



# Discrimination, Bullying, Harassment and Victimisation

**Overview:** This Policy is about making sure our workplace is free from unlawful discrimination, bullying, harassment and victimisation. This Policy is supported by the [Discrimination, Bullying, Harassment and Victimisation Guidance Document](#). You are expected to read, understand and follow both of these documents.

**Scope:** This Policy applies to all employees and contractors of Telstra and its controlled entities (collectively “Telstra Group”) except our entities within the United States of America. This Policy also applies to any other person notified that this Policy applies to them.

## Policy Principles

1. We are committed to providing a safe and inclusive working environment where we treat each other with respect. This means that **you must** not engage in any action or behaviour that involves discrimination, bullying, harassment or victimisation towards your colleagues, or anyone you deal with as part of your work. We also expect our customers and suppliers to behave in a way that’s consistent with this Policy.
2. We expect you to behave in a professional and appropriate manner whenever you’re representing the Telstra Group, even at informal events connected to your work. The availability or consumption of alcohol is no excuse for unacceptable behaviour or conduct.
3. If you have engaged in behaviour that involves discrimination, bullying, harassment or victimisation your intention is irrelevant. This means you may be found to have discriminated against, bullied, harassed or victimised another person, even if you didn’t mean to, or you think your behaviour is acceptable.
4. If you have engaged in behaviour that involves discrimination, bullying, harassment or victimisation, not only will you have breached this Policy, but you will also have broken the law.
5. If you are a people manager, **you must** take all reasonable steps to ensure that our workplace is free from unacceptable conduct. It is also important that you foster a culture where people feel comfortable to speak up and raise concerns.
6. We take complaints of any unacceptable behaviour or conduct seriously. We will investigate any alleged action or behaviour that is inconsistent with this Policy, and ensure this process is carried out fairly and transparently.
7. If you are a people manager, take steps to address concerns or incidents about any alleged action or behaviour that is inconsistent with this Policy. We will not tolerate any form of retaliation against any employee or contractor for filing a bona fide complaint under this Policy.
8. Your company or functional unit may set additional rules which **you must** understand and comply with.
9. If you are concerned that you, or someone else in the workplace has been exposed to behaviour in breach of this Policy, you can raise your concern via the steps outlined in the Discrimination, Bullying, Harassment and Victimisation Guidance Document.

## Breach of Policy

Compliance with this Policy will be monitored. If you don’t comply with this Policy you could face disciplinary action. This may include termination of your employment or engagement. If you break the law, legal action may be taken against you, you may also have exposed Telstra to liability for your actions.

**Effective Date:** 2 February 2021  
**Policy Owner:** Employee Relations and HSWE Executive  
**Approval:** PGC  
TELSTRA INTERNAL



# Policy Definitions

Term	Definition
Bullying	<p>Workplace bullying is repeated unreasonable behaviour, directed towards an employee, customer, contractor or other person that creates a risk to their health and safety.</p> <p>"Unreasonable behaviour" is any behaviour which, in particular circumstances, a reasonable person would expect to victimise, humiliate, undermine, or threaten the person being bullied.</p> <p>Bullying can be directed in a range of ways in the workplace - downwards (from managers to workers), sideways (between workers or co-workers) and upwards (from workers to managers). Bullying can be directed at a single worker or more than one worker. It can be carried out by one or more workers.</p> <p>Bullying can arise out of a course of conduct, where any incident taken alone might look insignificant, but put together the incidents establish a working environment that is hostile to an individual and a risk to their health and safety.</p>
Bullying (examples)	<p>Depending on the circumstances, bullying may include:</p> <ul style="list-style-type: none"><li>• verbal or written abuse (for example, being sworn at, threatened or insulted, being criticised or put down continually, being called offensive names or being the subject of practical jokes or unjustified threats of dismissal);</li><li>• direct violence, including physical assault and harassment;</li><li>• threatening body language or communications;</li><li>• the undermining of someone's work performance, deliberately withholding work-related information from someone or deliberately supplying incorrect information to them;</li><li>• unjustified criticism or complaints;</li><li>• spreading rumours or innuendo about someone;</li><li>• excessive scrutiny of work;</li><li>• setting unreasonable timelines that are very difficult to achieve;</li><li>• constant and intrusive surveillance or monitoring;</li><li>• inappropriate interference with personal belongings or work equipment.</li></ul>
Bullying (exceptions)	<p>Bullying does not include:</p> <ul style="list-style-type: none"><li>• genuine and reasonable disciplinary procedures;</li><li>• genuine and reasonable performance management;</li><li>• constructive feedback or counselling that is intended to assist employees to improve their work performance or the standard of their behaviour. (e.g. objective comments about a person's failure to satisfy performance requirements or targets);</li><li>• a manager or supervisor directing and controlling the way someone does his or her work;</li><li>• rostering and allocating work hours;</li><li>• implementing organisational changes.</li></ul>

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Discrimination	<p>Discrimination can happen either directly or indirectly and it may be unlawful. If you break the law, you and Telstra may be liable for your unlawful conduct.</p> <p><b>Direct discrimination</b> occurs if a person treats, or proposes to treat, a person unfavourably because of any of the grounds or attributes of discrimination listed below (for example, their race, sex or disability).</p> <p><b>Indirect discrimination</b> occurs if there is, or it is proposed that there will be, an unreasonable requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a ground or attribute listed below. For example, implementing a minimum height requirement to become a police officer not only directly discriminates against short people on the basis of physical appearance, but indirectly discriminates against women and people of certain races, who tend to be shorter.</p> <p>Discrimination based on any of the following grounds or attributes is unacceptable and may also be unlawful in some countries:</p> <ul style="list-style-type: none"><li>• age;</li><li>• sex;</li><li>• disability (including physical, intellectual, psychiatric, sensory, neurological, learning disabilities, physical disfigurement and the presence of disease-causing organisms in the body - and whether disabled now, in the past, in the future or where a person is believed to have a disability);</li><li>• gender history, gender identity, gender expression, transgender, transsexual status and intersex status;</li><li>• marital/relationship status;</li><li>• pregnancy and potential pregnancy;</li><li>• race;</li><li>• religion;</li><li>• sexual orientation;</li><li>• political beliefs;</li><li>• entitlement to a benefit under an industrial instrument;</li><li>• employment activity;</li><li>• workplace right or right under a workplace law;</li><li>• carer status, parental status or family responsibilities;</li><li>• physical features;</li><li>• breastfeeding;</li><li>• industrial activity and trade union membership or non-membership;</li><li>• irrelevant criminal record</li><li>• personal association with a person who possesses or is thought to possess any of the above attributes.</li></ul>



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Discrimination (examples)	<p>Examples of unlawful discrimination include, but are not limited to:</p> <ul style="list-style-type: none"><li>• offensive 'jokes' or comments about another person's racial or ethnic background, religion, sex, sexual orientation, gender identity, age or disability;</li><li>• displaying offensive or derogatory images or content including pictures, calendars, pin-ups or posters, electronic images (including emails, mms and content on portable media devices or smartphones) or creating and sharing content on social media or networking sites to which your colleagues have access to ;</li><li>• harassing somebody because of their race, sex or sexual orientation;</li><li>• making offensive or demeaning comments about particular groups, such as ethnic, religious or political groups;</li><li>• refusing to employ or give work to someone because of their age, membership of a trade union or entitlement to a benefit under an industrial instrument;</li><li>• judging a person based on their religious or political beliefs, cultural practices, sex or age rather than their work performance;</li><li>• selecting a person for redundancy because they have made a workers compensation claim or because of their age, their status as a parent or carer, sexual preference or race.</li></ul>
Discrimination (exceptions)	<p>There are some limited exceptions to discrimination. It may be appropriate in some circumstances to discriminate against an employee or applicant for employment on the basis of their disability, if their disability prevents them from performing the inherent requirements of their job. However, an employer must make "workplace adjustments" if they are required to enable an employee with a disability to perform the essential aspects of a job, unless those adjustments would cause the employer major difficulties or unreasonable costs.</p>
Sexual Harassment	<p>Sexual harassment is unwelcome conduct or behaviour of a sexual nature, which makes a reasonable person feel offended, humiliated or intimidated.</p> <p>India also has an additional India specific policy on prevention of sexual harassment which you need to be aware of if you work in or manage people who work in India. More information is available on <a href="#">Ask HR</a>.</p> <p>We do not permit sexual harassment in any Telstra Group workplace. Sexual harassment is against the law. If you break the law, you and Telstra may be liable for your unlawful conduct.</p> <p>Sexual harassment may involve conduct or behaviour that is:</p> <ul style="list-style-type: none"><li>• physical;</li><li>• visual;</li><li>• verbal or written;</li><li>• a one-off incident or a series of incidents;</li><li>• done at work or at a work-related event, for example at a Telstra Christmas party or at a work function that is after work hours and off-site.</li></ul> <p>Sexual harassment is not consensual behaviour which is based on mutual attraction, friendship and respect.</p>



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Sexual Harassment (examples)	<p>Some examples of sexual harassment may include:</p> <ul style="list-style-type: none"><li>• asking questions about a person's sexuality;</li><li>• circulating or displaying pornographic or sexually explicit images or material, including e-mails, mms, web-links, posters, photographs, calendars, cartoons, graffiti or messages or other items left on noticeboards or desks or social networking sites (to which colleagues may have access);</li><li>• emails, screen savers, ringtones or voicemail messages that contain images, sounds or words of a sexual nature;</li><li>• images, documents or text of a sexual nature that have been downloaded from the internet, viewed, saved or sent to another person on a Telstra computer or printed out;</li><li>• explicit or sexually suggestive telephone calls, texts or emails;</li><li>• offensive gifts such as sexually related 'Kris Kringle / Secret Santa' gifts;</li><li>• deliberate and unnecessary physical contact, such as patting, pinching, fondling or deliberately brushing against another person;</li><li>• unwelcome touching, hugging or kissing;</li><li>• staring or leering at a person's body;</li><li>• jokes about sex or sexist jokes or comments;</li><li>• innuendo, including making sexually provocative, suggestive or offensive comments about someone's physical appearance or sexual morality;</li><li>• telling stories or making comments about a person's own sexual experiences or someone else's sexual experiences;</li><li>• constantly asking someone out, either verbally or in writing, especially after repeated refusals.</li></ul>
Harassment	<p>Harassment extends beyond sexual harassment and can occur on other discriminatory grounds e.g. race and disability. Harassment is against the law. If you break the law, you and Telstra may be liable for your unlawful conduct.</p>
Harassment (examples)	<p>Examples of other forms of unlawful harassment include:</p> <ul style="list-style-type: none"><li>• nicknames or derogatory labels based on a person's appearance;</li><li>• imitating someone's accent;</li><li>• telling insulting jokes about particular racial groups;</li><li>• giving a team member a hard time because they are or are not a member of a trade union</li></ul>



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Victimisation	<p>Victimisation occurs if someone is treated badly or suffers a "detriment", because they have, or propose, intend or are believed to have:</p> <ul style="list-style-type: none"><li>• made a complaint;</li><li>• assisted an investigation;</li><li>• appeared as a witness;</li><li>• raised a concern or issue;</li><li>• asserted their rights; or</li><li>• helped someone else to raise a concern, complaint or assert their rights under this policy or the law</li></ul> <p>A "detriment" in employment can include:</p> <ul style="list-style-type: none"><li>• demotion;</li><li>• dismissal;</li><li>• transfer;</li><li>• suspension;</li><li>• loss of a benefit;</li><li>• being left out or excluded from work or work related social functions;</li><li>• being the subject of gossip or innuendo.</li></ul> <p>Victimisation is against the law. If you break the law, you and Telstra may be liable for your unlawful conduct.</p>