Chapter 20. Discrimination, Harassment and Bullying

20.1 Introduction
This procedure outlines how the CFMG will ensure that ATDP workplaces are free of discrimination, harassment and bullying.

20.2 Purpose of Procedure
The purpose of this procedure is to ensure that, should they occur, discrimination, harassment and bullying are dealt with quickly and fairly and do not adversely affect ATDP implementation.

20.3 Context
Discrimination, harassment and bullying are typically the result of disrespect, intolerance or perceived power differentials. As these behaviours are the antithesis of professionalism, any member that engages in such behaviours is untrue to the ethos of military advocacy.

20.4 Discrimination
It is unlawful to discriminate on the basis of age, disability, race, sex, intersex status, gender identity and sexual orientation in certain areas of public life, including education and employment. Australia’s federal anti-discrimination laws are contained in the following legislation:

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

20.5 Harassment
ATDP is responsible under federal and state anti-discrimination laws, as well as the Fair Work Act 2009 (Cth), for ensuring its members are not subject to harassment.

The Australian Human Rights Commission defines harassment as including:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying racially offensive or pornographic posters or screen savers
- making derogatory comments or taunts about a person's disability, or
- asking intrusive questions about someone’s personal life, including their sex life

20.6 Bullying
The Fair Work Amendment Act 2013 defines workplace bullying as repeated unreasonable behaviour by an individual towards another which creates a risk to health and safety.
Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. It can include:

- physical or verbal abuse
- yelling, screaming or offensive language
- excluding or isolating employees
- psychological harassment
- intimidation
- assigning meaningless tasks unrelated to the job
- giving members impossible jobs
- deliberately changed work rosters to inconvenience particular members
- undermining work performance by deliberately withholding information vital for effective work performance

20.7 Serious Harassment or Bullying

Serious harassment or bullying may constitute assault, an offence under the *Crimes Act 1914 (Cth)*. A perpetrator may therefore be subject to police investigation and criminal penalties.

20.8 Participants’ Responsibilities

All ATDP Members are responsible for creating and maintaining a workplace free from all forms of discrimination, harassment and bullying. Such behaviours will not be tolerated. Should they occur, the law requires that, appropriate action must be taken. All members are responsible for ensuring they actively foster a safe workplace:

- for fellow volunteers
- for (often vulnerable) members of the Defence Family by:
  - educating candidates
  - inculcating a professional ethos
  - demonstrating ethical behaviours

20.9 Action

If any Member believes they have been discriminated against, harassed or bullied, they may make a complaint by following the grievance procedure at Library 4, Chapter 22.

20.10 Procedural Fairness

Procedural fairness must be followed scrupulously before, during and after investigation of allegations of discrimination, harassment or bullying, and any disciplinary action. For detailed information see:
