



POLICY

Drafted by	Jude Briscoe	Approved by Board on	May 2014
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Harassment, Discrimination and Bullying

Purpose

To establish the policy and guidelines for Valley FM (VFM) Members, Presenters, Board Members, Contractors and Visitors to the station to ensure their awareness and obligations that prevent instances of harassment, discrimination and bullying.

Principles

Harassment, discrimination and bullying can have a serious effect on individuals, their family and friends. It can take many forms and may be directed because of ethnicity, age, sexual orientation, physical or mental disability, religion or other similar beliefs, family, carer responsibilities, marital or other personal characteristics.

VFM is committed to creating an environment that values the diverse nature of its membership. Members who are subject to harassment, discrimination or bullying can suffer from feelings of fear, stress, anxiety and loss of confidence/self-esteem. It can affect their work, family and personal life and their physical and mental health. Consequences can include:

- Poor performance
- Ill health and absenteeism
- Resignation from VFM, or
- Complaints to courts and tribunals, resulting in financial costs and damage to VFM's reputation.

Members can be reluctant to make complaints as they may feel vulnerable and isolated. They may be fearful of ridicule, reprisals and of simply not being believed or being taken seriously. Furthermore, there are fears about the effects of making a complaint on a person's professional reputation. Consequently, members who are perceived that they are being harassed, discriminated against or bullied do not complain. They will suffer in silence and put up with the situation or leave the organisation.

Definitions

- **Harassment** - unwanted conduct which may create the effect (intentionally or unintentionally) of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment which interferes with a person's learning, working or social environment or induces stress, anxiety or sickness on the part of the harassed person.
- **Discrimination** - takes place when an individual or a group of people is treated less favourably than others because of factors unrelated to their merit, ability or potential.
- **Direct Discrimination** - occurs when factors unrelated to merit, ability or potential of a person or group are used as an explicit reason for discriminating against them.
- **Indirect Discrimination** - occurs when there are rules, regulations or procedures in place that have a discriminatory effect on certain groups of people.
- **Bullying** - defined as persistent actions, criticism or personal abuse, either in public or private, which humiliates, denigrates, undermines, intimidates or injures the recipient. Whilst there is no specific legal definition of bullying, it is viewed to be a form of harassment. Case law has given legal precedents with regard to bullying.
- **Victimisation** - punishment or treatment of an individual unfairly because they have made a complaint, or are believed to have made a complaint.

Policy

This Policy articulates VFM's:

- Clear commitment that it will not tolerate harassment, discrimination or bullying under any circumstances
- Commitment to creating a working and volunteer environment where this is known and understood by the membership
- Advice and guidance on how such situations should be dealt with, and
- Statement to the membership on its confidence to deal with situations that arise and find the best solution and outcomes for the members either formally or informally.

VFM is committed to promoting equality of opportunity and valuing diversity. A key aspect of this commitment is to ensure that we have an environment where individuals are able to fulfill their personal potential. An essential part of this is ensuring that the environment is free from any forms of harassment, discrimination or bullying.

VFM will not tolerate harassment, discrimination or bullying therefore this policy:

- Explicitly states that such behaviour is unacceptable and is unlawful
- Outlines the consequences of such behaviour if allegations are proven
- Confirms that the policy applies to the Board and members alike
- Aims to ensure that all members understand their responsibilities and that they should not behave towards others in ways that could be perceived as harassment, bullying or discrimination
- Makes a commitment that complaints will be taken seriously and dealt with sensitively, swiftly and fairly taking into account, as far as possible, the wishes of the complainant, and

- Aims to develop a working environment in which harassment, discrimination and bullying are known to not be acceptable and where individuals who have made a complaint in good faith feel confident they will be treated fairly without fear of ridicule or reprisal.

The policy applies to any instances of harassment, discrimination and bullying that occur at the VFM premises or in such places and on such occasions as such behaviour may be reasonably deemed to harm the reputation of VFM or its relationship within the local community.

Allegations of harassment, discrimination or bullying will be taken very seriously, and if proven, may lead to disciplinary action up to and including dismissal as a presenter or membership rescinded.

Confidentiality

VFM will protect the confidentiality of any individual member and will safeguard any information disclosed voluntarily.

Freedom of Expression

Whilst it is recognised that VFM must provide for freedom of expression, it is essential that an environment is maintained which is not intimidating. Radio discourse requires the communication of the views and/or beliefs of others and therefore it is important that distance from views which are likely to cause offence or be discriminatory should comply with VFM Policy, Community Broadcasting Association of Australia (CBAA) Policy and Australian Communications and Media Authority (ACMA) Community Radio Broadcasting Codes of Practice, 2008 and 2016.

Roles and Responsibilities

The Board is committed to ensuring that the VFM policy is implemented and regularly monitored and reviewed. Members and Board equally play an integral role in working, learning and living by these values.

The **Board** is responsible for ensuring that:

- Strategic objectives and the policy and procedures are all effectively implemented and mainstreamed
- All members, visitors and contractors are made aware of their roles and responsibilities in relation to this policy and that suitable training is provided to carry out these responsibilities where required
- Appropriate action is taken against those individuals who do not act in accordance with this policy
- VFM complies with all legislative requirements
- An environment is promoted that values diversity, promotes inclusion and is committed to ensuring equality of opportunity for all members, visitors and stakeholders.
- Effective consultation and involvement occurs with key stakeholders with respect to all relevant strategies, policies, practices and procedures
- An effective data monitoring, analysis and publishing process that supports the equality and diversity agenda is provided

- Advice, support and guidance to managers, members and related partners regarding equality and diversity matters is provided
- Training initiatives to support the promotion and implementation of the equality and diversity agenda are designed and delivered, and
- Development and training functions of VFM in the context of equality and diversity requirements are supported and activities for members related to equality and diversity are instituted.

Members are responsible for:

- Adopting, implementing and complying with this policy
- Attending training, if requested
- Challenging unacceptable behaviour, and
- Reporting any incidents of concern including specific matters, in relation to harassment, discrimination and bullying directly to the President.

All **contractors**, sub-contractors and service providers are responsible for complying with this policy and all other legislative requirements as required by VFM.

Complaints

Any cases of harassment, discrimination and bullying will be taken very seriously by the Board and will be treated as grounds for disciplinary action.

Members who believe they have not been fairly treated and in accordance with this policy, should raise issues with the Board President in the first instance. If the situation is not resolved satisfactorily, then they should follow VFM's Grievance and Dispute Resolution Policy.

Presenters, who believe they have not been treated fairly and in accordance with this policy, should raise issues with the Board President in the first instance. If the situation is not resolved satisfactorily then they should follow VFM's Grievance and Dispute Resolution Policy.

Any visitor, contractor or service provider who believes that they have not been treated fairly and in accordance with this policy, should be directed to raise the issues with the Board President in the first instance. If the situation is not resolved satisfactorily then they should follow VFM's Grievance and Dispute Resolution Policy,

If the complaint is found to be malicious or mischievous, it may provide grounds for disciplinary action against the complainant.

Valley FM Compliance Obligations

The Board is responsible for the development, implementation, operation and review of this policy. Compliance with the policy is also the responsibility of all Board Members.

Legislation Framework

As a community voluntary organisation and registered radio station license holder, there are various legal obligations placed upon VFM to provide an environment that is free from harassment, discrimination and bullying. Refer to the 2018 VFM Policy Discrimination Law for further legal information on the various categories of discrimination. These statutes give definitions of discrimination and make discrimination unlawful on the grounds of gender, marital status, gender reassignment, status, racial grounds, disability, religion or belief and sexual orientation.

Current legislation:

Commonwealth

Age Discrimination Act 2004

Australian Human Rights Commission Act 1986

Disability Discrimination Act 1992

Fair Work Act 2009

Racial Discrimination Act 1975

Sex Discrimination Act 1984.

Workplace Gender Equality Act 2012

ACT

Discrimination Act 1991

Human Rights Act 2004

Legislation also gives individual rights against discrimination or unfair treatment with regard to a range of other reasons, including:

- Membership or non-membership of a trade union provision
- Relating to maternity, parental or adoption responsibilities
- Family and caring responsibilities
- "Whistle-blowing"
- Part-time work
- Equal opportunity and diversity, and
- Health and safety.

References

Community Broadcasting Association of Australia (CBAA) and Australian Communications and Media Authority (ACMA) Community Radio Broadcasting Codes of Practice, 2008 and 2016.

VFM Policy Discrimination Law, June 2018

VFM Policy Community Radio Broadcasting Codes of Practice, June 2018