



DISCRIMINATION, HARASSMENT & BULLYING POLICY

1. Introduction

Ellenbrook Community Radio (Inc) trading as VCA88.5FM (Radio VCA88.5FM) is committed to providing a safe, respectful, and inclusive environment for all members, presenters, volunteers and visitors free from all forms of discrimination, bullying and harassment.

Each person is responsible for their own conduct and required to take reasonable care that their acts or omissions do not adversely affect the health, safety, and wellbeing of others in the workplace. Preventing unlawful discrimination, harassment, bullying, vilification or victimisation is everyone's responsibility.

2. Purpose

This ***Discrimination, Harassment and Bullying Policy*** (Policy) aim is to promote a culture of respect and positive behaviour by educating members to recognise and call-out unacceptable behaviour, and provides guidance on what to do if you believe you have been subjected to unacceptable behaviour following Radio VCA88.5FM's complaints procedures.

3. Scope of Policy

For the purpose of this Policy, 'Unacceptable Behaviour' is a general term used to describe inappropriate conduct that includes discrimination, harassment, bullying, vilification and victimisation. To understand these terms better, please refer to information described within this Policy. Unacceptable behaviour must not be confused with legitimate comment and advice including relevant constructive feedback on work performance or work-related behaviour of an individual or group.

This policy applies to:

- All members, presenters, volunteers and visitors at Ellenbrook Community Radio VCA 88.5FM.
- Behaviour whilst undertaking Radio VCA88.5FM's business including in the workplace during and outside normal business hours; during work activities; and at work-related events including meetings, events, and social gatherings.

This policy should be read in conjunction with the following policies, available on Radio VCA88.5FM's website:

- Code of Conduct Policy
- Diversity Policy
- Presenter Conduct & Participation Policy
- Health & Safety Policy
- Social Media & Media Engagement Policy

4. Discrimination and Harassment

Discrimination and harassment occur when a person is discriminated against or harassed in the workplace and in certain areas of public life because of a characteristic or attribute they have which is protected (for example, because of their race, gender, disability or age). Discrimination or harassment on the basis of any of the grounds or characteristics listed within relevant legislation is against the law.

What is Discrimination?

There are two types of discrimination, direct and indirect:

Direct discrimination occurs when a person is treated unfavourably or less favourably than someone else would be treated in similar circumstances because of one of the personal characteristics listed below. It can also include less favourable treatment because of a characteristic below or because of a person's association with someone identified with one of those characteristics.

Indirect discrimination occurs when a rule, policy or practice that is the same for everyone, but which is unreasonable, has an unfair effect on people with a relevant protected characteristic or attribute.

Discrimination may involve:

- using selection processes based on irrelevant attributes such as age, gender, or race, rather than on skills and merit;
- assessing someone based on their political or religious beliefs, rather than their work performance;
- making offensive 'jokes' about another worker's racial or ethnic background, gender, sexual orientation, age, or disability.

Discrimination does not have to be calculated or intentional to be unlawful. The intention of the person discriminating is irrelevant.

Personal characteristics (or any other characteristic specified under anti-discrimination or human rights legislation):

- Gender
- Pregnancy or potential pregnancy
- Breastfeeding
- Sexual Orientation (including lawful sexual activity)
- Gender identity or intersex status
- Age
- Employment activity
- Religious belief or activity
- Race, colour, descent, national or ethnic origin
- Parental status or status as a carer
- Marital/relationship status
- Carer or family responsibilities
- Physical features
- Disability or impairment (physical, intellectual, mental or psychiatric)
- Political belief or activity
- Industrial activity
- Personal association with someone who has, or assumed to have, one of these personal characteristics.

What is Harassment?

Unlawful harassment in the workplace includes a wide range of discriminatory behaviours that may humiliate, intimidate or offend a person and that are unwelcome and uninvited. Harassment can occur in writing, or it can be verbal or physical. Harassment is different to bullying, because it must be based on one or more of the personal characteristics outlined above (or any other characteristic specified under legislation). A one-off incident may also constitute harassment, whereas bullying is a repeated action.

Examples of harassment include, without limitation:

- Telling insulting jokes about particular racial groups;
- Making derogatory comments or taunts about someone's race or religion;
- Isolating a person or subjecting them to ridicule because of their sexual orientation.

Harassment may be from an isolated incident or a series of events and can be intentional or unintentional. Harassment makes the work environment unpleasant and sometimes hostile. If a person is harassed, their ability to work is affected.

Discrimination and harassment in the workplace are unlawful and will not be tolerated.

What is Sexual Harassment?

One form of harassment is sexual harassment. Sexual harassment under Australian law is defined as any unwelcome sexual conduct (i.e. sexual advances, requests for sexual favours, or other unwelcome conduct of a sexual nature) and such that a reasonable person would anticipate that the person being harassed would be offended, humiliated or intimidated.

Sexual harassment is not behaviour that is based on mutual affection, friendship and respect. If the interaction is consensual, welcome and reciprocated then it is not sexual harassment.

Sexual harassment includes, but is not limited to:

- Unwelcome verbal comments of a sexual nature (e.g., smutty comments and jokes, sexually explicit conversation or sexual innuendo);
- Uninvited physical contact including touching, brushing, slapping, kissing, hugging or pinching;
- Display of sexually explicit written or audio-visual materials;
- Transmission or display of offensive email, screen savers or pornographic computer images;
- Offensive gestures or actions of a sexual nature;
- Intrusive questions or insinuations about a person's private life including marital status, sexual activity, sexual orientation, morality or physical appearance;
- Persistent unwanted attention, following or stalking behaviour; and
- Subtle or explicit demands for, or offers of, sex or sexual favours.

Forms of sexual conduct which may be considered innocuous by some people, may be considered offensive to others. It may, however, be difficult for the offended person to convey his/her displeasure, especially if the person giving offence is in a position of authority.

Sexual harassment is not just unlawful during working hours or in the workplace. It is unlawful in any work-related context, including events, staff functions and post-work socialising between colleagues.

Sexual harassment in the workplace is unlawful and will not be tolerated.

5. Bullying

Workplace bullying is repeated unreasonable behaviour towards a person or group of people by another or others in the workplace, which creates a risk to health and safety. It includes behaviour that a reasonable person would find offensive, humiliating, intimidating, degrading or threatening.

Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. This behaviour may include:

- physical or verbal abuse, including via email, text message or social media;
- yelling, screaming or offensive language;
- excluding or isolating colleagues;
- inappropriate, unconstructive comments on work product;
- psychological harassment;
- threats and intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible tasks and setting unrealistic timelines or constantly changing deadlines; and
- undermining work performance by deliberately withholding information vital for effective work performance.

Bullying does not include:

- occasional differences of opinion, and non-aggressive conflicts and problems in working relations; or
- reasonable management action conducted lawfully and in a reasonable manner. For example, counselling, managing under performance and other actions in accordance with policies and procedures.

Bullying in the workplace is harmful to the person being bullied and the workplace culture. It can reduce productivity and morale and creates legal risks for those involved. Bullying in any form will not be tolerated.

6. Vilification

Vilification is behaviour that, by public act, incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexual orientation or gender identity, or HIV/Aids status.

Any conduct which can be observed by the public or any sort of communication either verbal or in writing to the public can be considered a public act. Workplaces are public places.

Examples of vilification are:

- placing a poster or sticker in a communal area which incites others to hate people because of their race, religion, sexuality or gender identity;

- making a comment in a meeting that incites hatred of people because of their race, religion, sexuality or gender identity.

Vilification is unlawful and will not be tolerated.

7. Victimisation

Victimisation occurs when a person subjects, or threatens to subject, another person to any detriment because, for example, that person:

- has made, or proposes to make, a complaint of unacceptable behaviour
- has brought, or proposed to bring, or has participated in (for example, as a witness) proceedings under Commonwealth or State anti-discrimination legislation.

It is unlawful to victimise or penalise a person for making a complaint in good faith. Radio VCA88.5FM is committed to ensuring that anyone who makes a genuine complaint is supported and not penalised in any way.

8. Responsibility and Speaking Out

Everyone has a responsibility to prevent discrimination, harassment, bullying and other unacceptable behaviour. Please speak out if you see behaviours that conflict with Radio VCA88.5FM's values. People who raise concerns should feel confident to do so without fear of victimisation.

All members, presenters, volunteers and visitors will:

- treat others with respect, be honest, fair and contribute to an ethical, professional and productive work environment;
- model acceptable behaviour that complies with this Policy and relevant legislation;
- not tolerate unacceptable behaviour of others; and
- report incidents of unacceptable behaviour immediately to Radio VCA88.5FM.

Management Committee will:

- take reasonable steps to create a work environment that is free of all forms of harassment and discrimination;
- promote the development and implementation of practices and procedures which includes equal opportunity and diversity principles in decision making;
- monitor practices and procedures to ensure they are congruent with and support this Policy including providing appropriate resources when necessary; and
- respond to complaints in a professional, timely and sensitive manner and be involved in the resolution of complaints, where appropriate.

9. What do I do if I believe I have been subject to Unacceptable Behaviour?

If you feel that you have been subjected to any unlawful conduct applying to discrimination, harassment, victimisation, vilification and bullying in the workplace as described in this Policy, please do not ignore it. Address it by following Radio VCA88.5FM's complaint procedures. All unacceptable behaviour complaints will be treated seriously.

The **Complaints Management Policy and Procedures** outline options available to best suit the circumstance of each individual situation. The manner in which a complaint is managed may be determined by the nature and seriousness of the complaint or decided by Radio VCA88.5FM in consultation with the person affected. Note, any instance of assault (including sexual assault) should be immediately reported to the police.

10. Further Information

Further external resources and support regarding unlawful discrimination, harassment, bullying, vilification, or victimisation is included in Appendix 1 of this Policy. Relevant Commonwealth and State legislation is included in Appendix 2 of this Policy.

11. Consequences of Breaching this Policy

Breaches of this Policy may result in disciplinary action being taken up to and including termination of membership. Behaviour may also be reported to the relevant authorities where considered appropriate. You may be personally liable under Federal or State legislation, and Radio VCA88.5FM may also be vicariously liable for your actions.

Radio VCA88.5FM is committed to maintaining a positive and respectful environment. All unacceptable behaviour concerns will be taken seriously and thoroughly investigated. However, please be mindful that any complaints found to be frivolous, without sufficient grounds or not made in good faith may lead to disciplinary action.

12. Policy Owner & Version Control

Policy Owner	Ellenbrook Community Radio (Inc) t/a Radio VCA88.5FM: Secretary
Next Review Date	This Policy will be reviewed annually of following significant changes in legislation or station operations.
Endorsed By	

Version	Status	Date	Description/Sections Modified
V1	Adopted	13 October 2025	Final Version

Appendix 1: List of Equal Opportunity and Discrimination Agencies

The following external agencies provide information and promote awareness of discrimination and equal opportunity issues.

Commonwealth

Australian Human Rights Commission <http://www.humanrights.gov.au>

Western Australia

Equal Opportunity Commission www.eoc.wa.gov.au

Fair Work Ombudsman

The Fair Work Ombudsman has the power to investigate complaints about breaches of the general protections provisions which include workplace discrimination and adverse action for exercising a workplace right such as making a complaint of discrimination, harassment, or bullying.

www.fairwork.org.au

Fair Work Commission

A worker who reasonably believes that he or she has been bullied or sexually harassed at work can apply to the Commission for an order to stop the bullying or sexual harassment. The Commission must start to deal with the application within 14 days.

www.fwc.gov.au

Appendix 2: List of Commonwealth and State Legislation applicable to discrimination, harassment, victimisation, vilification and bullying in the workplace.

Commonwealth Legislation

Fair Work Act 2009

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Disability Discrimination Act 1992

Age Discrimination Act 2004

Australian Human Rights Commission Act 1986

Workplace Gender Equality Act 2012

State (Western Australia) Anti-Discrimination Legislation

Equal Opportunity Act 1984 (WA)

Spent Convictions Act 1988 Pt3 Div 3 (WA)

Criminal Code Act 1913 (WA) – Chapter XI – Racist Harassment and Incitement to Racial Hatred

Work Health & Safety Legislation

Work Health and Safety Act 2011 (Cth)

Work Health and Safety Act 2020 (WA)

Spent Convictions Act 1988 Pt3 Div 3 (WA)

Criminal Code Act 1913 (WA) – Chapter XI – Racist Harassment and Incitement to Racial Hatred