

Respect at Work

1. Purpose

The purpose of this policy and procedure is to set out:

- what constitutes unacceptable workplace behaviour;
- the responsibilities of each person at GVK Group to recognise, discourage and prevent inappropriate or unlawful behaviour in the workplace;
- how to raise a concern about unacceptable behaviour experienced or observed in the workplace, and the people and services available to support those affected; and
- the consequences of being found in breach of this policy.

GVK Group is committed to providing a workplace that is free from unlawful harassment, sexual and sex-based harassment, discrimination, bullying, victimisation and hostile work environments in accordance with applicable laws.

These behaviours can have a significant negative impact on the health, welfare and performance of those affected and will not be tolerated under any circumstances by GVK Group.

As part of our commitment under this policy and procedure and our Code of Conduct, GVK Group takes very seriously its positive duty to take reasonable and proportionate measures to eliminate, as far as possible, sex discrimination, sexual and sex-based harassment, hostile work environments and victimisation.

This policy and procedure apply to:

- all behaviour in the workplace at GVK Group and when workers are conducting work at the premises or on behalf of a client;
- behaviour that occurs in a work-related context, including for example, work-related activities and events such as social functions, conferences, site visits, celebrations and training sessions; and
- communications through email, text messaging, instant messaging, telephone, video, social media and material published on the internet.

2. Definitions

Bullying

Repeated and unreasonable behaviour directed towards a worker or group of workers, that creates a risk to health and safety. This includes bullying by workers, visitors, or others.

Discrimination

Unlawful discrimination involves treating a person (or group of people) less favourably based on particular attributes, including but not limited to: age; race; disability; sex; sexual orientation; pregnancy or potential pregnancy; and family or carer responsibilities.

Harassment

Harassment in relation to personal characteristics such as age, disability, race, sex, relationship status, family responsibilities, sexual orientation, gender identity, or intersex status.

Sexual harassment

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Victimisation

Victimisation occurs when a person is threatened or subjected to any detriment for a prohibited reason, which may include making a complaint or commencing or participating in proceedings under relevant anti-discrimination law. It also occurs when a person is treated adversely because they support or are involved in addressing another person's complaint.

3. Discrimination

All persons covered by this policy and procedure must not unlawfully discriminate against another person. Unlawful discrimination involves treating a person (or group of people) less favourably based on particular attributes, including but not limited to: age; race; disability; sex; sexual orientation; pregnancy or potential pregnancy; and family or carer responsibilities.

Unlawful discrimination may be direct or indirect:

- Direct discrimination occurs when a person with a particular 'attribute' is treated unfavourably due to that attribute.
- Indirect discrimination occurs when there is a rule or requirement that is the same for everyone but unfairly or unreasonably affects a person (or group of people) with a particular attribute.

Direct and indirect discrimination are unlawful regardless of the motive for the unfavourable treatment. You are expected to adhere to your legal obligations under all applicable state and federal laws at all relevant times.

4. Sexual harassment

All persons covered by this policy and procedure must not engage in sexual harassment. Sexual harassment is unlawful and legal action for sexual harassment can be taken against individuals who participate and organisations whose workers are subjected to it.

Sexual harassment is any verbal, written, visual or physical behaviour of a sexual nature that is unwelcome and uninvited, where the harasser should have anticipated the possibility that the other person would be offended, humiliated or intimidated.

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

- unwelcome touching;
- staring or leering;
- suggestive comments or jokes;
- sexually explicit pictures or posters;
- unwanted invitations to go out on dates;
- requests for sex;
- intrusive questions about a person's private life or body;
- unnecessary familiarity, such as deliberately brushing up against a person;
- insults or taunts based on sex;
- sexually explicit physical contact; and

- sexually explicit emails or text messages.

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect, provided the interaction is consensual, welcome and reciprocated.

Harassment does not need to be repeated behaviour. Sometimes a single incident is enough to be regarded as harassment.

5. Sex-based harassment

It is also unlawful to harass a person on the ground of their sex. Sex-based harassment is unwelcome conduct of a demeaning nature based on a person's sex or characteristics that generally relate to a person's sex, in circumstances which a reasonable person would have anticipated that the person harassed would be offended, humiliated or intimidated. An example of sex-based harassment may include the use of slurs, taunts or name calling on the basis of sex.

6. Bullying

Workplace bullying is repeated behaviour that a reasonable person, having regard to all of the circumstances, would anticipate to be humiliating, intimidating, undermining or threatening and which causes risk to health and safety.

Workplace bullying can include:

- verbal abuse;
- demeaning language;
- threats;
- outbursts of anger or aggression;
- humiliation;
- physical or verbal intimidation;
- excluding or isolating workers; and
- deliberately:
 - assigning meaningless tasks;
 - unrealistic volume of work;
 - withholding information that prevents people from working effectively; and
 - changing rosters to inconvenience a person.

Some instances of bullying will also amount to unlawful discrimination and/or sexual harassment.

Workplace bullying does not include reasonable management action and supervisory practices, such as:

- legitimate comment, criticism and advice, or reasonable use of performance management processes;
- lawfully based and fairly applied disciplinary action;
- allocation of work in compliance with processes;
- implementation of organisational change or downsizing;
- action taken to transfer a staff member; or
- decision not to promote or reclassify the staff member.

7. Victimisation

Victimisation occurs when a person is threatened or subjected to any detriment for a prohibited reason, which may include making a complaint or commencing or participating in proceedings under relevant anti-discrimination law. It also occurs when a person is treated adversely because they support or are involved in addressing another person's complaint.

Victimisation is unacceptable and unlawful. A complaint of victimisation can be successful even if the underlying workplace complaint does not succeed.

Victimisation can include:

- snide comments about a person regarding a complaint they have made;
- being bullied and intimidated by colleagues as a result of making a complaint; or
- being denied a promotion or given reduced responsibility as a result of making a complaint.

8. Hostile work environment

It is unlawful for a person to subject another person to a hostile work environment.

A hostile work environment exists when a person's behaviour within the workplace creates an environment that is offensive, intimidating or humiliating for another person to work in based on that person's sex. In such an environment, there may not be one individual victim, rather multiple people of one sex may be made to feel uncomfortable or excluded by the work environment.

A hostile work environment can be caused by, for example, the sexual harassment of other colleagues, the displaying of obscene or pornographic materials, general sexual or sex-based banter or innuendo and offensive jokes.

9. Responsibilities

GVK Group will ensure:

- a safe workplace for all people where there is a demonstrated zero tolerance of unlawful harassment, sexual and sex-based harassment, discrimination, bullying, victimisation and hostile work environments;
- there are effective procedures to prevent unacceptable workplace behaviour and support mechanisms in place for those who have seen or experienced unacceptable workplace behaviour; and
- all workers are provided with information, instruction and training about unacceptable workplace behaviour.

Managers and shift supervisors are responsible for:

- identifying any inappropriate behaviour in the workplace that may constitute, or lead to, unlawful harassment, sexual and sex-based harassment, discrimination, bullying, victimisation or hostile work environments;
- ensuring workers understand what is considered to be appropriate and inappropriate behaviour in the workplace;
- assisting workers with managing any complaints raised under this policy; and
- maintaining records required by legislation relating to unlawful harassment, sexual and sex-based harassment, discrimination, bullying, victimisation and hostile work environments.

All workers are responsible for:

- ensuring their behaviour in the workplace is appropriate for the work environment at all times;
- cooperating with investigations and follow-ups regarding complaints of unacceptable workplace behaviour and keeping details of the incident or investigation confidential; and
- speaking up when they see, know of or can anticipate the likelihood of unacceptable workplace behaviour.

What to do if you believe someone has breached this policy and procedure

If you are affected by or observe or know of unacceptable workplace behaviour, there are multiple options for raising your concerns, including:

- with your manager or another manager who you trust at work;
- with a Health and Safety Representative; or
- with the Director.

GVK Group will treat all concerns seriously, confidentially and in a timely matter.

Other Support Available

The safety and wellbeing of our staff is a key priority at GVK Group. If you or another staff member experiences unacceptable workplace behaviour, additional support services are available:

- Lifeline on 13 11 14
- 1800RESPECT (national sexual assault hotline) on 1800 737 732
- Beyondblue 1300 22 4636
- Speak to your local general practitioner
- Fair Work Ombudsman
- Fair Work Commission

10. Possible Outcomes

Consequences for persons who have discriminated, harassed or victimised others

There are a variety of outcomes for a person's employment that GVK Group might consider once a report of harassment, sexual or sex-based harassment, discrimination, bullying, victimisation or a hostile work environment is substantiated. This may include, but will not be limited to:

- a requirement to participate in education or behaviour change coaching;
- an apology from the person who engaged in the unacceptable behaviour;
- a direction to the person to stop the behaviour;
- consequences for the position and remuneration of the person who engaged in the unacceptable behaviour such as demotion or withholding of bonus payments; and
- disciplinary action against the person (up to and including termination of employment or contract).

Consequences for GVK Group

GVK Group may be held vicariously liable if it is found that it did not take all reasonable steps to ensure that its workplace was free of harassment, sex discrimination, sexual harassment, bullying, victimisation and hostile work environments.

GVK Group may also be held in breach of its positive duty to prevent sexual harassment, sex discrimination, hostile work environments and victimisation if it is found that it did not take reasonable and proportionate measures to eliminate such conduct in its workplace.

11. Review

This policy and procedure remains in force until such time as it is withdrawn or amended by way of undertaking a review and an updated version is issued. As a guideline, this policy will be reviewed by senior management every two years.

12. Breach

Employees are required to comply with this policy and procedure as a condition of their employment. Any breach of this policy and procedure may lead to disciplinary action, or other such action detailed in this procedure being applied. Employees wishing to discuss any aspect of this policy and procedure should contact their manager.

13. Relevant Acts and Regulations

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Disability Discrimination Act 1992 (Cth)

Racial Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984 (Cth)

Fair Work Act 2009 (Cth)