



**SITE SERVICES**  
**HOLDINGS**

# BULLYING, HARASSMENT & DISCRIMINATION PROCEDURE

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## 1. PURPOSE

To:

- Promote an environment which values diversity and is free from Discrimination, Bullying, Harassment, Victimisation and Vilification where all Employees are treated with dignity, courtesy and respect
- Implement procedures and awareness raising strategies to ensure that all Employees know their rights and responsibilities in order to provide a safe and inclusive work, teaching and learning environment
- Provide opportunities for Employees to resolve complaints in a fair, timely and confidential manner
- Encourage the reporting of behaviour which breaches this Policy and protect complainants from victimisation or reprisals when making a complaint
- Ensure that the Company complies with its legal responsibilities in accordance with the relevant Acts.

## 2. SCOPE

This procedure applies to all persons involved in Company related activities including Employees of the Company (and any subsidiary or related entity), contractors, consultants and those who provide services to the Company.

## 3. DEFINITIONS & ABBREVIATIONS

Term	Definition
Bullying	Bullying occurs where an individual or group of individuals repeatedly behaves unreasonably towards a person or group of persons, and that behaviour creates a risk
Company	The term 'Company' means Site Services Holdings, its subsidiaries and any related
Complainant	A person who has made a complaint against another Employee, visitor, contractor etc, of the Company.
Complaint	An expression of dissatisfaction made in relation to an action of the Company or a Company Employee, where a response or resolution process is expected wherever possible. A complaint may result in an investigation process.
Contractor	A person who performs work at Company premises, or on behalf of the Company, but who is not directly employed by the Company. This includes labour hire, agency, independent contractors and those employed by sub-contracting organisations.



Decision	A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the Company.
Discrimination	Occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities.
Employee	A person employed by the Company and includes persons employed on a continuing, fixed term or casual basis.
Harassment	Occurs when a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. Harassment may include behaviour, comments or images which a reasonable person would consider to be offensive, humiliating, intimidating or threatening.
Mediation	A process in which parties to a dispute, with the assistance of a neutral third party ('the Mediator'), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The Mediator has no advisory or other determinative role with regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.
Mediator	An individual with appropriate experience and training appointed by the Company to assist the parties to a dispute to negotiate a solution which is acceptable to both of them but not to determine what that solution will be.
Respondent	A member of the Company against whom a Complaint has been made.
Sex Based Harassment	<p>Defined as any 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, or where a reasonable person would anticipate that reaction in the circumstances. Unwelcome conduct of a sexual nature includes making a statement of a sexual nature to a person, or in another person's presence, whether orally or in writing.</p> <p>Sex Based Harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment. The Company recognises that sex based harassment is an abuse that can be experienced by either gender and regardless of the sexual orientation of the persons involved.</p>



Victimisation	Any unfavourable treatment, or threats of unfavourable treatment against a person as a result of their actual or intended involvement in a complaint. The involvement might include making a complaint, supplying information and producing documents to someone making a complaint or acting as a witness in an investigation or proceeding. Unfavourable treatment may include adverse changes to their work environment, denial of access to resources, work opportunities or training, ignoring the person or lower assessment of work.
Vilification	The incitement of hatred, serious contempt or severe ridicule of a person on the basis of the race, religion, sexuality or gender identity of a person or group. It can take several forms including hate-speech, graffiti, websites and the distribution of propaganda or other forms of offensive literature. Vilification includes threatening physical harm to a person or their property or inciting others to threaten physical harm to a person or to their property.
Workplace Bullying and Harassment	<p>Workplace Bullying and Harassment, under the Fair Work Act 2009, occurs where an individual or group of individuals repeatedly behaves unreasonably towards an Employee or group of Employees at work, and that behaviour creates a risk to health and safety. Within this definition:</p> <p>Repeated Behaviour refers to the persistent nature of the behaviour and can range in behaviours over time.</p> <p>Unreasonable Behaviour is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable. This may include but is not limited to behaviour that is victimising, humiliating, intimidating or threatening.</p> <p>A Risk to Health and Safety means the possibility of danger to health and safety, and is not confined to actual danger to health and safety.</p>

#### 4. PROCEDURE OVERVIEW

The Company is actively committed to protecting the rights of Employees to achieve their full potential in an environment which values and affirms diversity and is free from discrimination, bullying, harassment, victimisation and vilification. The Company will take all reasonable steps and actions to ensure that Employees will be treated fairly and with dignity and respect whilst working at the Company.



## 5. PROCEDURES

As outlined in the Code of Conduct, individuals are responsible for making themselves aware of and adhering to Company policy on all forms of discrimination, bullying and harassment.

Discrimination, bullying and harassment will not be tolerated at the Company under any circumstances and may in fact be unlawful under State or Commonwealth law.

## 6. FORMS OF DISCRIMINATION

The Anti-Discrimination Act 1991 prohibits Discrimination on the basis of the following attributes:

- Sex and gender identity
- Relationship status
- Parental status and family responsibilities
- Race
- Religious belief or activity
- Political belief or activity
- Impairment
- Trade union activity
- Pregnancy and breastfeeding
- Sexuality and lawful sexual activity
- Age
- Or an association with, or relation to, a person identified on the basis of any of the above attributes.

Discrimination can either be direct or indirect.

Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. An example of direct discrimination is failing to employ someone because he or she is in a wheelchair.

Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

## 7. FORMS OF HARASSMENT

Under federal and state legislation, it is unlawful to harass someone based on any of the attributes specified under the anti-discrimination or human rights legislation. Below are some examples of



behaviours that Harassment can take under particular attributes, however this is not an exhaustive list.

### **7.1. Sex Based Harassment**

Sex based harassment occurs when a person is subjected to unwanted sexual conduct which makes a person feel offended, humiliated and/or intimidated where that reaction is reasonable in the circumstances. Sex based harassment can take various forms such as:

- Unwelcome touching, hugging or kissing; staring or leering or suggestive comments; sending sexual material online or via email
- Unwanted invitations to go out on dates or requests for sex; insults and taunts based on a person's sex
- Behaviour which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

### **7.2. Disability Harassment**

Under the Disability Discrimination Act 1992, it is unlawful to harass someone based on their disability or based upon a relative or associate having a disability. Their disability may be in the past, the present or the future. Examples include:

- Making rude, abusive or insulting comments or using actions about a person's disability which are insulting or humiliating, such as suggestive pictures, jokes or computer screensavers
- Making comments or using actions which create a hostile environment
- Using overbearing or abusive behaviour with a person with a disability

### **7.3. Racial Harassment**

Racial harassment is any behaviour which is reasonably likely to 'offend, insult, humiliate or intimidate' and can consist of behaviour which negatively comments on a person's race, colour, nationality, accent or ethnic origin.

Examples include:

- Racially oriented ridicule, e.g. derogatory reference to physical features, skin colour or cultural and religious observances or imitating someone's accent
- Displaying or circulating racist cartoons or literature or writing racist graffiti
- Isolation or segregation on the basis of race or ethnicity wearing racist symbols (such as badges) or clothing with racist slogans in public



#### 7.4. Sexuality

Harassment under the grounds of sexuality covers those who are heterosexual, lesbian, gay or bi-sexual. Vilification is also prohibited on the basis of sexuality or gender identity. Examples include:

- Using derogatory language on the phone, in person or in online discussions to describe a person based on their sexuality or their sexual preference
- Using posters in public places to abuse people because of their sexuality
- Websites inciting hatred of people who are gay or lesbian, or deriding people on the basis of their sexuality in public meetings

#### 7.5. Gender-based Harassment

Gender-based harassment is defined as a person who identifies as a member of the opposite sex by living or wanting to live as someone of that sex, or a person of indeterminate sex, who seeks to live as a member of a particular sex.

It can include behaviour such as:

- Telling someone to use a toilet that doesn't fit with that person's gender self-identity
- Derogatory language such as referring to someone as "it", remarks, jokes or practical jokes
- Employees discussing a person and making derogatory comments

#### 7.6. Age-based Harassment

Age based harassment consists of negative references resulting from stereotypes of what people are capable of doing at a particular age. It may include:

- Derogatory remarks about a person's age, mental and physical capabilities and appearance
- Patronising or humiliating someone because of their age
- Isolation or segregation based on someone's age
- Circulating ageist cartoons or literature, displaying offensive age related material on walls, online or on computer screens

#### 7.7. Workplace Harassment

Workplace harassment may include:

- Physical or verbal abuse



- Excluding or isolating a person from normal work interaction, training and development or career opportunities
- Psychological harassment such as meaningless tasks, assigning tasks beyond a person's skills
- Repeated threats of dismissal or other severe punishment for no reason
- Giving an impossible job/ deadline; deliberately withholding information/ resources; hiding equipment
- Maliciously excluding or isolating a person from work activities
- Insulting messages or gestures, such as leaving offensive messages on email or the telephone
- Inappropriate use of discussion boards and interactive chat rooms
- Humiliating a person through gestures, using sarcasm, belittling opinions, patronising or intimidating remarks
- Spreading misinformation or malicious rumours
- Constant criticism or insults
- Displaying written or pictorial material which may degrade or offend certain Employees

## 7.8. Bullying

Bullying occurs where an individual or group of individuals repeatedly behaves unreasonably towards a person or group of persons, and that behaviour creates a risk to health and safety.

Bullying may include:

- Physical or verbal abuse
- Intimidation or repeated threats
- Maliciously excluding or isolating a person
- Unacceptable aggressive behaviour
- Insulting messages or gestures
- Humiliating a person through gestures, using sarcasm, belittling opinions, patronising or intimidating remarks
- Spreading misinformation or malicious rumours
- Constant criticism or insults
- Spreading gossip or false, malicious rumours about a person with an intent to cause that person harm or distress



### 7.9. What is not Discrimination, Bullying or Harassment

Managers have responsibilities to manage and supervise their Employees, particularly with regard to unsatisfactory performance of duties. Such comment and advice may include critical statements and feedback along with monitoring and review of work and academic performance. The act of correcting Employees, pointing out areas for improvement, invoking performance counselling or misconduct procedures does not in itself constitute bullying or harassment. Managers and Supervisors have a responsibility to establish and maintain a workplace free from bullying and harassment by offering constructive and legitimate advice and comment in a way that does not demean or humiliate Employees.

## 8. RESPONSIBILITIES

The Company will take all reasonable steps to prevent or minimise unlawful discrimination, bullying, harassment, victimisation and vilification against Employees in the workplace. It will implement and monitor specific policies, procedures and training programs to help minimise the scope and impact of discriminatory attitudes and practices in the workplace. The Company will proactively monitor identified workplace concerns, and implement strategies and support to minimise risks to Employees and the organisation.

All staff must:

- Comply with the organisation's Bullying, Harassment and Discrimination Policy & Procedure
- Treat everyone with dignity, courtesy and respect
- Follow the standards of behaviour outlined in this policy
- Offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- Avoid gossip and respect the confidentiality of complaint resolution procedures
- Maintain complete confidentiality if they provide information during the investigation of a complaint

Managers and Supervisors have a particular responsibility to:

- Ensure that their workplace is free from discrimination, bullying and harassment
- Inform all Employees clearly of what is and is not acceptable behaviour and advise that if claims are substantiated, then disciplinary procedures may be invoked
- Inform Employees of the support available to them for resolving complaints including the support offered by Supervisors, Managers and Human Resources



- Inform Employees of their rights and provide the appropriate policy and procedures to resolve concerns
- Ensure that Employees not be made to feel that they should take certain action, or no action
- Ensure that Employees who make a complaint are not victimised and respect their privacy and confidentiality at all times
- Ensure that the policies and procedures in relation to the resolution of a complaint are followed as written
- Seek appropriate assistance from Human Resources or a Manager if required

Human Resources in conjunction with the General Manager, are responsible for:

- Education and training within the Company to eliminate discrimination, bullying and harassment
- Providing advice to Managers and Supervisors on discrimination, bullying and harassment
- Encourage due recognition to the history and experiences of the Aboriginal and Torres Strait Islander Peoples of Australia and other ethnic groups
- Providing advice to Employees regarding discrimination, bullying and harassment
- Securely archiving all documentation pertaining to complaints according to Company policy

## 9. MANAGING COMPLAINTS

Complaints of discrimination, bullying and harassment will be treated seriously by the Company and will be managed promptly in a thorough and confidential manner.

It is in the interest of any person or group who believe they have been unlawfully discriminated against, sexually harassed, bullied or victimised to take action to prevent the behaviour from recurring. Site Services Holdings believes that all disputes and issues of concern should be resolved quickly, confidentially (where possible) and wherever possible, at the lowest appropriate level.

By not addressing discrimination, bullying and harassment, when and if it occurs, the problem cannot be resolved and other people may be subjected to conduct, which may be unlawful, which is not tolerated by the Company on any level.

If a concern is with an immediate Supervisor, the Employee can ask for assistance from that Supervisor's Manager.

A range of issue resolution options are available including:



- Self-resolution
- Informal resolution by immediate Manager/ Supervisor/ Human Resources
- Local workplace resolution involving mediation and conciliation
- Formal investigation/ assessment by either management or external provider

If you consider you have been discriminated against, bullied or harassed it should be dealt with and should not be ignored. Anybody who experiences or witnesses discrimination, harassment or bullying is encouraged to either:

- In the first instance (where safe) inform the offender that the behaviour is offensive and unacceptable and against company policy; or
- Seek assistance in having the behaviour stopped

If you feel that you are unable to resolve the matter yourself, the following people will be able to assist you:

- Your immediate Supervisor or Manager
- The Site Services Holdings Operations Manager
- Site Services Holdings Human Resources

### **9.1. Making a Complaint**

If you feel that you would like to raise a formal complaint requiring investigation this must be done in writing and addressed to the Operations Manager or Human Resources and you will be contacted to discuss resolution options.

Any complaints or reports of discrimination, harassment or bullying will be treated quickly, seriously and sensitively. Should investigation be appropriate, they will be investigated thoroughly, impartially and where possible, confidentially (when investigating some complaints confidentiality is not always possible). Managers, in conjunction with Human Resources will act immediately on any reports of harassment or bullying. Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint. However, decisions may be made that impact the Employee in an effort to minimise any further risk to the Employee, and will be discussed with the Employee. Complainants will be advised of the outcome of their complaint in due course.

## **10. DISCIPLINARY ACTION**

Management considers all forms of workplace discrimination, harassment and bullying to be unacceptable behaviour which will not be tolerated. Accordingly, where such complaints have



been substantiated, appropriate disciplinary action will be taken. Such action may range, based on severity of the complaint, and can include:

- Training
- A formal warning,
- Reduction or alteration of work roster
- Variation to reporting lines or role
- Termination of employment for serious breaches of this policy.

#### 10.1. Natural Justice

A complaint of discrimination, harassment and/or bullying is a serious allegation to bring against someone. It is crucial to continually bear in mind the rights of the respondent as determined by the principles of natural justice.

### 11. FRIVOLOUS AND VEXATIOUS COMPLAINTS

Complaints which, at any stage of an investigation are found to be unsubstantiated, misconceived, frivolous, vexatious or not lawful by reason of a provision contained in legislation, or in breach of this procedure, the Company may dismiss the complaint.

Employees who deliberately make false or malicious (vexatious) complaints may be subjected to disciplinary action.

### 12. RELEVANT LEGISLATION

- *Sex Discrimination Act 1984 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Fair Work Act 2009 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Age Discrimination Act 2004 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth).*

### 13. RELATED POLICIES

- Code of Conduct