

Victorian Labor Policy on

Bullying and Harassment Prevention and Response

**SAFETY &
RESPECT**

Labor



1. APPLICATION

- 1.1. The *Code of Conduct (Code)* sets out the expectations of the Australian Labor Party, Victorian Branch, known as the Party under the Branch Rules and “Victorian Labor” for the purpose of the *Code and Associated Policies*. A reference to Victorian Labor in the *Code and Associated Policies* is also a reference to the Party, and vice versa.
- 1.2. The following policies sit alongside the *Code*:
 - 1.1.1. *Policy for Sexual Harassment Prevention and Response* (Schedule J);
 - 1.1.2. *Policy on Bullying and Harassment Prevention and Response* (Schedule K);
and
 - 1.1.3. *Complaints Handling Policy* (Schedule L).

(Associated Policies)
- 1.3. The *Code* sets out the expectations of Victorian Labor for all people involved with the Party, including local branch members.
- 1.4. The *Code and Associated Policies* apply to the conduct of all Victorian Labor members, Parliamentarians, officials, employees, contractors and volunteers, who each agree they are familiar with and bound by the *Code and the Associated Policies*. The *Code and Associated Policies* also apply to any person who attends a Victorian Labor gathering or event.
- 1.5. The *Code and Associated Policies* apply to workplaces, after hours work, campaign events, social functions convened by the Party, election campaigns, and meetings and conferences which individuals covered by the *Code of and Associated Policies* attend as a result of party-related duties or their involvement with the ALP or the Party.

2. PRINCIPLES

- 2.1. Victorian Labor strives to be an organisation, and a community, that is safe for everyone. It is imperative that Victorian Labor to take positive action to prevent and address sexual harassment.
- 2.2. Bullying and harassment, particularly sexual harassment, can cause physical, emotional, sexual, psychological, social and economic harm. Victims, survivors and complainants in many organisations have historically been silenced and left unsupported.
- 2.3. The ALP has harmonised its policies for *Sexual Harassment Prevention and Response* across its Federal structure. This means the definition, response and prevention approach adopted by the ALP in response to these issues is largely consistent across all levels of the organisation.
- 2.4. The ALP is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of harassment and receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity. These same principles apply to all those participating in the democratic processes of Victorian Labor.

- 2.5. International Labour Organisation convention 190 – *Violence and Harassment in the World of Work* (**Convention**) recognises the fundamental right of every worker to be free from all forms of violence and harassment at work, regardless of their employment type. This includes volunteers, contractors, casuals, trainees and apprentices.
- 2.6. Consistent with the Convention, Victorian Labor stands against work-related gendered violence, in all its forms, including sexual harassment, bullying and other types of inappropriate behaviour, which are prohibited and will not be tolerated. If sexual harassment does occur, Victorian Labor will respond promptly, confidentially and safely.

3. AWARENESS AND TRAINING

- 3.1. Victorian Labor recognises that simply having a policy or code is not enough and that as an organisation steps must be taken to create a supportive and positive culture, to improve awareness, to provide training (and mandate training where appropriate), and to implement robust systems and processes to deal with allegations and complaints of bullying, harassment and discrimination.

4. WHAT IS BULLYING?

- 4.1. Bullying occurs when a person or group of people repeatedly behave unreasonably towards another person, or a group of people of which the other person is a member and that behaviour creates a risk to health and safety.
- 4.2. Bullying is misconduct and can be, but is not limited to:
 - 4.2.1. repeatedly making demeaning jokes or belittling remarks about a person;
 - 4.2.2. threats, intimidation, stand-over tactics and coercion;
 - 4.2.3. verbal abuse or degrading language or gestures aimed at an individual;
 - 4.2.4. yelling or screaming at an individual;
 - 4.2.5. spreading rumours or misinformation about a person;
 - 4.2.6. excluding, isolating or marginalising a person from activities;
 - 4.2.7. abuse of supervisory or managerial authority such as sabotaging a person's work or deliberately inconveniencing them; and
 - 4.2.8. unjustified threats of disciplinary procedures.
- 4.3. Bullying is not:
 - 4.3.1. differences of opinion;
 - 4.3.2. non-aggressive conflicts;
 - 4.3.3. interpersonal problems in working relationships;
 - 4.3.4. reasonable performance management;
 - 4.3.5. operational changes or restructuring;
 - 4.3.6. lawful termination of employment or position;
 - 4.3.7. robust intellectual or political debate;

4.3.8. engagement in democratic processes within the Party undertaken in good faith and reasonably; or

4.3.9. constructive feedback.

5. WHAT IS HARASSMENT?

- 5.1. Harassment refers to both single and repeated occurrences of a range of unwelcome, offensive or unacceptable behaviours and practices, or threats, that aim at, result in, or are likely to result in physical, psychological, sexual, social or economic harm and can be, but is not limited to (note, this list is not exhaustive):
- 5.1.1. unwanted physical contact;
 - 5.1.2. repeated offensive comments, including insults, verbal or physical threats;
 - 5.1.3. spreading rumours about a person;
 - 5.1.4. breaching the privacy of a person, for example by disseminating personal information without their consent;
 - 5.1.5. posting offensive comments in public forums about a person;
 - 5.1.6. repeated shouting, insults, threats, disparagement, public humiliation or intimidation;
 - 5.1.7. purposefully isolating a person from normal party business, conversations or events;
 - 5.1.8. making offensive remarks about a person based on their sex, gender identity, marital status, religious belief, ethical belief, colour, race, ethnic or national origin, disability, age, political opinion, employment status, family status or sexual orientation;
 - 5.1.9. deliberately mimicking the way a person speaks, making jokes about their race, calling a person by a racist name, deliberately pronouncing a person's name incorrectly, or deliberately mis-gendering a person;
 - 5.1.10. repeatedly following a person (stalking);
 - 5.1.11. unreasonably and persistently contacting or attempting to contact a person by any means;
 - 5.1.12. interfering with a person's property; and
 - 5.1.13. harassment on the ground of sex, which occurs when a person:
 - 5.1.13.1. engages in unwelcome conduct of a seriously demeaning nature towards another person, on the basis of that person's sex or a characteristic generally imputed on or associated with that person's sex, in circumstances where it is reasonable to anticipate the possibility that they will feel offended, humiliated or intimidated; or
 - 5.1.13.2. creates or facilitates an intimidating, hostile, humiliating or offensive environment for a person or persons of a particular sex.

6. WHAT IS DISCRIMINATION?

- 6.1. Discrimination occurs when a person directly or indirectly discriminates against another person as follows:
 - 6.1.1. on the grounds of a protected attribute of the other person, the first person treats or proposes to treat the other person less favourably than they would treat a person with a different type of protected attribute, in the same or not materially different circumstances;
 - 6.1.2. the first person imposes a requirement that is likely to disadvantage someone with a protected attribute more than a person without a protected attribute; and
 - 6.1.3. the first person undertakes any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.
- 6.2. For the purposes of this Policy, a protected attribute includes race, colour, sex, religion, political beliefs, decent or national extraction, nationality, social origin, immigration status, age, medical record, criminal record, relationship status, pregnancy and associated attributes, family or carer responsibilities, impairment, mental, intellectual or psychiatric disability, physical disability, disease, illness or other medical status (including being HIV positive), sexual orientation, gender identity, intersex status, physical appearance, criminal record and spent convictions, and trade union activity, including attributes generally imputed to a person with one of the above attributes as well as association with a person who has one of the above attributes.
- 6.3. This clause 6 will not apply to vetting of candidates or pre-selection of candidates. By way of example, the affirmative action rules, or steps taken to improve cultural or socio-economic diversity in pre-selected candidates, will not amount to discrimination under this Policy.
- 6.4. **Active Bystander Intervention**
- 6.5. The Party encourages and values safe active bystander intervention by Party members to prevent or stop bullying or harassment from occurring or continuing.
- 6.6. The steps involved in safe active bystander intervention are:
 - 6.6.1. noticing the situation – paying attention to what is going on nearby;
 - 6.6.2. assessing and deciding whether someone might need help;
 - 6.6.3. checking with people around if unsure;
 - 6.6.4. accepting responsibility to take action – not assuming someone else will act; and
 - 6.6.5. making a plan to step in, without being aggressive or putting oneself or others in danger.

7. RESOLUTION AND COMPLAINTS

- 7.1. Complaints and breaches of this Policy should be reported in accordance with the *Victorian Complaints Handling Policy* (Schedule L).
- 7.2. Complaints can be resolved using various informal and formal methods depending on the nature and seriousness of the allegations, and the wishes of the Complainant.
- 7.3. The process to handle and resolve complaints is outlined in the *Victorian Complaints Handling Policy*.

8. SUPPORT

- 8.1. A member who alleges bullying, harassment or discrimination by another member of the Party, and any person who alleges that bullying or harassment took place at a Victorian Labor gathering or event, is entitled to a respectful and prompt response from the Party.
- 8.2. Part of the resolution process is ensuring that a complainant has been adequately supported by appropriately training Party members and is aware of available reporting options. This may involve referral to counselling or other avenues of professional advice and assistance, with the consent of the Complainant.