

# Equal Opportunity & Diversity Policy

McMillan Shakespeare Group of Companies

Human Resources



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## 1. Introduction

McMillan Shakespeare Group (MMSG) has a responsibility to aim for a workplace that provides equal opportunity for all. Equal opportunity protects the principle that every person has the right to be treated fairly and have access to the same opportunities, without protected attributes<sup>1</sup> inhibiting that access.

MMSG is committed to the elimination and prevention of all forms of unlawful discrimination and harassment (“**discrimination and harassment**”) in the workplace. MMSG endeavours to foster an environment which encourages and values diversity in the workplace and ensures the diverse backgrounds, experiences and perspectives of employees are respected.

## 2. Purpose

Discrimination and harassment creates an unprofessional work environment that can negatively affect people’s health, lives and careers. Diversity in the workplace can lead to better financial performance, enhances employee retention, encourages innovation, and enhances the pool for recruitment of high quality directors, officers & employees.

Through this policy we aim to create an environment which is free from discrimination and harassment and which promotes equal opportunity for all. Accordingly this policy aims to achieve:

- people management practices do not directly or indirectly discriminate against individuals or groups or unreasonably refuse to accommodate an employee's responsibilities as a parent or carer;
- internal and external recruitment is based on individual merit, without regard to protected attributes such as sex, sexual preference, ethnicity, marital status or family circumstances and individuals possessing equal skills and qualifications have an equal chance of being successful in their application;
- the ongoing development and maintenance of a diverse workforce by achieving equity in all employment related initiatives and decision-making; and
- the workplace structures, practices, systems and procedures foster diversity and allow employees from diverse backgrounds to have equal opportunity within MMSG.

The Board also sets measurable objectives for achieving gender diversity and assesses these annually.

This policy also guides the process which may be applied to support the resolution of any equal opportunity complaints and / or policy breaches, and appropriate internal and external reporting.

It is MMSG’s objective to ensure employees are aware of their responsibilities in eliminating and preventing discrimination and harassment in the workplace.

<sup>1</sup> such as sex, sexual preference, ethnicity, marital status or family circumstances

### 3. Related Information

Policies:

- Compliance Framework
- Code of Conduct
- Flexible Working Arrangements Policy
- Leave Policy
- Parental Leave Policy
- Disciplinary Policy and Process
- Social Media Policy
- Acceptable Use of IT Systems

Other:

- Workplace Gender Equality Act 2012
- Workplace Gender Equality Agency (WGEA) Report

### 4. Equal Employment Opportunity & Diversity Policy

MMSG is committed to achieving diversity with equal employment opportunity for all.

The core objectives are to:

- promote the merit principle that means equal skills and equal qualifications result in an equal chance of selection and progress, leading to equal access to employment, benefits and opportunities;
- promote the provision of equal employment opportunities for women in line with the Workplace Gender Equality Act 2012;
- aim for a work environment that is free from all forms of discrimination and harassment and does not unreasonably refuse to accommodate disability, religion or an employee's responsibilities as a parent or carer;
- foster a work environment of mutual learning, respect, dignity, openness to other cultures and an appreciation of difference and other perspectives;
- create a workforce that reflects the diversity of the communities in which we operate; and
- promote employee awareness of their rights and responsibilities with regards to equity and respect for all aspects of diversity.

These objectives will be achieved through the regular review and implementation of people-management practices, and regular reporting.

### 5. Policy Strategy

MMSG will not tolerate any form of discrimination or harassment in the workplace and is committed to taking preventative action to minimise the risk of discrimination and harassment occurring at any of its workplaces.

***Preventive action may include, but is not limited to:***

- developing and issuing a policy that clearly outlines the behaviours that are not acceptable and are unlawful in the areas of discrimination, harassment and equal opportunity;
- providing clear avenues for reporting breaches, procedures for making a complaint, options for resolving grievances and support systems for affected individuals;
- making the policy visible and accessible to all employees;
- providing training, education and communication of the policy for all new and current employees;
- training leaders at all levels about their role in upholding equal opportunity and ensuring the workplace is free from discrimination and harassment;
- ensuring managers and supervisors act promptly and reasonably when unacceptable behaviour is observed or reported;
- undertaking regular monitoring and evaluation of the Equal Opportunity & Diversity Policy, training and complaint handling procedure to ensure its effectiveness;
- establishing, implementing, monitoring and reviewing appropriate people management practices and procedures to ensure they are based on the merit principle; and
- reporting on initiatives, programs and practices that support and foster workforce diversity.

## **6. Policy Coverage**

This policy aims to protect MMSG's Directors, officers & employees and all others who come in contact with our business. This includes but is not limited to: job applicants, contract workers, trainees, business partners, customers, clients and visitors.

This policy covers the above persons at MMSG's workplaces before, during and after work hours and in any other work-related context. This includes but is not limited to: internal and external communication (including social media), conferences, internal or external training venues, work or business-related functions or parties, business or field trips.

This policy applies to all stages of the employment relationship, including but not limited to:

- recruitment and selection;
- promotion;
- placement;
- transfers;
- performance reviews;
- job evaluation;
- training and development;
- remuneration and benefits;
- disciplinary processes; and
- termination of employment.

## 7. Responsibility & Accountability

MMSG has a responsibility to foster inclusion and to prevent and eliminate discrimination and harassment in the workplace.

All MMSG employees at all levels are responsible for supporting the policy and working to achieve the objectives contained within. Each employee is responsible for conducting themselves in a manner that represents and reflects good equal opportunity practice. It is also the responsibility of all employees to report breaches of the Equal Opportunity & Diversity Policy.

Any person found to be engaging in any behaviour constituting discrimination or harassment may be disciplined and may even be dismissed.

### ***As an employee of MMSG, you are responsible for:***

- complying with the MMSG Equal Opportunity & Diversity Policy;
- treating people fairly, with respect and dignity – not discriminating against or harassing fellow employees, or others in contact with our business;
- respecting the cultural and social differences of all employees and others involved in our business;
- recognising and respecting the skills and talents of other employees;
- reporting incidents of harassment or discrimination to one of the following: Team Leader, Manager, Human Resources Representative; and
- maintaining privacy and confidentiality during investigations.

### ***Managers and Team Leaders are responsible for:***

- promoting equal opportunity and complying with the MMSG Equal Opportunity & Diversity Policy;
- demonstrating a positive commitment to workplace diversity;
- modelling appropriate behaviour in the workplace;
- monitoring the work environment to ensure acceptable standards of conduct are observed at all times;
- providing all employees with equal opportunity and consideration (irrespective of protected attributes) for available jobs, project work, job rotation schemes and flexible working arrangements;
- ensuring recruitment and selection processes are transparent and the methods used are consistent;
- giving employees equal access (irrespective of protected attributes) to relevant training and development opportunities, which are in line with business objectives; and
- providing all employees with equal access (irrespective of protected attributes) to fair, prompt and confidential processes to deal with complaints and grievances.

### ***The Board of McMillan Shakespeare Limited is responsible for:***

- fostering a culture that embraces diversity in the composition of the MMSG boards;
- reviewing and reporting on the relative proportion of women and men in the workforce at all levels of MMSG;
- setting measurable objectives for achieving diversity where relevant;



- annually reviewing both the objectives and progress in achieving them.

**All employees at all levels have the right to:**

- a workplace environment that is free from discrimination and harassment, where individual differences are respected and equal opportunity is upheld;
- be treated with dignity and respect at all times;
- fair practices and behaviour in the workplace;
- competitive merit-based selection processes for recruitment or promotion; and
- fair access (irrespective of protected attributes) to training and development that enables them to be productive in their work and to pursue their chosen career path that is in line with business objectives.

## **8. Reporting**

### **8.1. External**

MMSG provides an annual report to the Workplace Gender Equality Agency (WGEA) on their workplace program for women. Disclosure of relevant information in line with the recommendations proposed by the ASX Corporate Governance Principles and Recommendations is also made in its annual report.

### **8.2. Internal**

Reporting of complaints, if any, is to be made in accordance with section 11 below. Internal reporting of any breach is made in accordance with the MMSG Compliance Framework.

## **9. Policy Definitions**

### **9.1. What is Equal Opportunity?**

Equal Opportunity refers to the principle that every person has the right to be treated fairly irrespective of protected attributes. This principle is also enshrined in legislation. Equal Opportunity is a positive way of expressing the absence of unlawfully discriminatory or harassing behaviour and practices, as well as the removal of policies, practices and procedures that have a unlawfully discriminatory effect on certain groups of people in the workplace.

### **9.2. What is Discrimination?**

Discrimination can be defined as any practice that unlawfully makes distinctions between individuals or groups, based on protected attributes and assumptions so as to disadvantage some and advantage others. It does not have to be calculated or conscious. The intention of the person discriminating is irrelevant.

Discrimination occurs in two forms: direct and indirect.

- Direct discrimination occurs when a person with a protected attribute is treated less favourably than another person without that attribute would be treated in comparable circumstances. It often involves a person being targeted, isolated, or specially selected to receive discriminatory treatment.  
e.g. A qualified job applicant was not employed because they are of a particular gender, are married or are of a particular race.

- Indirect discrimination occurs when a condition of employment is imposed, which appears not to be discriminatory but has a disadvantageous effect on people in certain groups.

E.g. It may be claimed that setting a minimum height requirement for a particular position (e.g. flight attendant or storeman) may effectively discriminate against people less able to meet the requirement e.g. women, some races, impaired or disabled persons.

MMSG is committed to preventing discrimination on any of the following grounds:

- sex;
- age;
- race, colour, nationality, social origin, ethnic or national extraction;
- religious belief or activity;
- pregnancy or potential pregnancy;
- breastfeeding;
- marital status;
- family or carer responsibilities;
- status as a parent or carer;
- physical or mental impairment or disability;
- political opinion, belief or activity;
- employment activity;
- industrial activity;
- , sexual orientation, sexual preference or lawful sexual activity;
- expunged homosexual conviction;
- gender identity;
- physical features;
- irrelevant criminal record; or
- personal association (as a relative or otherwise) with a person who has is identified by reference to any of the above attributes.

Please see Annexure A for specific examples of discrimination.

### 9.3. What is Harassment?

Harassment can be defined as any unwelcome behaviour that a reasonable person would have anticipated the possibility that the person harassed may feel threatened, unreasonably uncomfortable or unable to cope with their work environment. It is behaviour that intimidates, belittles, offends, degrades, threatens or humiliates a person. It may be physical, psychological, visual, verbal or non-verbal conduct.

Please see Annexure B for examples of harassment.

#### 9.4. What is Workplace Bullying / Harassment?

Workplace bullying is a form of harassment that occurs when an employee or a group of employees in the workplace is subjected to repeated and unreasonable behaviour that creates a risk to health and safety.

Please see Annexure C for examples of workplace bullying / harassment.

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

*Unreasonable behaviour* means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating and threatening.

Whether intentional or unintentional, workplace bullying can occur and be carried out in a variety of ways, including through email or text messaging, internet chat rooms, instant messaging or other social media channels.

It can occur:

- Downwards from managers to workers
- Sideways between workers
- Upwards from workers to supervisors or managers

A single incident of unreasonable behaviour is not considered to be workplace bullying however it should not be ignored.

#### 9.5. What is Not Workplace Bullying?

*Reasonable management action* taken in a reasonable way to effectively direct and control the way work is carried out is not considered to be workplace bullying.

It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance.

Please see Annexure E for examples of reasonable management action.

*Low level workplace conflict* is generally not considered to be workplace bullying. This is because not all conflicts or disagreements are negative in nature or have negative health effects. When conflict is at a low level and is task based, it can benefit an organisation by generating healthy debate leading to new ideas and innovative solutions. It does not always pose a risk to health and safety.

#### 9.6. What is Sexual Harassment?

Sexual harassment can be defined as unwelcome and non-consensual sexual advances or requests for sexual favours or engaging in any other conduct of a sexual nature in circumstances where it is reasonable to anticipate that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

Sexual conduct is unwelcome when it is not invited or solicited by a person and the person regards the conduct as undesirable or offensive. Common forms of behaviour that some people may consider to be trivial or mild can contribute to an offensive or humiliating work environment for others.

Sexual harassment may involve a person harassing a member of the opposite sex or the same sex. The intention of the harasser is irrelevant.

Please see Annexure D for examples of sexual harassment.

### **9.7. What is Not Harassment?**

Behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not harassment.

It is however important for all employees to ensure compliance with the MMSG Employee Code of Conduct. The code provides guidance on the expected professional conduct and behavioural standards within the workplace.

### **9.8. What is Victimisation?**

Victimisation is treating someone less favourably because they have made a complaint about harassing / discriminatory behaviour being directed at them or others. Victimisation of a complainant is unlawful and applies not only to the aggrieved person but to people who provide evidence or information in connection with an investigation.

### **9.9. What is Diversity?**

Diversity in the workforce refers to a workforce in which employees do not all possess the same or similar characteristics, while it is often used to refer to gender diversity (that is, a mix of male and female employees at different levels in an organisation including senior leadership roles) it also refers to differences in a workforce in terms of factors such as age, gender, family responsibilities, marital status, cultural background and ethnicity, sexual orientation, socio-economic background, and people living with disabilities.

## **10. Flexible Working Arrangements**

MMSG recognises the increasing importance of flexible working arrangements in maintaining a diverse and adaptable workforce.

MMSG is committed to assisting employees to balance their work - life commitments and family responsibilities by supporting flexible working arrangements.

As part of this endeavor, MMSG has developed the MMSG Flexible Working Arrangement Policy and will reasonably consider eligible employee requests for flexible working arrangements.

Alongside flexible working arrangements, MMSG has a variety of leave policies that can assist employees through their different life stages. These include: parental leave, career break, personal/carers leave and volunteer leave. MMSG recognises that employees will assume different responsibilities in these life stages throughout their careers and may utilise different arrangements and leave policies suited to them at the time.

## **11. Resolving Complaints**

As an MMSG employee, if you feel you have been discriminated against or harassed, you have the right to have your complaint heard and addressed in a fair and consistent manner. The MMSG complaints procedure supports this approach to resolution. It provides the complainant the option of addressing a matter formally or informally.

MMSG recognises that until a complaint has been investigated and a decision has been made, it is an allegation. MMSG will endeavor to protect all parties to a complaint until a comprehensive investigation has been completed.

### **11.1. Informal Process**

#### *Attempt to resolve it yourself*

If you can, try and sort it out directly with the person involved. Tell the person their behavior is unwelcome, that it is a breach for the MMSG Equal Opportunity and Diversity Policy and it is against the law and if it continues, it will be reported to management. This will provide the person the opportunity to stop or change their behavior. Keep a note of any incidents that occur, including dates, times, witnesses (if any), what happened and what was said, what you did and how you felt.

#### *Go to your Team Leader, Manager or Human Resources Representative for Guidance*

If you don't feel you can sort it out yourself, or if you have tried but it hasn't worked, go and speak to your Team Leader, Manager or HR Representative. They will assist in sorting out the problem at a local level or will provide advice about the best way to tackle the situation and where you can go if you need more help.

### **11.2. Formal Process**

The formal process will commence if the informal process is unsuccessful, or at the request of the complainant if they do not wish to address the matter through the informal process, or where MMSG has otherwise become aware of potential breach of this policy.

The formal process will also be initiated in situations where the complaint raised is of such a serious nature it would not be appropriate to resolve it solely through informal channels. On these occasions, the formal process will be initiated regardless of the complainant's desired approach.

#### *Go to your Manager or Human Resources Representative*

Your Manager is the person the next level up from the person you report to directly and is the person you should approach if you wish to make a formal complaint. If it is inappropriate or you feel uncomfortable talking to your Manager, you can speak to your Human Resources Representative.

The person you have elected to speak to will work out if they are the right person to handle the complaint. If they feel they are not the right person they will send the complaint, with your consent, to another manager.

Once the Manager has heard your complaint, he / she will explain to you the complaints procedure and provide information to you regarding your available options and possible outcomes. The Manager will take a written record of the complaint and involve Human Resources in commencing a formal investigation. In some instances Human Resources may elect to engage an external independent investigator.

Human Resources (or the external investigator) will interview others who are materially involved in the complaint (where possible) to establish their version of events and will do so individually and impartially. Human Resources will make sure the investigation reaches a conclusion and that any action that needs to be taken is followed through.

#### ***Possible Outcomes of an Investigation***

The outcome will be dependent on the severity of the behavior.

If the complaint is substantiated through the investigative process, the person found to have discriminated or harassed will likely be disciplined and may even be dismissed.

### **Appeals**

The outcome of an investigation can only be appealed if it is demonstrated that the investigation process was materially flawed or incomplete.

Appeals can be made to the Group Executive Human Resources, who will assess the way the complaint was handled. If it is determined the complaint was handled properly, no further action will be taken. If the Group Executive Human Resources believes the complaint was not handled properly, the complaint will be reviewed.

If you do not wish to lodge an internal appeal, or you do so and are not satisfied with the outcome, you may choose to take your complaint to an external agency, such as the Human Rights and Equal Opportunity Commission in your State.

Please see Annexure F for a flow chart illustration of the complaints process.

## **12. Guidelines for Resolving a Complaint**

### **12.1. Investigation**

- Both parties will be able to access to support through the course of the complaint investigation. This may include a colleague, another team leader or manager, or an external representative.
- The person who has had a complaint made against them will be notified prior to being interviewed as part of an investigation, so they have time to organise support or representation.
- Both parties will have access to information about the range of options available to them.
- Both parties will have an equal amount of time given to them in trying to resolve the complaint. This will ensure both parties have been provided with adequate opportunity to tell their version of events.
- All parties will be kept informed through the process and be kept informed of decisions made.
- Only the minimum number of witnesses necessary will be interviewed to establish the facts.
- All parties involved in the investigation, including witnesses, will be protected from adverse treatment as a consequence of lodging a complaint or participating in an investigation.
- The complainant may withdraw from the investigation at any time. If the complainant does withdraw, MMSG may continue the investigation and take appropriate action to ensure the safety and wellbeing of other people.

### **12.2. Record Keeping**

All details relating to the complaint will be recorded in writing. At all times the documentation must outline the details of the discussion, date, names of attendees. Where possible signatures should also be obtained.

These documents are confidential and will only be accessed by those involved in resolving the complaint.

### 13. Frivolous and Vexatious Complaints

Complaints or grievances lodged by employees must be genuine. However, there may be some instances where complaints may be determined to be vexatious or frivolous in nature.

A frivolous or vexatious complaint is a complaint that is deliberately harmful, spiteful and trivial. It can also be described as one where the complainant seeks to abuse the normal complaints management process. A vexatious complaint does not have reasonable grounds and is intended only to annoy, harass or cause delay or achieve any purpose other than the genuine resolution of a complaint.

Making a vexatious complaint may be considered an act of misconduct. If the complaint is found to be frivolous or vexatious, the person who made the complaint may be disciplined under the guidance of the MMSG Disciplinary Policy and Process and may even be dismissed.

### 14. Policy Outcomes

- A work environment that is free from discrimination, harassment and offensive behaviour.
- A working culture that is defined by respect, integrity and dignity in all of our interactions, where people enjoy coming to work each day.
- Equal access to jobs, training and other development opportunities.
- Improved efficiency and productivity for MMSG employees and exceptional service to our customers through the selection of the best applicants.
- Greater job satisfaction for our people and high retention rates.
- A diverse and skilled workplace, where people recognise and value diversity in one another in areas such as race, religion, age and sex.
- Fair processes to deal with work-related complaints and grievances.
- Legal compliance with Federal and State legislation, which have been used as the minimum platform for the development of this policy.

## Annexure A – Examples of Discrimination

**Sex Discrimination** is based on whether a person is male or female and includes presumptions made about gender. For example it is discriminatory to presume women are less likely to last in a job because they will leave to have children, that males are more suited to motor vehicle sales roles because they know more about cars, or not to shortlist a male for a receptionist role because the interviewer prefers to have a woman in the role.

**Age discrimination** occurs when you use a person's age to make decisions where their age is irrelevant. For example, not providing training for an employee approaching traditional retirement age, or not promoting an employee to a management role because of their youth despite satisfactory performance.

**Race discrimination** is based on colour, ethnicity, national origin or descent, or assumptions surrounding a person's race. For example, declining an applicant because of their accent, which does not affect their ability to be clearly understood.

**Religious discrimination** occurs when an individual is treated unfairly because of their actual or assumed religious background. For example, it is discriminatory for an employer to refuse to allow employees to wear a head-covering in the workplace because it is not part of the uniform, even though he / she is wearing it for religious reasons.

**Pregnancy or potential pregnancy** discrimination occurs when this ground is used to treat someone more or less favourably than someone who does not fall into this category. For example, using pregnancy or potential pregnancy as an excuse for redundancy, the employer suggesting that the employee not get pregnant, or an employer not considering an otherwise appropriate candidate because of a concern she may get pregnant in the course of the role.

**Marital status discrimination** is discrimination based on whether a person is married, single, divorced, widowed or de facto. It may occur in situations where assumptions are made because an employee is married to a person employed by a business rival. It also includes stereotyped assumptions about the capacity for a person to undertake full time work or assumptions about their financial need. For example, an assumption that married women do not need to undertake full time work, or that if they are made redundant their husbands can support them.

**Family responsibilities or status as a parent or carer discrimination** occurs when a person is treated less favourably because of their caring responsibility. This includes assumptions that carers can't be flexible, can't work a full day, are not interested in a career or have reduced commitment to their job. For example, asking a job applicant questions about his or her children, family responsibilities or status as a carer in an interview may be considered discriminatory if the information is used in making a hiring decision.

**Disability and impairment discrimination** is based on stereotyped assumptions about the characteristics of people with disabilities / impairments that may be physical, psychological or intellectual. For example, it may be discriminatory to not employ a person with epilepsy in fear that they may have a seizure at work and cause a disturbance or injure themselves.

**Political activity discrimination** is when a person is treated less favourably because they have a particular political views or associations. For example, discouraging an employee with a known political persuasion from joining an employee committee because you believe their views will impact the effectiveness of the team.



**Industrial activity discrimination** occurs when a person is discriminated against on the basis of their involvement or lack of involvement in industrial activity or a union. For example, not considering a union member for nomination to an OHS committee, or union members isolating and excluding a non-union member from work activities or opportunities.

**Sexual preference and lawful sexual activity discrimination** occurs when a person's sexual orientation results in the person being treated less favourably – whether they are homosexual, lesbian, bisexual or heterosexual. For example, a sales person being denied a promotion because they are homosexual and the employer has concerns about how clients will react.

**Physical features discrimination** is based on the person's attributes such as height, weight, size, birthmarks or other bodily characteristics beyond their control. For example, including height requirements as part of selection criteria for a job when being a certain height is not relevant to the job.

**Discrimination on the basis of criminal record** occurs when you refuse to employ or promote a person because they have a criminal record that has no bearing on the inherent requirements of the job. For example, an applicant for a data entry role may disclose that they were charged with a driving offence ten years ago. If that person were not offered the position based on this information, it may be discrimination.

**Gender identity discrimination** is treating a person with a particular gender identity less favourably than a person who does not have that gender identity in the same or similar circumstances. Gender identity means self-identification as a person of the relevant gender. A person may identify as a member of a particular gender by their style of dress, medical intervention, or by other means, including a change of name. For example, treating a man who dresses and conducts himself as a woman (that is, the man "self identifies" as a female), less favourably than any other person.

## **Annexure B – Examples of Harassment**

### **Racial Hatred and Harassment**

- A public act which incites hatred, serious contempt or ridicule of a person or group of people on the ground of race.
- Forms of written or spoken communication with the public or employees, such as writing racist graffiti in a public place.

### **Electronic Harassment**

- Transmitting unwanted messages that the recipient may consider offensive, such as lewd jokes, abusive text messages or emails.
- Flame mail – the use of email to transmit offensive, insulting or harassing messages to other employees or those outside the workplace.
- Displaying or participating in circulation of offensive or pornographic websites.
- Use or creation of offensive or pornographic screensavers.

### **Workplace Bullying / Harassment**

- Is covered in Annexure C.

### **Sexual Harassment**

- Is covered in Annexure D.

## Annexure C – Examples of Workplace Bullying / Harassment

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include:

- Behaviour that is designed to intimidate, cause distress and deliberately upset another person.
- Belittling opinions.
- Constant, unwarranted and humiliating criticism.
- Unreasonable under-utilisation of the person or creating a feeling of uselessness.
- Undermining work performance, including by deliberately withholding work, related information, resources, or supplying incorrect information.
- Unexplained job changes.
- Allocating meaningless tasks beyond or below the person's ability.
- A threatening management style.
- A person in authority displaying harassing behaviour as a means of enforcing authority or relieving frustration.

## Annexure D – Examples of Sexual Harassment

- Sexual advances, requests for sexual favours etc.
- Remarks or innuendo of a sexual nature.
- Intrusive questions.
- Uninvited sexual contact or gestures such as kissing, embracing, patting, pinching, touching in a sexual way, putting an arm around another person's body, massaging a person without invitation or deliberately brushing up against a person.
- Unwelcome invitations or requests for sex, attempts at sexual intercourse, sexual intercourse under the threat of loss of employment, offers of reward for sex, sexual assault and rape.
- Sexually explicit conversation/correspondence such as lewd comments, dirty jokes and foul language.
- Unwelcome remarks, intrusive questions or insinuations about a person's sex or private life, suggestive comments about a person's appearance or body, demanding a person wear sexually suggestive clothing, repeated comments or teasing about a person's alleged sexual activities or private life.
- Displays of offensive or pornographic material such as posters, pin ups, cartoons, graffiti or calendars.
- Offensive and nuisance communication (letters, phone calls, faxes, emails, screensavers etc.).
- Indecent exposure or 'flashing'.
- Persistent, unwelcome social invitations or telephone calls from workmates at home or at work.
- Being followed home from work.
- Declarations of love, love letters or proposals of marriage.
- Repeated invitations to go out after prior refusal.
- Staring or leering at a person or at parts of their body.
- Touching or fiddling with a person's clothing such as lifting skirts or shirts, flicking bra straps or putting hands in a person's pocket.

## Annexure E – Examples of Reasonable Management Action

- Setting reasonable performance goals, standards and deadlines.
- Rostering and allocating work hours where the requirements are reasonable.
- Transferring a worker for operational reasons.
- Deciding not to select an employee for promotion where a reasonable process is followed.
- Informing an employee about unsatisfactory work performance and behaviours when undertaken in accordance with reasonable processes or the company policies such as Code of Conduct, Company values and team behaviours, performance KPIs etc.
- Informing an employee about inappropriate behaviour in an objective and reasonable way, including the location or setting of the discussion.
- Implementing procedures and processes, organisational changes, restructuring.
- Termination of employment.

### Annexure F – Complaints Process Flow Chart

