



australian  
international  
documentary  
conference

PO Box 81  
Flinders Lane  
Melbourne VIC 8009  
Australia

E: [info@aidc.com.au](mailto:info@aidc.com.au)

[www.aidc.com.au](http://www.aidc.com.au)  
ABN 31 098 558 313

## DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND BULLYING POLICY

Policy number	013	Version	0001
Drafted by	Clement Dunn	Approved by Board on	<<3/3/2023>>
Responsible person	CEO/Board of Directors	Scheduled review date	<<2/3/2025>>

### INTRODUCTION

The Australian International Documentary Conference (The Company) recognises the diversity of its employees and its delegates and understands that for the business to function optimally, all employees and delegates must be respected and valued.

### PURPOSE

The purpose of this policy is to:

- provide employees and delegates with a safe, respectful, inclusive and flexible environment free from all forms of discrimination, harassment, sexual harassment and bullying.
- All employees and delegates are required to treat others with dignity, courtesy and respect. This policy is designed to ensure that all employees and delegates understand what will be regarded as discrimination, bullying and harassment; how complaints of discrimination, bullying and harassment can be made; and how claims will be treated by the Company.
- By implementing this policy, Company sets out that **unlawful** discrimination, harassment, sexual harassment and bullying will **not** be tolerated. Disciplinary action, up to and including termination of employment/cessation of engagement or termination of delegate membership or privileges (including attendance at any Company event or conference), may be taken against employees who breach this policy.

### POLICY

#### 1. Who this policy applies to

This policy applies to:

- **All delegates**
- **All board members**
- **All employees** engaged by Company in Australia

## **2. When this policy applies**

This policy applies while the employee is at work and to delegates attending any Company events and conferences extends to work-related functions and outside of work where there is a sufficient connection to the workplace, to delegates attending any Company events and conferences.

This policy also applies to, but is not limited by, the following types of communication:

- Verbal communication either over the telephone or in person in and outside the workplace
- Written communication including letters, notes, minutes of meetings and all other physical communication
- Internal and external electronic communication.

## **3. Related documents**

Employees, especially managers and supervisors, are encouraged to read this policy in conjunction with other relevant Company policies, procedures, documents and agreements, including the Code of Conduct.

## **4. Anti-discrimination and workplace bullying laws**

Discrimination, harassment, sexual harassment and bullying are unlawful under state/territory and federal legislation including:

- *Sex Discrimination Act 1984 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Age Discrimination Act 2004 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Fair Work Act 2009 (Cth)*

## **5. Definition and examples of discrimination, harassment, sexual harassment and bullying**

### **Discrimination**

6. Discrimination is **treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law**, such as sex, age, race or disability.

It is unlawful to discriminate against someone because of a protected personal characteristic and this will not be tolerated. Protected personal characteristics under federal discrimination law include:

- A disability, disease or injury, including work-related injury
- Parental status or status as a carer
- Race, colour, descent, national origin or ethnic background
- Age
- Gender, gender identity
- Sexual orientation
- Industrial activity
- Religion
- Pregnancy and breastfeeding
- Marital status
- Political opinion
- Social origin
- Medical record
- An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability

It is also against the law to treat someone unfavourably because you assume they have a protected personal characteristic or may have it at some time in the future.

Discrimination can be either direct or indirect.

**Direct discrimination** is usually easy to identify and occurs when a person or group of people with a particular protected attribute (actual or assumed) are treated less favourably because of that attribute.

*Example: Direct discrimination*

- An employer refusing to hire someone based on their age
- One delegate harasses another because of their race

**Indirect discrimination** is less obvious and occurs when a policy or practice appears neutral, yet has the effect of discriminating against those with a particular protected attribute:

*Example: Indirect discrimination*

- A policy of only offering bonuses to full time employees risks indirect discrimination on the basis of sex, as a greater proportion of part time employees are female

### **What is not discrimination?**

In certain circumstances it will not be unlawful discrimination to treat employees or delegates differently because of a protected personal characteristic. The main exceptions are where the discriminatory act or practice:

- Is necessary to comply with other legislation
- Is taken because the complainant cannot perform the inherent (essential) requirements of their job, even where reasonable adjustments are made
- Is a genuine occupational requirement (an exemption may be required, depending on the law in the relevant state or territory)
- Is necessary to protect health and safety
- Is permitted because an exemption or 'special measure' applies. This is often referred to as 'positive discrimination' or 'affirmative action'

## **7. Harassment**

Harassment is **unwelcome and unsolicited behaviour** that a **reasonable person would consider to be offensive, intimidating, humiliating or threatening.**

It is unlawful to harass an individual or group because of a protected attribute (such as age, sex or race, outlined above). Harassment of any kind will not be tolerated. Harassment that is not related to a protected attribute is still inappropriate in the workplace and should be dealt with accordingly.

Harassment can be physical, spoken or written. It can include:

- Intimidation, verbal abuse, or repeated threats or ridicule
- Sending offensive messages by text, email or other means
- Derogatory comments
- Display of offensive materials, pictures, comments or objects
- Ridiculing someone because of their accent or English-speaking ability
- Telling offensive jokes or practical jokes based on a protected characteristic
- Belittling or teasing someone about their disability

- Isolation, segregation or humiliation based on a protected characteristic

***Example: Harassment***

- an employee using a sexually explicit or sexist screen saver on their workplace computer
- a delegate referring to another using a racial slur during a conference

**8. Sexual harassment**

Sexual harassment is a specific and serious form of harassment. It is defined in the Sex Discrimination Act 1984 (Cth) as: 'any unwelcome conduct of a sexual nature that a reasonable person, having regard to all the circumstances would have anticipated would offend, humiliate or intimidate the other person.' Similar definitions are found in State and Territory anti-discrimination and equal opportunity legislation.

The Sex Discrimination Act 1984 (Cth) defines the nature and circumstances in which sexual harassment is unlawful. Sexual harassment will not be tolerated at or by the Company.

Sexual harassment can be physical, spoken or written. It can include:

- Staring or leering at a person or parts of their body
- Excessive familiarity or physical contact, such as touching, hugging, kissing, pinching, massaging and brushing up against someone
- Suggestive comments, jokes, conversations or innuendo
- Insults or taunts of a sexual nature
- Intrusive questions or comments about someone's private life or the way they look
- Displaying or disseminating material such as posters, magazines or screensavers of a sexual nature
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites in the presence of others
- Unwelcome flirting, requests for sex or repeated unwanted requests to go out on dates
- Inappropriate or persistent unwanted gifts;
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

**Just because someone does not object to inappropriate behaviour at the time, does not mean that they are consenting to the behaviour.**

Behaviour can still be considered to be sexual harassment even if:

- It is a single incident;
- The person engaging in the behaviour did not intend to humiliate, intimidate or offend
- Some people in the workplace, conference or other event are not offended by the behaviour
- The behaviour was previously an accepted practice in the workplace, conference or other event

Sexual harassment may be considered work-related even if it occurs outside of the workplace, or outside of normal working hours, such as during travel, living away from home, at a conference or at an office social function.

**All incidents of sexual harassment – no matter how large or small or who is involved – should be taken seriously and reported to a Complaints Person (refer to Complaints Handling and Investigation Procedure) or the relevant leadership or management position so that appropriate action can be taken.**

Where employees and delegates engage in consensual, welcome and reciprocated behaviour, this is not sexual harassment. However, appropriate professionalism is expected of all employees at all times, including in relation to employees engaging in consensual behaviour.

## **9. Workplace Bullying**

Workplace bullying ('bullying') is where an individual or group of individuals **repeatedly behave unreasonably** to another person or group of persons **at a workplace**, which creates a **risk to health and safety** (including to a person's mental health).

It is unlawful for an employee to engage in bullying, or encourage or allow another employee to do so. Bullying will not be tolerated at or by the Company.

Bullying does not need to be intentional to be unlawful. Whilst one-off incidents of unreasonable behaviour may not be considered bullying, they are still inappropriate and may constitute discrimination.

Bullying can take many forms. It can be physical, spoken, written, overt or covert. Behaviours that may constitute bullying include:

- Physical intimidation or abuse;
- Aggressive or intimidating conduct or threatening gestures
- Manipulation, intimidation or coercion
- Threats, abuse, offensive language, shouting or belittling
- Innuendo, sarcasm and other forms of demeaning language
- Ganging up
- Public humiliation
- Initiation activities
- Practical jokes, teasing, or ridicule
- Isolation, exclusion or ignoring people
- Inappropriate blaming, emails/pictures/text messages
- Unreasonable accusations or undue unconstructive criticism
- Allocating unpleasant, meaningless or impossible tasks
- Placing unreasonably high work demands on selected employees
- Deliberately withholding information or equipment, resources or support services that a person needs to do their job or access their entitlements
- Unreasonable refusal of requests for leave, training or other workplace benefits
- Setting unreasonable timelines or constantly changing deadlines for a specific individual or group of individuals;
- Withholding access to opportunities

Workplace bullying does not include reasonable management action carried out in a reasonable manner. Company has rights and obligations to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work to an employee and give fair and reasonable feedback on an employee's performance.

Examples of reasonable management action include:

- Setting reasonable performance goals, standards and deadlines
- Rostering and allocating working hours where the requirements are reasonable
- Transferring an employee for operational reasons
- Deciding not to select an employee for promotion where a reasonable process is followed
- Disciplinary action (including investigations) taken in a reasonable manner
- Informing an employee about unsatisfactory work performance or inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructuring
- Termination of employment

Workplace conflict is generally not considered workplace bullying. Differences of opinion (e.g. differences in artistic direction) and disagreements in the workplace may arise without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. This is because not all conflicts or disagreements have a negative impact on health or safety. Low level, task-based conflict can benefit the company and the employees as it may generate debate leading to new ideas and innovation.

## 10. Victimisation

Victimisation is **subjecting or threatening to subject someone to a detriment** because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, harassment, sexual harassment, bullying or victimisation.

It is also victimisation to threaten someone (such as a witness) who may be involved in an investigation of a complaint.

It is unlawful to victimise another person. Victimisation will not be tolerated at or by the Company.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in (in the case of an employee) formal disciplinary action against the perpetrator and (in the case of a delegate) removal from any event or conference held by the Company. The perpetrator may also be subject to legal proceedings under anti-discrimination legislation and criminal law.

## 11. Vilification

Vilification is **any public act that incites hatred, serious contempt, or severe ridicule** against another person or group of people due to their race (including ethno-religious origin), homosexuality, transgender status and HIV/AIDS status.

Vilification is against the law in all states except the Northern Territory and will not be tolerated at or by the Company.

## 12. Consequences of breaching this policy

If an employee engages in discrimination, harassment, sexual harassment, bullying, vilification or victimisation, or otherwise breaches this policy, they may be subject to disciplinary action up to and including the termination of employment or engagement with



Company. Employees may also be personally liable for their own behaviour or conduct. This means that when an employee undertakes discrimination, harassment, sexual harassment, bullying, vilification or victimisation, the employee may be subject to penalty or subject to an order from the regulator, the Fair Work Commission or other relevant tribunal or court.

If a delegate engages in discrimination, harassment, sexual harassment, bullying, vilification or victimisation, or otherwise breaches this policy, they may be subject to cancellation of their membership of the Company, and revocation of their access to any Company event or conference.

### **13. How to make a complaint**

Company strongly encourages anyone who believes they have been discriminated against, harassed, sexually harassed, bullied, victimised or vilified to report this behaviour to the Company General Manager or the CEO

Any employee or delegate who has witnessed unlawful discrimination, harassment, sexual harassment or bullying is encouraged to report the complaint to the Company General Manager or CEO

#### **AUTHORISATION**



Clement Dunn  
Secretary of Australian International Documentary Conference Limited  
Friday 3 March 2023