

Workplace Behaviours Policy

PURPOSE

We aim to provide a safe and respectful environment for employees and clients that is free from all forms of bullying, harassment and discrimination.

We are committed to equal opportunity and appropriate professional behaviour in the workplace, regardless of their background or identity.

This policy specifically covers equal opportunity, bullying, harassment and discrimination (direct and indirect) and how we deal with concerns or complaints arising under this policy.

SCOPE

This policy applies to all employees at all times and without exception. This policy also applies to employees attending work-related activities, including working from home, business travel and whilst outside the workplace including when attending work functions or whilst using social media.

All employees must comply with federal and state laws relating to discrimination, sexual harassment, bullying and victimisation.

POLICY

Employees are responsible for:

- being familiar with this policy and complying fully with its requirements, which are in accordance with relevant legislation;
- ensure they do not engage in any unlawful conduct towards other employees, customers/clients or others with whom they come into contact through work
- ensure they do not aid, abet or encourage other person to engage in unlawful conduct
- respecting the rights of all employees, clients and temporary workers;
- ensuring appropriate workplace behaviours are observed at all times;
- being careful about their own behaviour that may be perceived or interpreted as inappropriate;
- not making any assumptions about people because of how they look or any group they belong to;
- not spreading gossip or rumours about a person or situation;
- raising any observed or identified incidents of inappropriate workplace behaviours; and
- assisting with any complaint, where requested and by maintaining complete confidentiality.

Management are responsible for:

- leading by example and modelling appropriate behaviours;
- ensuring all employees are familiar with the requirements of this policy;
- monitoring the workplace to ensure acceptable standards of workplace behaviours are observed at all times;
- ensuring that all incidents and complaints are treated seriously with appropriate confidentiality; and
- taking prompt action to investigate and resolve incidents and complaints in accordance with this policy and procedure.

Equal Opportunity

E4 People is committed to creating an environment that has equal opportunity and has an environment that recognises and values diversity in the workplace. All employees will have an equal opportunity to learn and progress and will be treated on their merits, without regard to race, age, sex, relationship status or any other factor not applicable to their position. Employees are valued according to how well they perform their duties, and on their ability to maintain our standards of service.

We believe that all employees should be able to work in an environment free of discrimination, victimisation, sexual harassment and vilification. We consider these behaviours unacceptable, and they will not be tolerated under any circumstances.

In order to foster and maintain a workplace environment which provides all employees with equal opportunity, we are committed to ensuring that:

- in accordance with a fair and equitable recruitment process, we appoint a staff member according to their ability to fulfil the requirements of the role;
- providing equal access to opportunities for all current and potential employees;
- employees are remunerated fairly, according to the role requirements, qualifications and skills of the individual;
- employees are provided with equal access to training, development and advancement opportunities;
- where possible, steps will be taken to ensure that our workforce reflects diversity;
- decisions relating to employment and people management processes are based on merit and have clear, predetermined, job related criteria allowing all employees equal opportunity in the workplace;
- the workplace is free from unlawful discrimination, harassment (including sexual harassment), bullying and employee violence;
- we have effective informal and formal complaints resolution procedures based on the principles of procedural fairness.

Bullying

We are committed to ensuring that all employees work in an environment where they are treated with mutual respect. It is important for a productive and harmonious workplace that employees are aware of the impact of their behaviour on others. Bullying in the workplace is inappropriate and unacceptable.

All employees have a legal responsibility to care for their own health and safety and that of their colleagues and therefore, they must treat everyone within the workplace with respect and courtesy and not engage in acts that constitute bullying behaviour. Employees found to have either committed or condoned such behaviour in the workplace will be subject to disciplinary action, which may include termination of employment.

What is Bullying?

Bullying refers to **repeated** and **unreasonable** behaviour by an individual or group of individuals, directed towards a person or group that **creates a risk to their health and safety**. It includes both physical and psychological risks and abuse.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of actions over a period of time.

Unreasonable behaviour is any behaviour that a reasonable person having regard to all the circumstances, would view as unreasonable in the circumstances and may result in an employee feeling including victimised, humiliated, intimidated or threatened.

If someone is being bullied due to a personal characteristic protected by equal opportunity law, it may also be considered a form of discrimination.

Examples of Bullying

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages and social isolation. Bullying can range from obvious verbal or physical assault to psychological abuse.

Behaviours that may constitute bullying include but are not limited to:

- aggressive or intimidating conduct;
- abusive, insulting or offensive comments (verbal or written);
- behaviour or language that humiliates, belittles or degrades a person, including over-criticising or criticism delivered in an aggressive manner;
- displaying offensive, inappropriate or derogatory material;
- inappropriate comments about a person's appearance, lifestyle, family, sexual preferences, or other personal or private matters;
- yelling, screaming or other offensive and demeaning language (i.e., being sworn at, threats, insults, name calling) – threats can be made in person, via email, text message or the internet;
- coercion;
- psychological harassment;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible tasks;
- deliberately changing work rosters to inconvenience particular employees;
- undermining work performance by deliberately withholding information vital for effective work performance;
- deliberately excluding someone from workplace activities and work-related events;
- spreading misinformation or malicious rumours;
- teasing, practical jokes or 'initiation ceremonies';
- constant, intrusive surveillance or monitoring; or
- constant unconstructive criticism.

What is not Bullying?

Reasonable management action taken by supervisors or managers to guide and direct the way work is done is **not** bullying. Some examples of actions that constitute reasonable management action are:

- raising genuine performance or conduct issues;
- discussing the way work is performed;
- giving feedback or correction about performance, that is intended to assist an employee to improve their work performance or the standards of their behaviour;
- setting reasonable performance goals, deadlines and standards;
- performance management processes;
- implementing organisational changes or restructuring;
- talking with an employee about inappropriate behaviour;
- taking disciplinary action as a result of performance or conduct issues;
- informing an employee about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- termination of employment;
- deciding not to select an employee for a promotion, following a fair and documented process; or
- consulting or conducting mediation between employees.

Discrimination

Discrimination is treating or proposing to treat someone unfavourably because of a personal attribute protected by law.

Discrimination can occur both directly and indirectly.

Protected Attributes

A full list of the grounds of discrimination which operate federally and, in the State, and/or Territories in which employees undertake their work for the Company will be relevant and are listed below:

- race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
- religious belief, affiliation, conviction or activity
- sex
- marital status, domestic status, relationship status
- pregnancy (including potential pregnancy)
- homosexuality, transsexuality, sexuality, sexual preference/orientation, lawful sexual activity, gender identity
- carers' responsibilities, family responsibilities, carer or parental status
- disability/impairment, including physical, mental and intellectual disability
- breastfeeding
- age (including compulsory retirement)
- physical features and personal characteristics
- profession, trade, occupation or calling
- industrial/trade union membership, non-membership or activity
- political belief, opinion, affiliation, conviction or activity
- Company association membership, non-membership or activity
- irrelevant criminal record
- employment activity
- irrelevant medical record
- HIV/AIDS
- defence service
- association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)
- religious appearance or dress (in work or study)
- gender history
- spent convictions

Unlawful Discrimination

Unlawful discrimination occurs when a person or group is treated unfairly or less favourably than another person or group in a similar situation because of a reason or ground which is prohibited by law.

Direct Discrimination

Direct Discrimination is when a person or group is treated less favourably than another person or group in a similar situation or is excluded from a benefit or opportunity, or significantly reduces their chances of obtaining the benefit or opportunity because they have or are assumed to have a personal attribute protected by law.

An example may be refusing to employ someone because of their age based on an assumption that they are too old to learn new skills.

Indirect Discrimination

Indirect Discrimination is when an unreasonable policy, requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a protected attribute. These might be policies or practices which appear to be neutral but has a discriminating effect.

An example may be requiring all employees to work a 12-hour shift which indirectly disadvantages employees with family or carer responsibilities. For a requirement to be considered indirect discrimination, it must be unreasonable.

Harassment

Harassment is any form of unwanted, unwelcome or uninvited behaviour that makes a person feel humiliated, offended or intimidated (based on a ground of discrimination (as set out above)). It is important to understand that a one-off incident can constitute harassment.

Harassment in the workplace can take many forms (verbal, written, visual or physical) and can be obvious, subtle, direct or indirect. Examples of harassment include but are not limited to:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails or text messages;
- displaying offensive or pornographic posters or screen savers
- making sexual or suggestive remarks, references and propositions
- making derogatory comments or taunts about a person's disability;
- asking intrusive questions about someone's personal life;
- persistent and unwelcome requests to go out;
- spreading rumours;
- mimicking or making fun of someone;
- name calling, threats or insults;
- unnecessary physical contact (pinching, patting, touching, hugging against a person's will, kissing, pushing, shoving or jostling)
- unwelcome practical jokes; and
- following someone to and from work.

Sexual Harassment

Sexual harassment is a specific form of harassment. Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. A single incident is enough to constitute sexual harassment, it does not have to be repeated.

Sexual harassment can be physical, spoken or written. Examples include but are not limited to:

- physical contact such as pinching, touching, grabbing, kissing or hugging;
- sexually suggestive behaviour, such as leering, staring or suggestive comments or jokes;
- comments about a person's private life or the way they look;
- persistent requests to go out, where they are refused;
- deliberately brushing up against someone;
- displaying offensive screen savers, photos, calendars or objects;
- repeated unwanted requests;
- inappropriate advances or requests for sex;
- sexually explicit posts on social networking sites;
- insults or taunts of a sexual nature;
- intrusive questions or statements about a person's private life; and

- behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment does not include behaviour that is based on mutual attraction, friendship and respect. If the interaction is welcome, invited, reciprocated or consensual it is not sexual harassment.

The fact that someone does not object to inappropriate behaviour in the workplace at the time does not mean they are consenting to the behaviour.

Comments and behaviour that do not offend one person may offend another. Employees are required to respect other people's boundaries.

It may be a one-off or a series of incidents. It includes any behaviour in connection with work (e.g., at a work party outside of work hours).

Employee Violence

Employee violence is any incident where an employee is **threatened** or **physically attacked** by another employee.

- A **threat** may be a statement or specific behaviour that causes a person to believe they are in danger of being physically attacked.
- A **physical attack** means the direct or indirect application of force by a person to the body of or to the clothing or equipment worn by another person where that application creates a risk to their health and safety.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they are involved in a complaint relating to bullying, discrimination or harassment. Employees must not engage in victimisation of any person who is involved in a complaint under this policy. It is also victimisation to threaten someone who may be involved in investigating a complaint.

Victimisation does not include taking action against someone who has made false complaints or provided false information.

Reporting Process

We encourage any employee who believes they have been bullied, discriminated against, harassed or victimised to take appropriate action:

- if you feel comfortable to do so, the first step may be to tell the person that their behaviour is unwelcome or inappropriate and ask them to stop; or
- if you do not feel comfortable raising the concern directly with the person, you should seek assistance from your direct Manager, Operations Manager, Directors or HR Adviser Australia (HR Partner).

All complaints are treated in a sensitive, fair, timely and confidential manner. Allegations will be investigated in accordance with this policy and informal and formal complaints resolution procedures based on the principles of procedural fairness.

Procedural Fairness

In cases of alleged inappropriate behaviour, the principles of procedural fairness are followed. These principles require us to:

- fully inform a person of any allegation/s made against them in writing.
- allow the person an opportunity to bring with them a support person or representative.

- give the person an opportunity to state their case, provide an explanation or put forward a defence.
- ensure that all parties are heard and relevant submissions considered.
- ensure that decision makers act fairly and without bias.

POLICY BREACH

We do not tolerate any circumstances of unlawful discrimination, harassment (including sexual harassment), bullying, employee violence, or victimisation. Employees found to have engaged in any conduct outlined in this policy may be subject to disciplinary action up to and including termination of employment.

POLICY REVIEW

This policy will be regularly reviewed by E4 People and any necessary changes will be implemented by the Directors.