



Sexual Harassment and Unlawful Discrimination Policy

Droughtmaster Stud Breeders' Society Limited

Introduction

The Bullying, Sexual Harassment and Unlawful Discrimination Policy sets the minimum standards of behaviour expected of all employees, members, and volunteers of the Droughtmaster Stud Breeders' Society Limited (DSBS).

1. Objectives

- 1.1 Every DSBS employee, member and volunteer has the right to work in an environment that is safe, equitable and free from bullying, sexual harassment, and unlawful discrimination.
- 1.2 All DSBS employees, members and volunteers share this responsibility.

2. Scope

- 2.1 This Policy applies to all employees, members and volunteers of the DSBS. For the purpose of this Policy:
 - (a) Employees include permanent, temporary, full-time, part-time and casual employees of the DSBS,
 - (b) Members include stud, commercial, junior, associate and life members of the DSBS.
 - (c) Volunteers include individuals who may or may not be members, who perform duties for the DSBS, or represent the DSBS in an official capacity, and do so on a voluntary basis without financial remuneration.
- 2.2 The Policy applies at all times when employees, members and volunteers are performing duties for the DSBS; representing the DSBS at meetings, events and functions; attending and participating at sales and events; and engaging with DSBS employees, members, and volunteers in relation to Droughtmaster related issues.
- 2.3 For the purposes of this Policy, a DSBS workplace or work environment includes any location, at which DSBS business is conducted, DSBS meetings are held, and DSBS events and functions take place (in person or via technological means).

3. Policy and Principles

- 3.1 The DSBS is committed to ensuring a healthy and safe workplace that is free from bullying, sexual harassment, and unlawful discrimination. Conduct which would constitute bullying, sexual harassment or unlawful discrimination is unacceptable and will not be tolerated under any circumstances by any employee, member, or volunteer of the DSBS.
- 3.2 All claims of bullying, sexual harassment, or unlawful discrimination, in any form, will be treated seriously, and will be managed promptly and fairly.
- 3.3 Reasonable and appropriate management actions (such as providing constructive feedback, counselling on work performance or workplace behaviour) do not amount to bullying.
- 3.4 Disciplinary action (which may include penalties) may be taken where an employee, member or volunteer has been found to have:

- (a) engaged in behaviours that constitute bullying;
- (b) sexually harassed another person;
- (c) unlawfully discriminated against another person;
- (d) victimised a person who has made a complaint; or
- (e) made a frivolous or vexatious complaint.

4. Bullying

4.1 A person is subjected to bullying if:

- (a) while the person is at work, or involved in a DSBS activity or event, an individual or group of individuals repeatedly behave unreasonably towards the person; and
- (b) the behaviour creates a risk to the health and safety of the person.

4.2 Some examples of behaviour, whether intentional or unintentional, that may constitute bullying include, but are not limited to:

- (a) aggressive, intimidating or threatening conduct;
- (b) abusive, insulting or offensive language or comments (verbal or in writing);
- (c) belittling, teasing, humiliating or constantly and unconstructively criticising another person;
- (d) displaying written or pictorial material that is offensive;
- (e) unnecessarily excluding or isolating another person;
- (f) deliberately giving another person impossible tasks to set them up to fail;
- (g) overloading a person with work or allowing insufficient time in which to complete work;
- (h) deliberately undermining work performance;
- (i) making inappropriate comments about a person on social media; or
- (j) spreading rumours or gossip about another person with the intent of causing the person detriment.

4.3 A single incident of unreasonable behaviours does not meet the definition of bullying.

4.4 Bullying does not include reasonable management action that is carried out in a reasonable manner.

4.5 Reasonable management action may include, but is not limited to, the following:

- (a) setting realistic and achievable performance goals, standards and deadlines;
- (b) informing an employee, volunteer or member of their unsatisfactory performance in an objective and confidential way;
- (c) informing an employee, volunteer or member of their inappropriate behaviour and doing so in an objective and confidential way;
- (d) implementing organisational change or restructuring;
- (e) taking disciplinary action when warranted.

5. Sexual Harassment

5.1 Sexual harassment occurs when a person:

- (a) subjects another person to an unsolicited act of physical intimacy; or
- (b) makes an unsolicited demand or requests (either directly or by implication) for sexual favours from the other person; or

- (c) makes a remark with sexual connotations relating to the other person; or
- (d) engages in any other unwelcome conduct of a sexual nature in relation to the other person; and
- (e) the person engaging in the conduct described above, does so:
 - (i) with the intention of offending, humiliating, or intimidating the other person; or
 - (ii) in the circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated, or intimidated by the conduct.

5.2 Examples of sexual harassment may include, but are not limited to:

- (a) unwelcome physical touching;
- (b) sexual or suggestive comments, jokes or innuendo;
- (c) unwelcome requests for sex;
- (d) the display of sexually explicit material such as posters or pictures;
- (e) unwanted invitations or questions about a person's private life;
- (f) staring or leering;
- (g) sex-based insults or taunts; or
- (h) offensive communications, including telephone calls, letters, and emails.

6. Unlawful Discrimination

6.1 The *Anti-Discrimination Act 1991* (Qld), prohibits discrimination in relation to the following attributes:

- (a) sex;
- (b) relationship status;
- (c) pregnancy;
- (d) parental status;
- (e) breastfeeding;
- (f) age;
- (g) race;
- (h) impairment;
- (i) religious belief or religious activity;
- (j) political belief or activity;
- (k) trade union activity;
- (l) lawful sexual activity;
- (m) gender identity;
- (n) sexuality;
- (o) family responsibilities; or
- (p) association with, or relation to, a person with any of the above attributes.

6.2 Direct discrimination on the basis of an attribute occurs if a person treats, or proposes to treat, a person with an attribute (listed above), less favourably than another person without the attribute.

6.3 Indirect discrimination on the basis of an attribute occurs if a person imposes, or proposes to impose, a requirement:

- (a) with which a person with an attribute does not, or is not able to comply;
- (b) with which a higher proportion of people without the attribute comply, or are able to comply; and
- (c) that is not reasonable.

6.4 The *Anti-Discrimination Act* provides a number of exceptions to the prohibition of discrimination i.e. genuine occupational requirements.

7. Responsibilities

7.1 All DSBS employees, members and volunteers have a responsibility to ensure that bullying, sexual harassment and unlawful discrimination does not occur in a DSBS workplace or work environment.

7.2 All employees, members and volunteers must:

- (a) treat others with respect, dignity and comply with standards of appropriate and ethical behaviour, as described in the DSBS Code of Conduct;
- (b) not engage in behaviour that may constitute bullying, sexual harassment and/or unlawful discrimination;
- (c) report any instances of possible bullying, sexual harassment and/or unlawful discrimination, whether witnessed or personally through the confidential reporting process;
- (d) not make frivolous or vexatious complaints;
- (e) understand that for complaints to be fairly and promptly resolved, information may be provided to all relevant parties to the complaint, in accordance with the principles of natural justice and procedural fairness; and
- (f) understand that disciplinary action may be taken against those found to have breached the DSBS Constitution, Code of Conduct, policies and procedures.

7.3 The Chief Executive Officer, the Board of Directors, and their delegates, must:

- (a) ensure DSBS workplaces for which they are responsible, are free from bullying, sexual harassment, and unlawful discrimination;
- (b) model appropriate and ethical behaviour at all times;
- (c) ensure allegations of inappropriate behaviour are considered seriously, and dealt with fairly and promptly;
- (d) ensure all employee, member and volunteer complaints that are referred to them are resolved fairly, and in accordance with the Complaints Management Policy;
- (e) maintain accurate and up to date records of the handling of all complaints;
- (f) ensure that information and material that is obtained during the complaint process is handled with discretion and with the appropriate level of confidentiality; and
- (g) ensure that employees, members, and volunteers that report legitimate concerns are not subject to penalty or reprisal.

8. Definitions

Frivolous complaint: A complaint that is readily recognisable as devoid of merit and that has basically no prospect of success.

Natural Justice: Fairness in decision-making. Case law that has developed over many years, requires a decision-maker that is making a decision that may affect the rights,

privileges, interests, and legitimate expectations of a person, to afford that person 'natural justice' Natural justice has two rules:

- (a) Rule against bias – decision makers are to be objective, free from bias, and have no personal interest in the matter being decided; and
- (b) Hearing rule – an individual is to be informed of the substance of any allegations against them, and be afforded the opportunity to present their case prior to a decision being made.

Vexatious complaint: Vexatious indicates 'bad faith' in relation to a complaint. A complaint is vexatious if it is a frivolous complaint that has been lodged:

- (a) to harass or intimidate;
- (b) to cause delay;
- (c) without reasonable grounds;
- (d) for a purpose other than addressing the complaint; or
- (e) for another wrongful purpose

9. Related Documents

- 9.1 *Privacy Act 1999* (Cth)
- 9.2 *Anti-Discrimination Act 1991* (Qld)
- 9.3 *Information Privacy Act 2009* (Qld)
- 9.4 *Racial Discrimination Act 1975* (Cth)
- 9.5 *Sex Discrimination Act 1984* (Cth)
- 9.6 *Disability Discrimination Act 1992* (Cth)
- 9.7 DSBS Constitution
- 9.8 DSBS Code of Conduct
- 9.9 DSBS Member and Volunteer Conduct Policy
- 9.10 DSBS Complaints Management Policy

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