

APWLD Equity and Harassment Policy

a. Introduction

As a feminist organisation APWLD is committed to equality, non-discrimination and the realisation of human rights in the workplace. We are mindful of our responsibility to staff, volunteers, members and partners to practice and model good workplace policies in relation to equity, non-discrimination and anti-bullying and harassment.

b. Definitions

- a. *Discrimination* is treating an individual with a particular attribute less favourably than an individual without that attribute or with a different attribute under similar circumstances. It can also be, seeking to impose a condition or requirement on a person with an attribute who does not or cannot comply, while people without that attribute do or can comply.
- b. *Equal Employment Opportunity* is ensuring that all employees are given equal access to training, promotion, appointment or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.
- c. *Victimisation* happens where an employee is treated harshly or subjected to any detriment because they have made a complaint of discrimination or harassment. Victimisation will also happen if a person is subjected to a detriment because they have furnished any information or evidence in connection with a discrimination complaint.
- d. *Bullying* is repeated, unreasonable behaviour directed towards a person or group of persons. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten. It does not include disciplinary procedures in and of themselves.
- e. *Sexual harassment* is any unwelcome sexual behavior that makes a person feel offended, humiliated or intimidated.

c. Non Discrimination

- a. APWLD is committed to fair and equitable treatment of all staff, volunteers and members. Consistent with this, APWLD will not practice or tolerate all forms of discrimination, harassment or vilification including that which relates to:
 - i. sex;
 - ii. social origin including class and caste
 - iii. pregnancy or potential pregnancy;
 - iv. marital / domestic status;
 - v. disability, illness or health status (including HIV / AIDS status);
 - vi. race, ethnicity, national extraction, descent, and ethnic or national origin;
 - vii. age;
 - viii. family responsibilities, family status, status as a parent or carer;
 - ix. sexual orientation / gender identity;
 - x. religious belief or activity;
 - xi. political belief or activity;
 - xii. physical features;
 - xiii. membership or activity within a trade union;
 - xiv. breastfeeding;
 - xv. medical record; and
 - xvi. criminal record
 - xvii. association with anyone with the above attributes.

- b. In all cases performance and competence are to be used as the basis for performance assessment, training and development opportunities and promotions.

d. Sexual Harassment

- a. APWLD regards sexual harassment as a form of gender-based violence that serves to undermine women's human rights and equality. No staff member, volunteer, member, participant, contractor or any person involved with APWLD should subject any other person to any form of sexual harassment.
- b. Examples of Sexual Harassment could include but are not limited to:
 - i. intrusive enquires into an employee's private life;
 - ii. reference to their sexuality or physical appearance;
 - iii. unwanted body touching or physically molesting a person;
 - iv. standing too close;
 - v. unwanted brushing against another's body;
 - vi. indecent exposure;
 - vii. sexual assault;
 - viii. obscene, suggestive or offensive communications, including electronic mail;
 - ix. pornographic or offensive posters, handouts or screensavers;
 - x. sexual jokes or anecdotes;
 - xi. leering or staring;
 - xii. unwanted sexual compliments or excessive flirting.

- a. Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect.
- b. A breach of this policy may result in disciplinary action following the disciplinary procedure. Depending upon the severity of the case, consequences may include apology, counselling, dismissal, or other forms of disciplinary action deemed appropriate.
- c. Any reports of sexual harassment will be treated seriously and promptly with sensitivity and complete confidentiality.
- d. Complainants have the right to determine how to have a complaint treated, have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.
- e. The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

e. Responsibility

- a. It is the responsibility of all **Employees, members, volunteers, governance members and contractors** to ensure that: ***they treat all colleagues with respect and professionalism without regard to non-relevant criteria or distinctions.***
- b. It is the responsibility of all of the above to refrain from harassment, vilification or bullying;

- c. It is the responsibility of all the above to respect the personal space and opinions of others and to adjust their behaviour where reasonable requested and where the request does not undermine other rights or the work of APWLD.

f. Procedure

- a. All decisions relating to appointment, promotion and career development must be made without regard to any matters, other than the individual's inherent ability to carry out the position.
- b. Anyone who believes they are being treated unfairly as a result of discrimination should take action using the dispute resolution procedure.
- c. Anyone who believes they have been sexually or otherwise harassed or bullied should take action using the dispute resolution procedure.

g. Affirmative Action / exceptions to the policy

- a. APWLD is a woman lead, feminist organisation. We believe that affirmative action – deliberate and transparent processes to enable specific target groups to be preferenced to remedy structural barriers is an acceptable and necessary human rights practice. Further, we believe that the nature of our work requires us to preference women from the region in selection processes and membership. Clause --- of the constitution specifies that staff and governance members will be women from the Asia Pacific region. APWLD reserves the right to include nationality as a selection criteria.
- b. The P&M may approve other affirmative action criteria as deemed necessary from time to time.