

Bullying, Harassment & Equal Opportunity

We recognise that we have a positive duty to provide a safe, respectful and flexible work environment free from bullying, harassment, sexual harassment, and discrimination.

This policy applies to all staff including employees, contractors and subcontractors, labour hire workers, outworkers, apprentices and trainees and volunteers, as well as other third parties like clients and suppliers, so far as their behaviour affects workers and vice versa.

This policy also covers all work-related functions and activities including external training courses sponsored by the Company and Company social events. It also applies to all recruitment, selection, and promotion decisions.

Harassment, Sexual Harassment, Bullying and Discrimination

We are committed to providing a workplace free from harassment, sexual or sex-based harassment, bullying and discrimination.

Behaviour that constitutes any of the above will not be tolerated and will lead to action being taken, which may include dismissal and/or criminal proceedings.

Harassment

Anti-discrimination law defines harassment as any form of behaviour that:

- you do not want
- offends, humiliates or intimidates you
- creates a hostile environment

It may be perpetrated by a person in a position of power, for example your supervisor at work, or it may occur where there is no power relationship, for example among work colleagues. Harassment may include, but is not limited to:

- telling jokes about minority or racial groups
- making derogatory comments about someone's race or religion
- belittling the opinions of another person
- making a person feel isolated, alienated or excluded
- undermining work performance or inappropriately withholding information
- spreading rumours
- threats and intimidation

Sexual Harassment

Sexual harassment includes unwelcome conduct of a sexual nature in circumstances in which it could reasonably be expected to make a person feel offended, humiliated, or intimidated such as:

- an unwelcome sexual advance
- an unwelcome request for sexual favours
- sending explicit or sexually suggestive emails or messages
- asking personal questions about someone's personal or sex life
- unwanted touching
- indecent phone call(s)
- indecent exposure
- distributing or posting pictures or videos of the person, that were sexual in nature, without their consent
- exposure to pictures, videos or materials which were sexual in nature that the person did not wish to see

Whether behaviour is sexual harassment depends on how a reasonable person would interpret the behaviour in that situation. Behaviour that is sexual harassment in one situation may not be in a different situation. Examples of sexual harassment might include (but are not limited to):

- inappropriate physical contact, such as unwelcome touching
- staring or leering
- a suggestive comment or joke
- a sexually explicit picture or poster
- an unwanted invitation to go out on dates
- a request for sex

- intrusive questioning about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- an insult or a taunt of a sexual nature
- a sexually explicit email or text message
- sexual assault

A person could also be sexually harassed by being exposed to or witnessing this kind of behaviour. For example, overhearing a conversation or seeing a sexually explicit poster in the workplace.

Sexual harassment doesn't have to be repeated or continuous. It can be a one-off incident. Sexual harassment in connection to employment is prohibited under the Fair Work Act and may constitute serious misconduct that results in instant dismissal. Sexual harassment may also result in a criminal offence under criminal law.

It is also unlawful for a person to subject another person to a workplace environment that is hostile on the grounds of sex. Conduct that could result in people of one sex feeling unwelcome or excluded by the general work environment and could potentially breach this prohibition includes displaying obscene or pornographic materials, general sexual banter, or innuendo and offensive jokes.

Workplace bullying

Bullying is repetitive behaviour towards an employee or group that creates a risk to their health and safety. Some examples of recurring behaviour which constitute bullying include, but are not limited to:

- Physical or verbal abuse
- Intimidation
- Yelling or offensive language
- Exclusion or isolation
- Psychological harassment
- Assigning meaningless, unrelated tasks
- Assigning impossible tasks/deadlines

- **Deliberately changing timeframes or rosters to inconvenience one or more employees**
- **Deliberately withholding information to undermine effective work performance**

Grievances, performance management and disciplinary action do not necessarily constitute bullying, provided they are on reasonable grounds.

Discrimination

Discrimination is where a person treats, or proposes to treat, someone less favourably due to a particular attribute the person may have.

Direct discrimination happens when a person is treated less favourably than another person in a similar situation. Indirect discrimination can happen when employers or service providers put in place conditions, requirements or practices which appear to treat everyone the same, but which disadvantage some people because of a protected attribute. If the condition or requirement is unreasonable, it could be unlawful discrimination.

Protected attributes under the Fair Work Act are:

- **race**
- **colour**
- **sex**
- **sexual orientation**
- **age**
- **physical or mental disability**
- **marital status**
- **family or carer's responsibilities**
- **pregnancy**
- **religion**
- **political opinion**
- **national extraction**
- **social origin**
- **breastfeeding**
- **gender identity**
- **intersex status**

Reporting

You should immediately report any behaviour that constitutes harassment, sexual harassment, bullying or discrimination to your manager or other nominated person.

Individuals alleging that they have been sexually harassed at work can also make an application to the Fair Work Commission to make a stop sexual harassment order and/or to conciliate, mediate and by agreement make settlement orders.

For more information, please see the Grievances Policy.

You will not be victimised or treated unfairly for raising an issue or making a complaint.



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