



EEO AND DISCRIMINATION AND HARASSMENT POLICY

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1. Introduction

- 1.1 Quantem ("**the Company**") supports equal employment in the workplace and eliminating unlawful discrimination and harassment in the workplace. The policy is intended to provide managers and workers (which includes but is not limited to employees and contractors) with information to help the Company achieve its policy objectives by outlining expectations of behaviour and procedures for dealing with complaints.
- 1.2 The Company may also be vicariously liable for breaches of this policy and related legislation, which means that we may be liable in circumstances where one of our employees engage in unlawful discrimination or harassment.
- 1.3 This policy does not form part of your contract and may be varied at any time by the Business
- 1.4 Please refer to Schedule A of this policy for specific pieces of legislation to which this policy relates.

2. Scope

- 2.1 The EEO and Discrimination and Harassment Policy is applicable to all employees, agents and contractors.
- 2.2 This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and client functions.

3. Policy

- 3.1 This policy is designed to assist the Company in its aims to:
 - (a) provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment and bullying; and ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess.
 - (b) to create a work environment which promotes positive working relationships.



4. Equal Employment Opportunity

- 4.1 It is the policy of the Company that all persons in the workplace be treated on the basis of merit and according to their skills and abilities. This shall include, but is not limited to, matters involving:
- 4.1.(a) recruitment, selection, transfers, promotions, performance reviews, training and development, supervision and management of staff, counselling, disciplinary procedures and termination of employment; and
- 4.1.(b) remuneration practices and benefits.
- 4.2 A worker's gender, marital status, pregnancy, parental or family responsibilities, race, age, physical or mental disability, sexual orientation, transgender, political or religious beliefs, social origin trade union activity or inactivity or physical appearance will not form the basis of employment decisions.

5. Discrimination and Harassment

- 5.1 The Company believes that all employees have a right to work in a productive environment in which discriminatory conduct or harassment of others is not tolerated.
- 5.2 Unlawful discrimination and harassment can have many negative effects in the workplace. Employees who are subjected to or witness this type of treatment often feel intimidated or anxious at work.
- 5.3 Through responsible management, the Company will endeavour to prevent discrimination and harassment from occurring in the workplace.
- 5.4 All forms of harassment and unlawful discrimination are unacceptable and depending on the severity can lead to disciplinary action including termination of employment.
- 5.5 What is Unlawful Discrimination?
- 5.5.(a) Unlawful discrimination may occur when an employee is treated less favourably than others because of that person's individual characteristics or because that person belongs to a particular group of people.
- 5.5.(b) Discrimination does not have to be intentional to be unlawful. Two types of discrimination can occur in the workplace:
- **Direct Discrimination** - this occurs when an individual treats another person less favourably for an unlawful reason.
 - **Indirect Discrimination** - this occurs when a policy or practice is the same for everyone but has an unfair effect on an individual or group.
- 5.5.(c) Employment decisions may be unlawful if they are made because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the Federal, State and Territory anti-discrimination laws (Australia) and



relevant legislation (New Zealand and include but are not limited to:

- Gender (including marital status, pregnancy or potential pregnancy);
- Race (including colour, nationality, ethnic or ethno-religious origin);
- Sexuality (including sexual preference, transgender status or homosexuality);
- Age;
- Marital status;
- Family or carers' responsibilities;
- Pregnancy;
- Religion;
- Political opinion;
- Criminal records;
- Disability; or
- Trade Union Activity.

5.6 What is Harassment?

- 5.6.(a) Harassment is unwelcome conduct directed towards a person based on a ground of discrimination (as set out above), that a reasonable person would expect to offend, humiliate or intimidate.
- 5.6.(b) Harassment may occur as a single act, or as a series of incidents, persistent innuendoes or threats. It can take many forms: it may be silent or loud, subtle or openly hostile; it may be private or public.
- 5.6.(c) Harassment may take the form of general bullying, or be specifically aimed at people with particular or different characteristics. The latter type of harassment may amount to discrimination which is unlawful.

5.7 Sexual Harassment

- 5.7.(a) Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person.
- 5.7 (b) Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

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

- Inappropriate physical contact
- staring or leering at a person or at parts of their body



- sexual jokes, comments or conversations
- requests for sexual favours
- persistent requests to go out, where they are refused
- displays of offensive material such as posters, screen savers, internet material etc.
- accessing or downloading sexually explicit material from the internet
- suggestive comments about a person's body or appearance
- sending rude or offensive emails, attachments or text messages.

5.7 (c) The Company is committed to maintaining a working environment which is free from sexual harassment. The Company regards sexual harassment as a serious issue and will treat any complaints in a sensitive, fair and confidential manner.

6. Victimisation

- 6.1 Victimisation occurs when a person victimises another person who lodges a discrimination or harassment complaint or takes certain related actions.
- 6.2 Victimisation of others is unlawful. The intention of such protective measures is to ensure that a person who wants to use or does use their statutory rights to protect themselves against discrimination or harassment, is not further disadvantaged by other detriments being imposed on them.
- 6.3 Disciplinary action will be taken against an employee who is found to have engaged in threatening or other inappropriate action against a person who has complained of harassment.

7. Bullying

- 7.1 Bullying is repeated, unreasonable behaviour directed towards a worker, or group of workers, that creates a risk to health and safety. Single incidents of unreasonable behaviour can also create a risk to health and safety, *(including putting at risk people's psychological wellbeing)*.
- 7.2 A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person however actually have that effect.
- 7.3 Bullying may involve physical or verbal abuse, aggression, violence or intimidation, or it may be more subtle or indirect. Bullying behaviours include but are not limited to;
- (a) Spreading misinformation or malicious rumours
 - (b) putting new staff through "initiation rituals";
 - (c) verbal abuse, violent threats, sarcasm or other forms of demeaning or intimidating language or communication;
 - (d) constant negative criticism or "nit-picking"
 - (e) teasing or regularly making someone the focus of pranks or practical jokes
 - (f) threatening to take unjustified action against a person unless they comply with unreasonable requests;
 - (g) placing unreasonable work demands on people, such as overloading them with work;



- (h) deliberately isolating a staff member by refusing to talk to or interact with them

7.4 Managing employees includes directing the way in which work is performed, undertaking performance management processes and providing feedback (even if negative), and disciplining staff. This does not constitute bullying provided it is done in a reasonable manner.

7.5 Examples of reasonable management practices include:

- (a) setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience
- (b) allocating work fairly
- (c) rostering and allocating working hours in a fair and reasonable manner
- (d) transferring an employee for legitimate and explained operational reasons
- (e) deciding not to select an employee for promotion, following a fair and documented process
- (f) informing an employee about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- (g) informing an employee about inappropriate behaviour in an objective and confidential way
- (h) implementing organisational changes or restructuring
- (i) conducting performance management processes

8. Responsibilities

8.1 The Company has a duty of care to its employees to take reasonable steps to prevent unlawful harassment and discrimination.

8.2 Managers and supervisors have a responsibility to:

- (a) Understand and comply with this policy;
- (b) Monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
- (c) Model appropriate behaviour;
- (d) Ensure that all employment, advancement and training decisions are consistent with this policy;
- (e) Seek appropriate advice and assistance when dealing with formal or informal complaints.

8.3 All persons have a responsibility to

- a) understand and comply with this Policy
- b) ensure they do not engage in any unlawful conduct towards other employees, contractor, customers/clients or others with whom they come into contact through work
- c) ensure they do not aid, abet or encourage other persons to engage in unlawful conduct
- d) follow the Complaints and Grievance Policy if they experience any unlawful conduct
- e) report any unlawful conduct they see occurring to others in the workplace in accordance with the Complaints and Grievance Policy



f) maintain confidentiality if they are involved in the complaint procedure.

8.4 Employees and other workers on site should be aware that they can be held legally responsible for their unlawful conduct.

8.5 Employees and other workers on site who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

9. Handling of complaints or breaches of this policy

9.1 Breaches of this policy will be treated seriously.

9.2 Employees and other workers on site who become aware of a breach or suspected breach of this policy are encouraged to discuss the matter with their supervisor, manager, EO Contact Officer (*contact details found in 9.7*) or HR (*in the case of bullying*) on a confidential basis. No one who reports bullying will be victimised and reports will be investigated quickly and fairly.

9.3 Any worker on site who believes they are the victim of discrimination or harassment may deal with the matter:

(1) **Informally** - by confronting the person with whom they are aggrieved; and/or

(2) **Formally** - by using the Company's grievance procedure.

9.4 Should the worker elect to raise a formal grievance; the Company may carry out an investigation. Alternatively, the Company may take whatever action it deems necessary to attempt to resolve the employee's grievance.

9.5 If after an investigation by the Company, an employee's complaint or statement is found to be false and malicious, disciplinary action may be taken against the employee.

9.6 If an employee's complaint is substantiated, the Company may take disciplinary action up to and include termination of employment/contract.

9.8 **Quantem EO Contact Officer is Kalia Loche – 03 9604 2900.**

10. FAILURE TO COMPLY

10.1 If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Company terminated or not renewed.



SCHEDULE A

JURISDICTION	LEGISLATION
Commonwealth	<i>Sex Discrimination Act 1984</i> <i>Age Discrimination Act 2004</i> <i>Racial Discrimination Act 1975</i> <i>Disability Discrimination Act 1992</i> <i>Australian Human Rights Commission Act 1986</i>
New South Wales	<i>Anti-Discrimination Act 1977 (NSW)</i>
Victoria	<i>Equal Opportunity Act 1995 (VIC)</i>
Queensland	<i>Anti-Discrimination Act 1991 (QLD)</i>
South Australia	<i>Equal Opportunity Act 1984 (SA)</i>
Tasmania	<i>Sex Discrimination Act 1994 (TAS)</i>
Australian Capital Territory	<i>Discrimination Act 1991 (ACT)</i>
Northern Territory	<i>Anti Discrimination Act 1996 (NT)</i>
Western Australia	<i>Equal Opportunity Act 1984 (WA)</i>
New Zealand	<i>Employment Relations Act 2000</i> <i>Human Rights Act 1993</i>

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