



OZSTAFF SAFE@WORK

# HARASSMENT & DISCRIMINATION POLICY

**1.0 OzStaff is committed to providing a safe, flexible and respectful environment for staff, candidates and clients free from all forms of Bullying, Sexual Harassment and Discrimination.**

**All staff are required to treat others with dignity, courtesy and respect.**

**2.0 Contributing Policies**

**2.1 TYPES OF DISCRIMINATION**

**2.1.1** The Company and its employees will strive to create a workplace that is free from discrimination against any potential or existing employee, customer or other in the workplace regardless of their: -

- Political opinion or activity
- Race
- Colour
- Religious belief or activity
- Nationality
- Marital status
- Pregnancy or potential pregnancy
- Breastfeeding
- Sex
- Sexual preference
- Gender identity
- Age
- Mental, intellectual or psychiatric disability
- Physical disability or impairment
- Physical features
- Medical or criminal record
- Trade union membership or activity
- Defence force reserve membership
- Family responsibilities

**2.2 COMPANY RESPONSIBILITIES**

**2.2.1** The Company will ensure that the Human Resources Manager is sufficiently trained in effectively managing workplace discrimination and harassment, and is conversant and up-to-date with Equal Employment Opportunity law and legislation. A copy of the Victorian Equal Opportunities Act 2012 resides in the office. The company will ensure that all line managers have access to Human Resources.

**2.2.2** The Company will ensure that its Harassment and Discrimination policy is displayed in a prominent location at all sites, and has been effectively communicated to, and understood by all existing employees.

**2.2.3** As part of its standard Induction Program, the Company will ensure that all new employees are advised of the Company's Harassment and Discrimination Policy, the standards expected of them, and the procedures for making a complaint.

## **2.3 MANAGER'S AND SUPERVISOR'S RESPONSIBILITIES**

**2.3.1** All Company Managers and Supervisors are responsible for: -

- Recruiting, promoting, training, developing and transferring employees on the basis of merit and performance, and free from any discriminatory assumptions.
- Ensuring that all People & Performance practices are applied fairly, consistently and without bias.
- Role-modelling non-discriminatory behaviour and practices within the workplace at all times.
- Regularly monitoring the working environment to ensure that it is free from sexually explicit or offensive material.
- Responsibly acting upon any behaviour within the working environment that may be construed as discriminatory or sexual harassment.
- Providing confidential advice and information to employees, including investigating any grievances or complaints that an employee may lodge.

## **2.4 EMPLOYEE RESPONSIBILITIES**

**2.4.1** All Company employees are responsible for: -

- Understanding, respecting and applying the Company's Harassment and Discrimination Policy.
- Not tolerating any form of harassment or discrimination and for notifying the relevant manager should such circumstances arise.
- Attempting, (wherever practical) to amicably resolve any personal harassment or discrimination matter with the employee/s or manager/s involved, prior to notifying their manager or the General Manager – Human Resources.
- Conducting themselves in non-discriminatory manner at all times in the workplace.

## **2.5 SEXUAL HARASSMENT**

- **2.5.1** The Company considers sexual harassment an unacceptable form of behaviour that will not be tolerated under any circumstances, whether the employee is at work or attending a conference, work function, office Christmas party, business or field trip. All employees have the right to work in an environment free of sexual harassment. Sexual Harassment is illegal and is covered by legislation. In Victoria it is covered under the **Equal Opportunity Act (2010)** and under Australian Federal Law the **Sex Discrimination Act (1984)**.
- **2.5.2** Ozstaff acknowledges that mutual friendships and relationships may develop at the workplace which are a private matter and do not constitute sexual harassment. In such circumstances however, employees shall not engage in any form of behaviour, which though it might be consensual, could interfere with the working environment or offend other employees.
- **2.5.3** Sexual harassment incorporates a range of unwelcome, unsolicited and non-reciprocated behaviour that constitute deliberate or unintentional verbal or physical conduct of a sexual nature. It includes actions which a person finds offensive, including but not limited to:-
  - Lewd comments, dirty jokes (including by Email) or foul language
  - Physical contact, including touching, kissing, patting or pinching in a sexual way
  - Verbal abuse of a sexual nature
  - Graphic or suggestive comments about an individual's dress, body, or private life
  - Gender based insults or taunting
  - Visual displays in the workplace of derogatory objects, pictures or calendars
  - Offering rewards for sex
  - Sexually explicit conversation
  - Unwelcome remarks about a persons sex or private life
  - Statements of a sexual nature, either verbal or written and either made to a person or in their presence
  - Offensive or nuisance telephone calls or Emails

## **2.6 BULLYING AND PHYSICAL HARASSMENT**

- **2.6.1** The Company considers bullying and physical harassment an unacceptable form of behaviour that will not be tolerated under any circumstances. Bullying and physical harassment includes, but is not limited to circumstances where: -

- A manager or supervisor uses a management style that is aggressive, involves shouting, constant criticism or humiliation of an employee or group of employees in private or front of their peers.
- An employee is less favourably treated by another employee or group of employees in the workplace, including but not limited to bullying or intimidation; forcing an employee to participate in an “initiation” process; the playing of practical jokes or forcing an employee to undertake demeaning tasks.
- An employee uses a communication style that is aggressive, involves shouting, constant criticism or humiliation of a customer, a manager or supervisor, an employee or group of employees in private or front of their peers.

## **2.7 REPORTING DISCRIMINATORY BEHAVIOUR OR SEXUAL OR PHYSICAL HARASSMENT**

**2.7.1** Any employee who believes that they have been subject to actions or words that may be discriminatory or that constitute unwelcome sexual or physical harassment should act upon such discrimination as soon as possible.

**2.7.2** In the first instance the aggrieved employee should, wherever practical, attempt to amicably resolve the matter with the employee/s or manager/s involved.

**2.7.3** Where the alleged discrimination or unwelcome sexual or physical harassment involves the employee’s direct manager and it is not practical for them to directly resolve the matter, they shall immediately notify either their Department Manager or the Human Resources Manager who, with the employee’s approval will endeavour to investigate and resolve the matter on an informal basis.

**2.7.4** Where an amicable resolution cannot be achieved as outlined in either 2.7.2 or 2.7.3, the employee shall be requested to: -

Lodge a formal written complaint, (confidential) with their Department Manager or the Human Resources Manager that shall include the:-

- names of individuals concerned, details of the incident(s) and the names of any witnesses present
- Maintain the confidentiality of the complaint until it can be fully investigated

**2.7.5** When a complaint has been formally lodged, the Department Manager or Human Resources Manager will immediately undertake an objective, confidential and thorough investigation, which shall incorporate: -

- Clarifying details of what took place and ensuring that all necessary information is obtained
- Identifying the outcomes the complainant is seeking
- Discussing with the complainant their legal rights, including lodging a formal complaint with the relevant state or federal tribunal
- Discussing the complaint made with the person/s accused of discrimination or harassment
- Helping to clarify whether the behaviour actually constituted discrimination or harassment

**2.7.6** The Department Manager or Human Resources Manager will ensure a timely and appropriate resolution of the investigation is reached and communicated to all parties involved.

## **2.8 DISCIPLINARY ACTION**

**2.8.1** Any manager, supervisor or employee of the Company identified as engaging in either discriminatory practices or harassment of another employee will be subject to disciplinary action that may include termination of employment.

**2.8.2** OzStaff Career Services will not retaliate against any employee for filing a discrimination or harassment complaint, or for participating in any investigation, and will not tolerate or permit retaliation by any manager, supervisor or employee.