

Gender & Inclusion Policy

Contents

Document Control.....	1
Revision History	1
Related Policies	1
Objective	2
Policy Statement	2
Scope.....	2
Exclusions.....	3
Definitions.....	3
Discrimination.....	4
Harassment.....	5
Bullying.....	6
Victimisation	7
Workplace Violence	8
Policy in Action.....	8
Raising concerns and incidents.....	8

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1.0	Policy	25/03/2020	Nina von Stebut	CEO	New Policy

Related Policies

- Organisational Code of Conduct
- Employee Grievance Policy & Procedure
- Complaints Policy & Procedure
- Child Safeguarding Policy & Procedure
- Disciplinary Procedure
- Communications Policy
- Work, Health & Safety Policy

Objective

ChildFund Australia (ChildFund) is committed to equal rights and inclusions for all people of all genders and identities, and to actively promoting gender equity within our workplace and relationships, and through our programs for children. ChildFund offers a work environment where all individuals enjoy equal employment opportunities and can undertake their duties free from harassment, discrimination, bullying and victimisation. This aim is underpinned by Our Organisational Code of Conduct and Our Values.

ChildFund takes seriously its obligations to take all reasonable steps to promote a positive and supportive work environment. This includes prevention of discrimination (including of gender-based discrimination), harassment, bullying and victimisation. **ChildFund expressly prohibits such conduct.** Individuals may be personally liable if they engage in unlawful conduct. Individuals, who aid, abet, encourage or permit others to engage in conduct that is unlawful or in breach of this Policy may also be liable for their conduct.

This Policy explains ChildFund's commitments, inappropriate behaviour, and the obligations of its People in relation to discrimination, harassment, bullying and victimisation. The Policy also outlines the procedure for reporting instances of breaches of this Policy and the consequences of a Policy breach.

Policy Statement

ChildFund is committed to creating and maintaining a work environment where all individuals are treated with respect and enjoy equal opportunities for employment, success and advancement in the organisation, irrespective of personal attributes of gender, race, age, religion, disability, marital status, sexuality, ethnicity or cultural identity. ChildFund endeavours to treat all staff and prospective staff fairly at all times during the Employment Relationship.

ChildFund recognises that gender-based discrimination critically undermines the rights of girls and women. Gender bias also results in the denial of rights for people whose gender or sexual identity does not conform to traditional binary types. The impacts of gender inequality intersect with other vulnerabilities such as minority ethnicity, (dis)ability, geography, caste and religion, compounding the experience and impact of exclusion for these individuals.

ChildFund Australia promotes gender equality and inclusion through organisational culture, practice and programs. ChildFund is also committed to ensuring a work environment that is free from discrimination, gender-based discrimination, workplace harassment, sexual harassment, racial harassment, racism, violence, bullying and victimisation.

ChildFund takes all reasonable steps to ensure that Staff are not subject to, or engage in, conduct that is in breach of applicable laws or this Policy. If Staff act in breach of this Policy they will be subject to disciplinary action which may include suspension, dismissal and, in the case of criminal conduct, referral to law enforcement agencies.

Scope

This policy applies to:

- all People
- how ChildFund provides services to beneficiaries and partners and how it interacts with other members of the public
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport

- on-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their ChildFund duties
- staff treatment of other staff, of beneficiaries and partners, and of other members of the public encountered in the course of their ChildFund duties.

Exclusions

'Nil'.

Definitions

Adverse Action includes doing, threatening or organising any of the following:

- unlawful termination of employment
- not giving an employee their legal entitlements such as pay or leave
- downgrading or changing an employee's job to their disadvantage
- treating an employee or potential employees in a detrimental way
- offering a potential employee different and unfair terms and conditions for the job compared to other employees.

Equal Employment Opportunity is the commitment that all people, regardless of gender, race, age, religion, disability, educational level, marital status, sexuality, ethnicity or cultural identity, have a right to be fairly considered for a job, job benefits and job advancement.

Gender refers to the social relationships between women, men, girls and boys that vary from one society to another and at different points in history.

Gender Bias refers to making decisions based on gender that result in favoring one gender over the other which often results in contexts that are favoring men and/or boys over women and/or girls.

Gender equality refers to a basic human right for individuals of all sexual orientations or gender identity. It is "the concept that women and men, girls and boys have equal conditions, treatment and opportunities for realizing their full potential, human rights and dignity, and for contributing to (and benefiting from) economic, social, cultural and political development."¹

Gender equity refers to the process of being fair to both women (girls) and men (boys) in distribution of resources and benefits. This involves recognition of inequality and requires measures to work towards equality of women (girls) and men (boys). Building Gender Equity is a process of empowerment, and it leads to gender equality.

Inclusion refers to the process of improving the terms of participation in society, particularly for people who are disadvantaged, through enhancing opportunities, access to resources, voice and respect for rights. The goal of Inclusion within this policy is for all individuals to enjoy their rights to the fullest extent within their work experience and relationships.

People/Person refers to all employees, interns, volunteers, board members, directors, contractors, consultants, beneficiaries of any program or support, Partners, suppliers and service providers.

Staff refers to permanent or contract employees of ChildFund

Reportable Conduct includes, but is not limited to:

- breaches of legal obligations (including negligence, breach of contract administrative law)
- criminal offences

¹ UNICEF ROSA, "Annex – Glossary of Terms and Concepts" in "Gender Toolkit – Integrating Gender in Programming for Every Child in South Asia", December 2018. This can be accessed at <https://www.unicef.org/rosa/media/2336/file/Gender%20Toolkit%20Integrating%20Gender%20in%20Programming%20for%20Every%20Child%20UNICEF%20South%20Asia%202018.pdf>.

- engaging in acts of physical, sexual, emotional, psychological or financial abuse, exploitation or neglect of beneficiaries or Staff
- mismanagement or the unauthorised use of organisational funds
- abuse of authority
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other staff
- other unethical conduct
- damage to the environment
- a breach of any internal Policy including (but not limited to) the Organisational Code of Conduct, Child Safeguarding Policy, etc.
- an intentional disclosure or misuse of sensitive information, or
- the concealment or failure to report knowledge of the above actions in themselves or others.

Workplace is the business location where the Staff usually undertake work activities, or work remotely (for example, undertaking a field visit or overseeing a program at a partner’s location). This includes working outside usual business hours and any work-related events including conferences and social events either at the usual business location or an external location.

Employment Relationship includes but is not limited to:

- recruitment and selection
- retention
- performance management
- terms, conditions and benefits
- learning and development, talent and succession planning
- promotion or secondment
- separation or termination of employment.

Discrimination

Discrimination occurs when a person is treated less favourably in their employment because of attributes as listed earlier (state section)

- race, colour, descent, national extraction², ethnic origin or social origin
- sex, gender identity or intersex status
- marital or relationship status, pregnancy or potential pregnancy, breastfeeding or family responsibilities
- sexual orientation;
- age
- physical, intellectual or mental disability or impairment
- disease or injury, including work related injury
- repeat
- parental status, family responsibilities or carer’s responsibilities
- irrelevant criminal record
- political opinion, industrial activity or trade union membership
- physical features and
- personal association with a person identified by reference to any of the above attributes.

² “National Extraction includes distinctions made on the basis of a person’s place of birth, ancestry or foreign origin, for instance, national or linguistic minorities, nationals who have acquired their citizenship by naturalization, and/ or descendants of foreign immigrants. The meaning of ‘national extraction’ is a little wider than ‘nationality’ or ‘national origin’. Nationality is generally restricted to citizenship or a country but ‘national extraction’ refers to past history or precious circumstances as well as citizenship. National extraction means both the nation and the nationality from which a person is derived, either by birth or by self and community identification.” (<https://www.fwc.gov.au/general-protections-benchbook/other-protections/disctimation/national-extraction>).

A person can unintentionally discriminate against another person if they treat that person less favorably, on one of the grounds listed above.

Gender-Based Discrimination

Examples of workplace Gender-based discrimination include:

- not employing a woman on the assumption she will start a family soon
- not employing a man because the workplace is female-dominated and you would like to keep it that way
- dismissing an employee due to falling pregnant
- not paying a woman the same salary as a man for the same work
- allocating work tasks based on a person's sex.

Racial Discrimination

Examples of Racial discrimination include:

- insisting that all employees speak English at all times, even during their breaks
- not employing someone from a particular racial group because of stereotypes e.g. 'those people are unreliable'
- not employing or promoting someone because of assumptions they wouldn't 'fit in' with their colleagues or company culture
- unfair treatment in the course of work on the basis of race such as subjecting employees to negative comments about their race³.
- Understanding cultural celebrations- Ramadan etc.

Harassment

Workplace Harassment

Workplace Harassment is unwanted and unreasonable conduct which intimidates, humiliates or offends. Behaviour which creates a hostile working environment for others can also constitute harassment.

Workplace harassment covers a wide range of behaviours. Some examples include (but are not limited to):

- abusing a person loudly, usually when others are present
- significantly impairing the persons work in any way such as withholding information, removing content or altering the intent of the persons work
- maliciously excluding and isolating a person from workplace activities that they would normally be involved in
- spreading false information
- making/sending offensive messages (e.g. via email, telephone, social media platforms or other means)
- persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters.

Sexual Harassment

Sexual harassment occurs when a person:

- makes an unwelcome sexual advance
- makes an unwelcome request for sexual favours or
- engages in other unwelcome conduct of a sexual nature;

³ <https://www.humanrights.gov.au/our-work/employers/racial-discrimination>

and a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated by that behaviour.

‘Conduct of a sexual nature’ includes:

- subjecting a person to any act of physical intimacy
- making, orally or in writing, any remark or statement with sexual connotations to a person or about a person and
- making any gesture, action or comment of a sexual nature.

Sexual harassment can involve physical, visual, verbal or non-verbal conduct of a sexual nature including one-off incidents or a series of incidents. It includes workplace behaviour or behaviour in connection with work, for example, at a festive season party or at a work function outside of work hours.

Depending on the circumstances, examples of sexual harassment include:

- displays of sexually graphic material including posters, pictures, calendars, cartoons, graffiti or messages left on boards or desks
- electronic mail messages, voice mail messages, screen savers, any material of a sexual nature downloaded from the internet, or viewed on a computer, offensive telephone calls, faxes, or gifts
- deliberate and unnecessary physical contact, such as patting, pinching, fondling or deliberately brushing against another body, attempts at kissing
- leering or staring at a person’s body
- sexually explicit posts on social media platforms
- inappropriate ‘humour’ such as sexually suggestive or sexist jokes or comments
- innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person’s physical appearance, inferences of sexual morality or tales of sexual performance
- repeatedly asking someone to meet them outside working hours, especially after prior refusal and
- intrusive inquiries into a person’s private life or in reference to a person’s sexuality.

Racial Harassment

Racism at work, or racial harassment, consists of derogatory remarks, racially explicit statements, graffiti, jokes or any action of a racist nature which is directed at an individual or group from a particular ethnic or racial background, and which results in the individual(s) feeling intimidated, insulted, humiliated, embarrassed or offended, where a reasonable person would expect this to be the effect of the behaviour.

Racial harassment can be non-verbal, verbal or physical. Examples include:

- offensive gestures
- facial expressions or mimicry of accents
- offensive publications, letters or memos
- threatening behaviour/verbal threats
- racial jokes, comments or abuse.

Bullying

Workplace bullying is repeated and unreasonable actions or omissions which are undertaken by an individual or a group of individuals to gain power or dominance over another, and which are intended to create, or actually create, fear or distress, and a reasonable person would expect the behaviour to have that effect.

Bullying is a form of harassment and usually occurs when the behaviour is persistent and unwelcome from one individual or a group of individuals to another and this behaviour demeans or humiliates the individual.

Bullying can occur face-to-face, over the phone, via email, instant messaging or using mobile phone technologies including text messaging and social media platforms. Bullying can occur between workplace participants at all levels of the workplace, including downwards from managers to workers, sideways between workers and upwards from workers to managers.

Workplace bullying may be direct or indirect, verbal or physical. It can involve public humiliation, usage of offensive language, or deliberate exclusion of a Staff member from work meetings and/or social events without a legitimate reason.

Examples of direct bullying include:

- yelling, screaming or unreasonably raising your voice
- abusive, insulting or offensive language
- interfering with a person's personal property or work equipment
- displaying offensive material – pictures, calendars, pin-up posters which can be viewed as derogatory or unprofessional
- spreading misinformation or malicious rumours
- pranks or initiation practices.

Examples of indirect bullying include:

- setting tasks that are unreasonably below or beyond a person's skill level
- deliberately denying access to information, consultation or resources in order to undermine work performance
- unreasonably overloading a person with work or not providing enough work
- setting unreasonable deadlines
- deliberately changing work arrangements, such as rosters or planned or proposed leave, for the purpose of inconveniencing a particular workplace participant.

Workplace bullying does not include legitimate differences of opinion, or reasonable management action such as:

- allocating work to a workplace participant
- rostering and allocating work hours
- reasonable and legitimate performance management
- setting reasonable work goals, deadlines and standards (including performance management of an underperforming individual)
- reasonable supervision and performance of genuine work-based responsibilities
- legitimate restructuring or re-organising of a business, work or job
- transferring a workplace participant to a different department or role
- providing constructive feedback on unsatisfactory work performance
- deciding not to select a workplace participant for a promotion
- termination of employment.

Victimisation

Victimisation means subjecting or threatening to subject someone to a detriment, because they propose to, have, or are believed to have:

- asserted their rights under this Policy or other ChildFund Policies (for example Whistleblower Policy), or relevant legislation
- alleged that another person has breached this Policy or relevant legislation
- assisted someone in raising an issue under this Policy or relevant legislation.

A detriment in employment includes demotion, dismissal, transfer, suspension, loss of a benefit, being excluded from work or work-related social functions, or being the subject of gossip or innuendo.

At ChildFund it is unacceptable to retaliate against someone because they propose to, have, or are believed to have made, a complaint of unacceptable behaviour or Reportable Conduct under this Policy, other ChildFund Policies or relevant legislation.

Workplace Violence

Workplace violence can be a form of harassment or bullying, and includes behaviour such as physical assault, aggressive, threatening or intimidating behaviour and other disruptive behaviour. It can be physical or non-physical behaviour which may involve oral, written or electronic statements, gestures or expressions that communicate a direct or indirect threat of harm.

For example, aggressive behaviour such as an implied threat to exert influence over another's career opportunities as a result of not carrying out an instruction may be considered to be a demonstration of indirect workplace violence and/or workplace bullying and is not permitted in the workplace.

Certain forms of workplace violence, such as an assault, may also constitute a crime and may be referred to the police or other agencies.

Policy in Action

ChildFund Australia will ensure that the organisation equally values and rewards employees, irrespective of personal attributes such as gender, race, age, religion, disability, marital status, sexuality, ethnicity or cultural identity and removes barriers that may challenge this. The organisation will do this by:

1. Making all efforts to recruit individuals whose values align with ChildFund Australia's values.
2. Providing training to ensure that all ChildFund People understand and can apply the Gender & Inclusion Policy, i.e. at all times our People are prohibited from behaving in a manner that constitutes unlawful discrimination, harassment, bullying, victimisation or workplace violence.
3. Applying best equal employment practices for inclusion and gender equality in terms of: recruitment and selection; performance management; promotions; training and development; remuneration; and leave entitlements, including parental leave and flexible working arrangements.
4. Setting gender equality objectives and reporting annually on gender equality across management and staffing levels.
5. Developing strategies to respond to identified gender inequalities.
6. Ensuring that all external communications, including media, marketing and fundraising, exemplify ChildFund Australia's commitments to equal employment opportunities.
7. All recruitment and job selection decisions at ChildFund will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.
8. All staff are responsible for modelling, maintaining and promoting high standards of conduct and acting quickly in response to any breaches of this Policy.
9. ChildFund managers will periodically provide or arrange information and training for staff to ensure understanding of this Policy and expectations in regard to workplace behaviour.

Raising concerns and incidents

For any grievance or complaint raised under the *Inclusion Policy – Workplace Discrimination, Bullying, Harassment & Gender Equity*, the Employee Grievance and the Complaints procedure

should be used (see Employee Grievance Policy & Procedure and the Complaints Policy & Procedure). For instances, where a person chooses to remain anonymous, the Whistleblowing Policy and Procedure offers an anonymous reporting mechanism. Staff are encouraged to address any concerns internally at ChildFund in the first instance, however if they wish to make a complaint externally via various outside agencies, that is within their right.

Every complaint will be handled in a positive manner and the person who raises the complaint will be treated respectfully at all times. If the Person raising the complaint is a child or youth, particular care and attention will be given.

Any Person who observes behaviour occurring that could be discrimination, harassment, bullying, victimisation or workplace violence has an obligation to speak up to their manager or POD.

Employee Assistance Program

ChildFund staff are entitled to a certain amount of free, professional counselling from our employee assistance program. Information on how to access the employee assistance program are available in the common drive.

Employee assistance program counselling is confidential and nothing discussed with a counsellor will be communicated back to ChildFund. Employee assistance program counselling is available free to ChildFund staff regardless of whether the issue is related to a workplace problem or some other issue for the staff member.

Staff are encouraged to address any concerns internally at ChildFund in the first instance, however if a Person wishes to pursue a complaint externally that is also their right via various outside Agencies.