

HR Manual 2.03 EO, Anti Discrimination, Diversity, Harassment and Bullying Policy

POLICY STATEMENT:

The Company is committed to providing workplaces and sites free of all forms of discrimination and harassment including bullying. It aims for equality of opportunity for employees, customers, suppliers and visitors that is consistent with our policy of merit-based appointment, selection and promotion.

By effectively implementing our Equal Opportunity (EO) Policy for employment we will attract talented people and use their abilities to maximum advantage for both the organisation and the employee alike.

Entry into the company, selection for jobs, training, career progression and termination of employment will be determined by personal merit and criteria related to the effective performance of the job.

The Company is committed to providing a workplace and public environment that is inclusive and accepting of diversity as well as embracing equal opportunity. We recognise and acknowledge differences in cultural, religious, gender, sexual persuasion and disabilities and value these differences as unique and therefore require our employees to treat these differences with respect.

Quality EO programs are increasingly part of what best-practice companies do to ensure the maximum contribution from their people by managing diversity effectively. The Company seeks to make this best practice approach an integral part of our organisations culture.

Discrimination, Harassment and Bullying is not only **unacceptable** it is **unlawful** pursuant to state legislation (such as Equal Opportunity, Racial and Religious Tolerance) and federal legislation (such as Sex Discrimination Act, Racial Discrimination Act, Disability Discrimination Act, Human Rights and Equal Opportunity Commission Act) and Occupational Health & Safety legislation.

Managers are responsible for providing an environment free from discrimination, harassment and bullying. To this end The Company will take all practicable steps to ensure our employees, customers, visitors and sub-contractors adhere to maintaining this environment within our facilities and workplaces.

Managers are to ensure all complaints are treated confidentially, seriously and sympathetically. To this end, we have developed an internal complaint resolution process to assist our employees raise issues of concern. Relevant disciplinary action will be taken against anyone found to have breached this policy.

No employee, customer or visitor will be penalised or disadvantaged as a result of raising concerns or complaints relating to discrimination, harassment or bullying.

What is Discrimination?

Unlawful discrimination occurs when a person considers they have been treated less favourably owing to an attribute when compared with a person not of that attribute.

Protected attributes include:

- age
- disability/impairment
- industrial activity or union membership/inactivity or non union membership
- lawful sexual activity
- gender identity
- marital status, including defacto
- physical features

- political belief or activity
- pregnancy/breastfeeding
- race
- religious belief or activity
- sex
- status as a parent or carer
- personal association with someone of the above attributes
- irrelevant criminal conviction

What is Harassment?

Harassment is an unwanted behaviour and can take many forms. It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence. Unlawful harassment may relate to any of the attributes protected in various equal opportunity legislation mentioned above.

It is irrelevant at law as to whether or not the inappropriate behaviour was intended. It is also important to understand that it is the person being subjected to the behaviour, who determines whether the behaviour is welcome or unwelcome. Co-workers can be named sole respondents in cases of alleged sexual harassment.

Harassment may be seen to have occurred if the behaviour makes the victim feel:

- offended and humiliated;
- intimidated or frightened; and/or
- uncomfortable at work

What is Sexual Harassment?

Sexual harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person.

It has nothing to do with mutual attraction or private, consenting friendships whether sexual or otherwise.

Some examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings;
- leering, patting, pinching, touching or unnecessary familiarity;
- offensive comments on physical appearance, dress or private life; and
- the public display of pornography (especially when it is directed at particular individuals) ranging from material that might be considered mildly erotic through to material that is sexually explicit.
- Email, text or messages in groups such as 'WhatsApp' and others alike, that contain inappropriate images, videos, memes, quotes or statements

The company recognises that comments and behaviour which do not offend one person can offend another, accepts that individuals may react differently and expects this right to be respected.

What is bullying?

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety. It can include, but is not limited to, behaviours such as:

- deliberately changing work rosters to victimise particular employees;

- verbal abuse;
- initiation practices;
- sabotaging someone's work;
- ridiculing someone's opinion, humiliating through sarcasm and insult;

Bullying is not an acceptable part of our work culture. Furthermore, bullying is a significant occupational health and safety consideration, if it occurs in the workplace or a working environment, as it can cause harm to a person's health and wellbeing, both physical and psychological.

Bullying does not cover situations where reasonable management actions are carried out in a fair way. For example:

- Setting performance goals, standards and deadlines and implementing organisational change
- Disciplinary action or informing a worker about unsatisfactory work performance
- Deciding not to select a worker for promotion

What is Victimisation?

Victimisation is seen to occur when someone who has raised an equal opportunity complaint suffers a negative consequence as a result of raising that concern.

What can you do if you are being discriminated against?

If you consider you have been discriminated against, raise your concerns with your manager who should be able to give you the rationale behind any decision which may have caused you to feel disadvantaged.

What can you do if you or someone else are being harassed or bullied?

Bullying and harassment is to be dealt with and should not be ignored (as ignoring the behaviour could be taken as tacit consent). Anybody who experiences, or bears witness to, harassment or bullying is encouraged to either:

- inform the offender the behaviour is offensive, unacceptable and against company policy; or
- seek assistance in having the behaviour stopped. This may include making a report (which may be in written form) or a complaint

Who can assist you in Making a Report or Complaint?

If you feel that you are unable to resolve the matter yourself, your direct Manager/Supervisor should assist you. If your complaint is about your Manager/Supervisor you can report your complaint directly to your HR Manager or CEO.

What will happen if you make a Complaint or Report?

Any complaints or reports of discrimination, harassment or bullying will be dealt with quickly. A thorough, impartial and confidential investigation will commence within 2 days of receipt of the complaint. Managers must act immediately on any reports of harassment. Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

What will happen to the person against whom you have made a Complaint?

Where complaints of discrimination, harassment or bullying have been substantiated, appropriate disciplinary action will apply. Serious breaches of the policy may lead to termination of employment or denial of access to facilities (employees, visitors, customers or contractors).

Our Commitment

This policy has the full support and commitment of the Management and Board and employees are encouraged to give support in monitoring and avoiding practices, attitudes and traditions which lead to harassment.

PROCEDURES:

1. Interview and Staff Selection

In the staff selection process for external or internal applicants, EEO principles will be maintained by the following procedures:

1. A position description defining the job, the location, the employees the position is responsible for, the person to whom the applicant is responsible, the accountability and reporting requirements will be prepared, so that the interviewer/selection panel may match the best application to the job requirements.
2. All applicants are considered against the same objective selection criteria.
3. No assumptions are made about working patterns of individuals or groups that would automatically exclude them.
4. Applicants are not questioned in a way that implies unfair or particular attitudes to race, colour, sex etc.
5. Information about the position is offered in the same way to all applicants
6. Ideally, members of both sexes should be involved in the selection process.

2. Discipline and Control of Customers, Visitors or Contractors

2.1 Early intervention is always best:

- i. Early intervention and clear instructions prevent major problems later
- ii. Speak directly to an apparent group leader or the person causing trouble
- iii. Seek assistance from other staff members where necessary (be aware of the advantages of having a witness)
- iv. Stay calm and confident
- v. Think before speaking. Inappropriate comments can fuel a fiery situation
- vi. Always be polite and respectful, most situations arise when a person feels they haven't been given a fair go

2.2 Warnings and Clear Instruction

Make sure that you give all customers and visitors adequate warnings, clear instructions and be consistent with everyone.

- i. For minor offences, a caution and a request to refrain should be sufficient to stop the violation.
- ii. For second offences or continuation of unacceptable behaviour, emphasize that this type of behaviour will not be tolerated and any further offence will result in the offender/s being asked to leave the workplace

iii. After requesting an offender to leave the workplace, do not argue with them, just give them 10 minutes to be off the premises. Requests to leave should be clear and definite and witnessed by another member of staff.

2.3 Assistance

- i. If at any stage during one of the above situations you feel you need to call upon the manager, please do so, especially for larger groups of troublemakers or adults.
- ii. The assistance of the police will generally be sought to remove unco-operative persons.

2.4 Do not Use Force

- i. At no time should you resort to physical restraint, and if physical abuse between patrons is witnessed, call the police immediately.
- ii. The local number for the Police is at Reception or simply 000.

3. Assault (physical/sexual), Harassment and Bullying Procedures

These procedures are contained in the OHS Manual under the Emergency Plan Template. The Procedures and must be implemented in each workplace.

The Workplace Manager is responsible to ensure staff informed of this policy and are trained in these procedures.

DOCUMENT CONTROL

Amendment History			
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Approved By (sign)	
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