

## Anti-Discrimination, Bullying and Harassment Policy

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### 1. Purpose

Deterra is committed to providing a workplace which is free from bullying, harassment and unlawful discrimination. The organisation aims to ensure all those participating in the workplace are treated with respect, dignity and fairness with an aim of creating an inclusive environment which promotes positive working relationships.

This policy and procedure is designed to ensure that all employees understand what will be regarded as bullying and harassment, how complaints of bullying and harassment can be made and how claims will be treated by Deterra.

This policy and procedure set out the types of behaviours and conduct which will be taken to constitute bullying and harassment and establishes procedures for handling complaints of bullying and harassment in the workplace.

### 2. Scope

This policy applies to all employees and contractors of Deterra. This policy and procedure is not limited to the workplace or working hours, and will include all work related events which includes, but is not limited to: lunches, client functions, meetings and conferences as well as Christmas parties.

This policy also relates to, but is not limited by, the following types of communication:

- Verbal communication either by telephone or in person in the workplace, and outside of it;
- Written communication, including letters, notes, minutes of meetings etc.;
- Internal and external electronic communication including:
  - Email;
  - Instant messaging services;
  - Internal intranet;
  - Communication via MS Teams, Zoom, Face-Time and other platforms
  - Social media and networking forums, including Facebook, LinkedIn, Twitter and other forms of social media; and
  - Communications via text message.

Note: This list is not exhaustive.

### 3. Standards of Behaviour

In line with Deterra commitment to creating a workplace which is free from workplace health and safety risks and one which strives to create positive working relationships, all those covered by this policy and procedure are expected to observe the following minimum standards of behaviour, including:

- Being polite and courteous to others;
- Being respectful of the differences between people and their circumstances;
- Ensuring they do not engage in any bullying behaviour(s) towards others in, or connected with the workplace which includes customer, clients, Managers and other Managers;
- Ensuring they do not assist, or encourage others in the workplace, or in connection with the workplace to engage in bullying behaviour(s) of any type;
- Adhering to the complaint procedure in this policy if they experience any bullying and harassment behaviour(s) personally;
- Reporting any bullying and harassment behaviour(s) they see happening to others in the workplace, or connected with the workplace, in line with the complaint procedure outlined in this policy; and
- Keeping information confidential if involved in any investigation of bullying and harassment.

These standards of conduct are intended to operate in addition to, and in conjunction with Code of Conduct.

### 4. Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

**Directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

*For example, a worker is harassed and humiliated because of their race  
or*

*A worker is refused promotion because they are 'too old'*

**Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

*For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.*

#### **4.1 Protected personal characteristics under Federal discrimination law include:**

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

## **5. What is Bullying and Harassment?**

### **5.1 Bullying**

Bullying is repeated, unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety and is unlawful.

**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 or threatening.

Bullying can be by direct or indirect means.

**Direct bullying** occurs between the people involved, whereas indirect actions involve others, for example passing on insults or spreading rumours.

**Indirect bullying** mostly inflicts harm by damaging another's social reputation, peer relationships and self-esteem.

There is also no exhaustive list of behaviour that constitutes bullying. However, examples of conduct that could constitute bullying include:

- A Manager using a management style that is harsh, involves shouting, constant criticism or humiliation of an employee or group of employees in private or in front of their peers;
- An employee being treated less favourably 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;
- Sniggering or gossiping behind someone's back;
- Laughing at someone in the workplace which is intended to make them feel uncomfortable or distressed;
- Sabotaging another person's work;
- A Manager setting unreasonable timelines or constantly changing deadlines for an employee to meet, or setting tasks that are unreasonably below or beyond a person's skill level; and/or
- Continuously and deliberately excluding someone from workplace activities including ignoring them and keeping them isolated from relevant communications about work issues.

## **5.2 What is not bullying behaviour?**

Fair and reasonable management action taken in order to counsel an employee for instances of underperformance, investigating complaints made against employees, discipline for misconduct and other work directions in line with business needs does not amount to bullying.

## **5.3 Harassment**

Harassment occurs where a person engages in:

- uninvited or unwelcome behaviour which a reasonable person would expect would cause another person to be offended, humiliated or intimidated.
- It does not matter if the person who committed the act intended, or did not intend, to upset or cause offence to the other person. So long as the conduct was such that a reasonable person would expect that it would cause another person to be offended, then a breach of this policy will be found to have occurred.

Prohibited harassment can take many forms, for example, sexual harassment, bullying, disability harassment or racial or religious vilification although it is not limited to these forms of harassment.

Harassment prohibited under this policy may occur by way of:

- an ongoing pattern of behaviour;
- a series of incidents; or
- an isolated incident of harassment.

Harassment can be physical, verbal or written. It can include words, pictures or statements. It may be transmitted by post, phone, fax, video, e-mail, mobile phone text messages, posters or photographs, computer servers or screensavers.

#### **5.4 Sexual Harassment**

Sexual harassment is defined in the Sex Discrimination Act 1984 (Cth) (SD Act) as: 'any unwelcome conduct of a sexual nature that a reasonable person, having regard to all the circumstances would have anticipated would offend, humiliate or intimidate the other person.' Similar definitions are found in State and Territory anti-discrimination and equal opportunity legislation.

This means that sexual harassment will occur when:

- a person makes an unwelcome sexual advance or an unwelcome request for sexual favours, to the person harassed; or
- engages in other unwelcome conduct of a sexual nature in relation to the person harassed.

Depending on the circumstances, the following kinds of behaviour may be deemed sexual harassment:

- jokes or cartoons about someone's appearance, body shape, or any of the personal matter that may cause embarrassment and make people feel uncomfortable,
- sexual or physical contact such as putting your arm around someone, slapping them, kissing, touching or patting them,
- staring or leering in a sexual manner (looking someone up and down),
- standing too close to someone or brushing him or her as you walk past,
- verbal abuse or comments that put down or stereotype people because of their sex, appearance or sexual preference; these gestures may not need to be obviously crude for the behaviour to be deemed sexual harassment,
- offensive gestures and "wolf" whistling,
- displaying in the workplace or in personal belongings material that is sexist, sexually explicit or homophobic (anti-gay); this includes offensive e-mails, screensavers or computer 'wallpaper',
- repeated sexual invitations when the person invited has refused similar invitations before,
- intrusive questions or remarks about a person's sexual activities or private life.

#### **5.5 Conduct must be 'unwelcome'**

Conduct will only be sexual harassment if it is 'unwelcome'. Consensual conduct will not be 'unwelcome'.

### **5.6 Intention is irrelevant**

You do not need to intend to offend, humiliate or intimidate, or even to know that this was the effect of your behaviour for this conduct to be sexual harassment. For example, a practical joke that 'everyone else thinks are funny' can amount to sexual harassment of somebody else who finds it offensive.

## **6. Victimisation**

Anyone who makes a complaint, or intends to make a complaint about discrimination, harassment, sexual harassment, workplace bullying or occupational violence, is protected from being victimised.

This protection extends to an employee who gives evidence or information in connection with such a complaint and to an employee who makes an allegation of discrimination, harassment, sexual harassment, workplace bullying or occupational violence even if no formal complaint is made.

If an employee feels they have been victimised for bringing a complaint under this policy, they can also pursue a victimisation complaint under this policy and it will be dealt with in the same manner as a complaint for discrimination, harassment, sexual harassment, workplace bullying or occupational violence.

## **7. Responsibilities**

### **7.1 Responsibilities of all employees**

To treat all colleagues, contractors, suppliers, customers, clients and members of the public with dignity and respect in accordance with our policy and to ensure that they do not discriminate, harass or bully other employees.

### **7.2 Responsibilities of Managers**

To ensure all employees behave in a manner consistent with our policy and take action immediately when a concern regarding breach of this policy is brought to their attention.