

Discrimination and Harassment Policy

2018

Always use decency and good manners with other people.

Always have respect for other people and their views.

Always use common sense, eg, think before posting on social media.

1. GENERAL

This Policy refers to the following Acts. Its purpose is to keep Members, volunteers, employees and members of the public safe at all times. Discrimination, bullying, harassment and sexual harassment are unacceptable to the NSW Nationals and are regulated under the following legislation:

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

Harassment or bullying behaviour breaches the NSW Nationals Code of Conduct and Ethics. The NSW Nationals Code of Conduct and Ethics requires Members to “make every effort to ensure that their conduct is above reproach in the view of reasonable fair minded and informed persons. Members shall avoid conduct or practices likely to bring discredit upon themselves or the Party or any other Members of the Party”.

The NSW Nationals recognise the competitive and adversarial nature of Australia’s political system, which fosters vigorous public debate and, in so doing, serves the public interest. Under the Party’s Rules of Debate, however, “imputations of improper motives and all personal reflections on Members, members of the public and elected members and the use of offensive or unbecoming words, shall be deemed disorderly ...” and formal discipline will ensue.

Members, including elected office-bearers, or staff found to have breached the Code or this Policy shall be subject to sanctions which shall be applied under the Powers and Duties of Central Council as set out in the Party’s Constitution and Rules. (Rules 7.4.1-7.4.3). Sanctions may include counselling, warning or disciplinary action. Severe or repeated breaches can lead to formal discipline up to and including suspension or expulsion.

2. WHAT MEMBERS SHOULD DO TO PREVENT HARASSMENT

All Members shall be sent this Discrimination and Harassment Policy.

All Members shall do their best to prevent harassment. Party Members shall be good role models and refrain from engaging in any behaviour which may amount to, or could be interpreted as, harassment.

This document is to be referenced regularly at NSW Nationals meetings.

Members, complainants and respondents shall have regard to the National Party of Australia – NSW Constitution and Rules, including the Rules of Debate, and the Party’s Code of Conduct and Ethics.

Party Members acting as a supervisor, coordinator, or manager for other Members are required to make all attempts to prevent harassment issues from arising in their teams.

All Members must act immediately if they witness or are told about any harassment.

3. SCOPE

This policy applies to:

- All Members of the Party; any person holding a position in the Party's campaign organisations; candidates; any person who volunteers for the Party; staff of the National Party of Australia – NSW; NSW Nationals Members of the Parliament of Australia and the Parliament of New South Wales; any person who holds, or is declared as seeking, any office within the Party; and regular suppliers of services or goods to the Party, when acting in that capacity.
- How Members of the NSW Nationals interact with each other and how they interact with members of the public.
- All aspects of employment of staff, their recruitment and selection.
- On-site, off-site or after hours work, work-related social functions, conferences – wherever and whenever Members, volunteers and staff may be as a result of their NSW Nationals duties.

4. AIMS

The National Party (previously named the Country Party) is a respected institution in Australia and New South Wales. It is dedicated, in particular, to protecting and advancing the interests of the people who live and work in regional and rural Australia and New South Wales. Our Members have an obligation to protect the values and ideals of our Party and to carry on its legacy in a manner in keeping with our proud history. This is essential to the maintenance of both our Party's standing in the community and respect for our nation's democracy.

In keeping with those aims, the NSW Nationals is committed to ensuring that its Members, staff and the broader Australian community are free from all forms of discrimination, bullying and sexual harassment.

All NSW Nationals, Members, volunteers and staff are required to treat others with dignity, courtesy and respect. By effectively implementing our Discrimination and Harassment Policy the Party will attract and retain loyal personnel and create positive leadership roles in regional and rural communities.

5. MEMBERS AND STAFF - RIGHTS AND RESPONSIBILITIES

All Members and staff are entitled to:

- recruitment and/or selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and sexual harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All members and staff must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect.

5.1 Additional responsibilities of office-bearers and parliamentarians

NSW Nationals office-bearers and parliamentarians must also:

- Model appropriate standards of behaviour
- Take steps to educate and make Members, volunteers and staff aware of their obligations under this policy and the law.
- Intervene quickly and appropriately when they become aware of inappropriate behaviour
- Act fairly to resolve issues and enforce acceptable workplace behavioural standards, making sure relevant parties are heard
- Help the Party resolve complaints informally and formally
- Refer formal complaints about breaches of this policy to the appropriate complaint Contact Officer
- Ensure anyone, Member or non-member who raises an issue or makes a complaint are not victimised
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- Seriously consider requests for flexible work arrangements.

6. 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), e.g, *a worker is harassed and humiliated because of their race or gender, or a worker is refused promotion because they are 'too old' or 'are of child bearing age'*

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).

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
- 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
- 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 and against this Policy to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

* The NSW Nationals is a voluntary body and is, therefore, not affected by the NSW Anti-Discrimination Act in respect of, for example, restricting admission to Party membership.

6.1 Bullying

If someone is being bullied by any NSW Nationals Member because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices. Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits
- bullying is unacceptable in the NSW Nationals and may also be against occupational health and safety law.

6.2 Sexual harassment

Sexual harassment is a specific and serious form of harassment and is not tolerated in any form by the NSW Nationals. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour at a meeting or event or in the workplace at the time, it does not mean that they consent to the behaviour. Sexual harassment is covered in meetings, functions and when it happens at Party meetings or Party-related events between people in attendance, including members of the public. Sexual harassment in the workplace is covered when it happens at work, at work-related events, between people sharing the same workplace, and a member of the public or between colleagues outside of work.

All Members, volunteers, staff and members of the public engaging with NSW Nationals Members and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. All incidents of sexual harassment – no matter how large or small or who is involved – require the NSW Nationals to respond quickly and appropriately.

The NSW Nationals recognise that comments and behaviour that do not offend one person can offend another. This policy requires all Members, volunteers and staff to respect other people's limits.

6.3 Harassment

Harassment makes another person uncomfortable and is unpleasant. Every person has the right to engage in political activities and to actively contribute to the National Party of Australia – NSW freely without having to deal with harassment issues.

Harassment is any type of behaviour that:

- the other person does not want
- offends, humiliates or intimidates
- creates a hostile environment, and is either
- sexual, or,
- targets them because of their race, sex, pregnancy, breastfeeding, marital or domestic status, carers' responsibilities, transgender, homosexuality, disability, religious belief, or age.

6.4 Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law. It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

The NSW Nationals has a zero tolerance approach to victimisation.

6.5 Gossip

It is unacceptable for NSW Nationals Members, volunteers or staff to talk with other Members, volunteers, staff or members of the public about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role is a serious breach of this policy and may lead to formal discipline.

7 RESOLVING ISSUES AT THE NSW NATIONALS

The NSW Nationals strongly encourage any Member, employee, or member of the public engaging with a NSW Nationals Member in a National Party role who believes they have been discriminated against, bullied, harassed, sexually harassed or victimised to take appropriate action by making contact with one of two Contact Officers who have been trained professionally in handling complaints. Their details can be found in the Contacts section of the NSW Nationals website.

**www.nswnationals.org.au/contact
or phone Head Office 02 9299 5811**

Across Australia, the National Party of Australia is comprised of a number of autonomous political parties (each of which has its own governing body and policies) and which are affiliated/associated with the Party's Federal Council. The Contact Officers for each of those Parties can be found in the Contacts section of The Nationals website:

www.nationals.org.au

A complaint against a NSW Nationals Member, volunteer or staff member must be lodged with either of the Contact Officers within one year of the events which are the subject of the complaint. The Party can accept a complaint after one year has expired, if the complainant can show that there is good reason why the complaint is late and it would be fair for the complaint to be taken up despite being late.


A complaint shall be triaged based on the seriousness of the alleged incident, its nature, and available evidence. (See -Triage Appendix - NSW Nationals - Discrimination and Harassment Policy - Complaints, evaluation/investigation protocol).

The triage outcome determines whether or not the complaint is to be referred to, and/or determined by:

- The complainant and respondent**
- The relevant Branch**
- The relevant Electorate Council**
- The C&E Committee (or panel or an independent, unbiased, skilled mediator)**
- The Central Council (or Central Executive).**

Any complaint will be dealt with seriously, confidentially, impartially, free of unfair repercussions or victimisation, quickly, and with a minimum of fuss in accordance with the principles of natural justice and procedural fairness.

If confidentiality is breached a full internal investigation will be performed to solve the leak and disciplinary action will be taken for the individual in breach.



The complainant shall have the option of resolving the complaint informally if they choose to do so. Articulate, quantifiable and accountable action will be taken to prevent a further harassment issue from recurring.

Vexatious or frivolous complaints shall not be made.

Members, volunteers or staff who do not feel safe or confident to take such action may seek assistance from bodies such as the NSW Anti-Discrimination Board or the Australian Human Rights Commission for advice and support or action on their behalf.

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“Triage” Appendix

NSW NATIONALS – DISCRIMINATION AND HARASSMENT POLICY

Complaints, evaluation/investigation protocol

