



POLICY

Bullying, Harassment and Discrimination Prevention

Policy statement

Marine Rescue NSW ("MRNSW") is committed to ensuring that members and employees are treated with dignity, integrity and respect and providing an environment free from bullying, harassment, unlawful discrimination, victimisation or vilification.

Members and employees have the right to perform their duties and work in an environment free from bullying, harassment, unlawful discrimination, or victimisation.

Bullying, harassment, unlawful discrimination, victimisation or vilification and such behaviour by members and employees will not be tolerated under any circumstances.

Scope and purpose

This Policy is a guide to standards of behaviour that members and employees must observe to maintain a healthy and safe working environment, free from discrimination, hostility, offensiveness, intimidation and harassment, vilification and any form of unlawful discrimination.

This Policy should be read in conjunction with the Code of Conduct and the Sexual Harassment Prevention Policy.

Employees should also read this Policy in conjunction with their Employment Agreements. However, it does not form part of the terms and conditions of their employment.

A breach of this Policy may result in disciplinary action.

This Policy applies to members and employees while on duty or attending MRNSW sanctioned events, including (but not limited to) emergency responses, community consultation, conferences, functions, office parties, business trips and meetings whether or not on MRNSW premises.

Legislative and policy context

This policy complies with, and is guided by the:

- Fair Work Act 2009 (Cth)
- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Anti-Discrimination Act 1977 (NSW)

What is bullying?

Bullying occurs when a member or employee or group of members or employees repeatedly behaves unreasonably towards a member or employee, or group of members or employees and the behaviour creates a risk to health and safety.

Unreasonable behaviour is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable (in other words, it is an objective test).

Examples of bullying include:

- aggressive or intimidating conduct
- belittling or humiliating comments
- sarcasm
- shouting
- singling out
- rumour mongering
- intimidation
- physical or verbal abuse
- victimisation
- discrimination
- malicious pranks, teasing, practical jokes or initiation ceremonies
- excluding persons from events, information or communication
- exclusion from work-related events
- unreasonable work expectations, including too much or too little work, or work below or beyond a person's skill level
- displaying offensive material;
- pressuring others to behave inappropriately, or
- cyberbullying, which includes the misuse of technology

What is harassment?

Harassment occurs when a person engages in uninvited or unwelcome behaviour that a reasonable person would expect would cause another person to be offended, humiliated or intimidated. It does not matter if the person who committed the act intended or did not intend to upset or cause offence to the other person.

Harassment is any form of behaviour that:

- is unwanted,
- offends, humiliates or intimidates, and
- targets a protected attribute or a characteristic in discrimination or other legislation, such as age, race, gender, disability, religion or sexuality.

Harassment can be physical, verbal or written. It can include words, pictures or statements. It can be obvious, indirect, physical, verbal, repeated, or one-off.

What is sexual harassment?

Sexual harassment is unwelcome conduct of a sexual nature, unwelcome sexual advances, or an unwelcome request for sexual favours in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person being harassed would be offended, humiliated or intimidated.

Sexual harassment is any form of unwelcome sexual attention. Sexual harassment involves humiliation or offence to the victim. It's not fun, flattering or flirting. Sexual harassment can happen to anyone, and it's against the law wherever and whenever it occurs.

Sexual harassment doesn't have to be repeated or ongoing to be against the law. Some actions or remarks are so offensive that they're clearly sexual harassment, even if they're not repeated.

Sexual harassment doesn't have to be deliberate.

Some sexual harassment matters, such as sexual assault, indecent exposure, stalking or obscene communications, are also criminal offences.

Members and employees should refer to the *Sexual Harassment Prevention Policy* for a more detailed description of sexual harassment and how MRNSW deals with it.

What is discrimination?

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.

Discrimination can occur:

- directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below);

For example, a worker is harassed and humiliated because of their race or a worker is refused promotion because they are 'too old'.

- indirectly, when an unreasonable requirement, condition or practice is imposed that has or is likely to have the effect of disadvantaging people with a personal characteristic protected by law (see list below);

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

- protected personal characteristics under Federal discrimination law include:
 - a disability, disease or injury, including work-related injury
 - parental status or status as a carer, for example, because they are responsible for caring for children or other family members
 - race, colour, descent, national origin, or ethnic background
 - age, whether young or old or because of age in general
 - sex
 - industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
 - religion
 - pregnancy and breastfeeding
 - sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
 - marital status, whether married, divorced, unmarried or in a de facto relationship or same-sex relationship
 - political opinion
 - social origin
 - medical record, or
 - 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 personal characteristic or may have it at some time in the future.

What is victimisation?

Victimisation occurs when one person takes unreasonable detrimental action against another person. Victimisation can also include retribution or detrimental action taken as 'payback' for someone making a complaint, raising a workplace concern or submitting a grievance.

For the purpose of this Policy, victimisation is deemed to have occurred when the alleged perpetrator has taken unreasonable detrimental action against the person who has raised an allegation.

What is vilification?

Vilification is a form of unlawful discrimination that may appear as bullying-type behaviour. Vilification is generally any act that happens publicly (rather than privately). It could incite (encourage, urge or arouse) others to hate, have profound contempt for, or bring about severe ridicule of an individual or a group of people because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, homosexuality, medical status, or transgender.

What is not bullying, harassment, discrimination, victimisation or vilification?

Bullying or harassment does not include appropriate management action and making management decisions. Such actions may include:

- allocating duties
- performance management processes
- fair and constructive feedback on a person's performance
- disciplinary action for misconduct
- informing a team member about unsatisfactory work performance or inappropriate work behaviour
- asking a team member to perform reasonable duties in keeping with their job
- maintaining reasonable workplace goals and standards, or
- a workplace disagreement.

These actions are not considered to be bullying or harassment if they are carried out in a reasonable manner that considers the circumstances of the situation and does not leave the individual feeling (for example) victimised or humiliated. Management actions need not be perfect or ideal to be considered reasonable.

In some circumstances, workplace conflicts may not be considered bullying and harassment. Such matters are dealt with under SOP ADM06 - Grievances.

Strategies to eliminate bullying, harassment, discrimination, victimisation and vilification

MRNSW may take the following actions to prevent and control exposure to the risk of workplace bullying or harassment:

- maintain a Code of Conduct
- maintain a complaint handling system and inform members and employees on how to make a complaint, the support systems available, options for resolving grievances and the appeals process, and
- regularly review this Policy, the complaint handling system and training.

Complaints handling system

Members and employees must behave responsibly by complying with this Policy, not tolerate unacceptable behaviour, maintain privacy during investigations and immediately report incidents of workplace bullying or harassment to their Senior Officer or Supervisor.

If you believe you have been the victim of bullying, harassment, unlawful discrimination, victimisation or vilification or have seen behaviour towards another member or employee that you consider amounts to this, you are encouraged to discuss the matter with your Unit Commander if you are a member, or your Supervisor if you are an employee.

If the complaint is about your Unit Commander, you should raise the matter with the appointed Commander for your Zone.

If the complaint concerns your Supervisor, you should discuss the matter with the Deputy Commissioner Operations and Capability.

If your complaint is about sexual harassment, you should refer to the Sexual Harassment Prevention Policy.

Complaints will be treated seriously and investigated promptly, fairly and impartially in accordance with SOP ADM05 Discipline of Members or SOP ADM06 Grievances. A person making a complaint and/or witnessing bullying or harassment will not be victimised.

Consequences of breach of this Policy

Disciplinary action will be taken against members or employees who harass bully, or victimise a fellow member or employee who has made a complaint under this Policy or is a witness to a complaint.

Complaints that are found to be malicious, frivolous or vexatious, including complaints made in retaliation for a member or employee making a complaint, may result in the complainant facing disciplinary action.

Discipline may involve a warning, counselling, suspension or expulsion as a member of MRNSW or, suspension or termination of employment, depending on the circumstances.

Roles and responsibilities

The Commissioner is the approver of this policy and is accountable for the broad implementation of this Policy; Zone Commanders are responsible for ensuring members are aware of this Policy; all members and employees are responsible for adhering to this Policy.

Related documents

Documents that relate to the Code of Conduct can be found in the files section in OTTER and are listed below:

- Marine Rescue NSW Constitution
- Marine Rescue NSW Rules
- Marine Rescue NSW Code of Conduct
- SOP ADM05: Discipline of members and employees
- SOP ADM06: Grievance
- SOP ADM09: Suspension
- Bullying and Harassment Prevention Policy
- Sexual Harassment Prevention Policy

Support and advice

Further support, guidance, and advice in relation to the contents of this Policy can be sought from the relevant Zone Commander or MRNSW HQ Member Services at membership@mrnsw.com.au

If you feel that your health and wellbeing have been affected as a result of being bullied or harassed and you require peer support, the following options are available:

- Critical Incident Support Service: 1800 049 933
- Fortem Australian Clinical services: 1300 339 594
- [Blackdog Institute](#)
- [Lifeline](#): 13 11 14
- [Beyondblue](#): 1300 224 636
- [1800RESPECT national helpline](#): 1800 737 732
- [Sexual Assault Counselling Australia](#): 1800 211 028
- [Kids Helpline](#): 1800 551 800

Definitions

Complaint means a complaint regarding being sexually harassed made in accordance with this Policy.

Complainant means any person who makes a complaint of Sexual Harassment.

Cyberbullying means the misuse of technology by sending or posting inappropriate and hurtful email messages, instant messages, text messages, phone messages, digital pictures or images or website postings (including social network sites, e.g. Facebook or blogs) and is irrespective of whether the wider public could view the page.

Discrimination: may be direct or indirect and can be defined as follows:

- direct discrimination is when a person is treated unfairly or disadvantaged because he or she has one or more specific attributes;
- indirect discrimination is when a reasonable requirement or condition has the practical effect of disadvantaging a person or group of people who have one or more specific attributes.

Employee means an employee of Marine Rescue NSW.

Member means a member of Volunteer Marine Rescue NSW.

MRNSW means Volunteer Marine Rescue NSW.

MRNSW Board means the Directors of MRNSW.

Respondent means a person accused of wrongdoing in a Complaint.

Senior Officer means a person holding a position of delegated and lawful authority over a member under the Constitution, Rules, SOPs, or Policies, including; the Board, Commissioner, Deputy Commissioner, Unit Commander, Unit Deputy Commanders, Unit Executives, Zone Commanders and Zone Duty Operations Managers.

SOP refers to a MRNSW Standard Operating Procedure

Supervisor means a person who is authorised by their position to supervise or direct Members and employees, including the Commissioner, Deputy Commissioners, Unit Commanders, Unit Deputy Commanders, Unit Executives, Zone Commanders and Zone Duty Operations Managers.

Suspension of a member means suspension under SOP ADM09.

Suspension of an employee means a period when an employee is relieved of their job on full pay because of alleged serious misconduct.

You and Your means members and employees and includes Complainants where appropriate.

Approval and document control

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