

## Anti-discrimination, EEO and Bullying Policy

This Code applies to all employees, agents and contractors (including temporary contractors) of the business (**Workers**).

This policy may be changed from time to time. The policy does not form part of any contract.

### 1. Discrimination

1.1 As a general principle we should treat everyone with fairness, dignity and respect.

1.2 You are required to conduct yourself in a way that is not harassing or discriminatory to others. What this means is, you should not harass or otherwise treat someone differently or less favourably because they:

- (a) come from a different background, including their race, skin colour, nationality, descent, ethnic, ethno-religious or national origin;
- (b) have different religious beliefs, affiliations, convictions or activities;
- (c) are male, female or otherwise do or do not identify with a particular gender or combination of genders;
- (d) are married or not married or have a particular relationship status;
- (e) are or are not pregnant or might be pregnant;
- (f) are or are not homosexual, transsexual, bisexual or otherwise identify with a particular sexual preference/orientation;
- (g) have carers' responsibilities, family responsibilities, carer or parental status or are childless;
- (h) have any disability/impairment, including physical, mental and intellectual disability;
- (i) breastfeed;
- (j) are or are not a particular age;
- (k) have or do not have particular physical features;
- (l) are from a particular profession, trade, occupation or calling;
- (m) have, hold or undertake particular political beliefs, opinions, affiliations, convictions or activities;
- (n) are or are not a member of a trade union;
- (o) have the right to take or have taken action that is legitimately associated with their trade union membership;
- (p) have particular workplace rights or entitlements, including the right to make a complaint or inquiry in relation to their employment;

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- (q) have a medical record that is not relevant to their employment;
- (r) have a criminal record that is not relevant to their employment (including spent convictions);
- (s) have or do not have human immunodeficiency virus (HIV) and/or acquired immune deficiency syndrome (AIDS);
- (t) have the need to take leave for the purposes of Defence services; or
- (u) past or present association (i.e. association with a Worker who has one or more of the attributes for which discrimination is prohibited).

## **2. Sexual Harassment**

2.1 As a general principle we should assume that any behaviour at work (or in connection with work) that is of a sexual nature is unlikely to be conduct that is acceptable or welcome.

2.2 You are required to conduct yourself in a way that avoids conduct of a sexual nature.

2.3 Examples of sexual harassment include, but are not limited to:

- (a) physical contact such as pinching, touching, grabbing, kissing or hugging;
- (b) staring or leering at a Worker or at parts of their body;
- (c) sexual jokes, comments or conversations about sexual matters;
- (d) requests for sex or 'sexual favours';
- (e) persistent requests to go out, where they are refused;
- (f) displays of offensive material such as posters, screen savers, internet material etc;
- (g) accessing or downloading sexually explicit material from the internet;
- (h) suggestive comments about a Worker's body or appearance; or
- (i) sending rude or offensive emails, attachments or text messages.

## **3. Bullying**

3.1 Workplace bullying is repeated, unreasonable behaviour by one or more Workers, against another Worker or Workers and where that behaviour creates a risk to health and safety.

3.2 The behaviour:

- (a) need only have happened more than once and might be different behaviour; and
- (b) will be unreasonable if a reasonable Worker would view the behaviour as unreasonable.

3.3 Even if you did not intend to engage in bullying behaviour it can still be bullying.

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**What is not bullying?**

- 3.4 We understand that you might feel pressure and concern if:
- (a) you are subject to a process or having performance related discussions with your manager. However, this is not bullying so long as you are being given reasonable performance goals, standards and deadlines;
  - (b) you are being rostered and allocated working hours in a fair and reasonable manner;
  - (c) you are not selected for a promotion, following a fair process; or
  - (d) you are being disciplined for any reason in an objective and confidential way.

**4. Rights and Responsibilities**

- 4.1 Workers should be aware that they can be held legally responsible for their unlawful conduct.
- 4.2 Workers who aid, abet or encourage other Workers to behave in a manner contrary to the law, can also be legally liable.

**5. Failing to Comply with this Policy**

- 5.1 Outcomes for failing to follow this policy include counselling, warnings and in the worst cases, dismissal/termination.