, and outside business hours, including at conferences, related functions, related social events, business or field trips.

Bullying

Bullying is behaviour that intimidates, offends, insults humiliates or undermines a person or a group. Bullying can be physical or psychological.

Bullying can occur at any time and can be carried out verbally, physically, by letter, email, text messages or other forms of written communication.

Examples of bullying might include:

- aggressive or frightening behaviour (eg shouting or threatening violence), or making rude or belittling comments;
- threats of assault against a work colleague or damage to their property or equipment;
- ignoring a person or excluding them from discussions or committee meetings; or
- standing in someone's way or deliberately blocking their path in an intimidating manner.

Feedback and performance management is not bullying.

For example, it is not bullying to:

- set reasonable goals and standards, including deadlines; or
 - implement a reasonable disciplinary process.
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Member's and Representative's duties

Members and Representatives must:

- not unlawfully discriminate against, harass or bully others;
- not act in a manner which encourages an environment in which discrimination, harassment or bullying is likely to occur;
- not treat differently an individual who has made a complaint of discrimination harassment or bullying;
- not make false accusations of discrimination, harassment or bullying;
- co-operate in any investigation into alleged discrimination, harassment or bullying if requested to do so by the Party; and
- maintain complete confidentiality if another member provides information during the investigation of a complaint.

(Members who spread gossip or rumours either verbally or by email will be in breach of this policy and may also expose themselves to a defamation action.)

The Australian Democrats is conscious of the serious effect that bullying allegations can have on the person against whom the allegations are made. Any person who is found to have falsely made allegations of bullying against another person will be subject to disciplinary steps, which can include an apology, counselling, or removal from membership.

Harassment, discrimination or bullying wherever it occurs, will not be tolerated.

Actions to Take

If you believe that you are being unlawfully discriminated against, harassed or bullied, ask the person to stop. If the behaviour continues promptly report the incident in detail and in writing to the National Executive.

All complaints are taken seriously and will be considered in a prompt and confidential manner in accordance with The Australian Democrats' Framework for Resolving Grievances.

Any member or representative found to have engaged in harassment, discrimination or bullying will be subject to disciplinary steps and may be subject to removal from membership or office.

No person will be victimised nor suffer any employment detriment as a result of:

- Making a complaint;
- Opposing harassment or discrimination;
- Reporting or co-operating in an investigation of alleged harassment or discrimination; or
- Participating in an external legal proceeding or hearing.