

HARASSMENT AND DISCRIMINATION
Information & Procedure Manual

HARASSMENT AND DISCRIMINATION HR MANUAL



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1. INTRODUCTION

Employees have a right to a workplace free of harassment and discrimination of any kind, and Employers have an obligation to provide it. This requires specific preventative measures and clear mechanisms for making complaints and carrying out investigations.

Workplace harassment/discrimination is unlawful. Employers are required by law to take every reasonable step to preventing unlawful behaviour in the workplace. Any Employer who fails to do this can be prosecuted along with the offending Employee or Employees.

This handout provides information on discrimination and harassment including:

- Definitions on what constitutes discrimination and harassment
- Consequences and how they may affect you the Employee
- Information on your site Contact Officer
- Grievance procedures
- A copy of the Company's policy for your reference.

2. WHAT IS HARASSMENT/DISCRIMINATION?

Workplace harassment/discrimination is based on intimidation and intolerance with an underlying element of power and control. It is usually related to some perceived difference in another workers' appearance, life-style, culture or abilities, and it is usually directed at someone who is not in a position to stop it easily.

Workplace harassment/discrimination covers a wide range of behaviours, many of which are so commonplace that they are often overlooked or dismissed as unimportant.

When the harassment involves discrimination against another worker on the basis of race, gender, religion, ethnicity, marital status, impairment, pregnancy, age, or sexual preference it is illegal and may lead to prosecution.

The WA Equal Opportunity Act 1984 defines sexual harassment as:

"An unwelcome sexual advance, an unwelcome request for sexual favours or unwelcomed conduct of a sexual nature."

The Act also requires that a person who is harassed either:

"Has reasonable grounds for believing that they will be disadvantaged in their employment if they reject the advance, refuse the request or object to the conduct; or

Is actually disadvantaged because of their rejections, refusal or objection."

Sexual harassment is one form of workplace harassment, and includes emails sent with sexually related images and screen savers depicting sexual pictures, but there are a number of other easily identifiable forms which do not have a sexual component. These include jokes and innuendo, name calling, ridicule, leering, practical jokes, invasive questioning, belittling comments, invasion of personal space, physical contact – purposely touching, indecent exposure and assault to name a few.

Workplace harassment/discrimination is always bad work practice. It interferes with productivity, lowers workplace morale, and may even be dangerous, resulting in accidents.

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3. THE ROLE OF YOUR CONTACT OFFICER

Your site Contact Officers are listed on the general noticeboards around site, in the Village and on the Intranet.

These people are available, given reasonable restrictions, to all Employees who may have Harassment and Discrimination issues both during and after normal working hours.

Your Contact Officer is the first point of contact with respect to a grievance in relation to Harassment and Discrimination.

They can provide you with information as to the types of behaviour, which constitute harassment and discrimination.

Their role is to **facilitate** in all areas dealing with complaints, and provide some basic counselling when required. Your Contact Officer is aware of the major confidentiality issues that surround these types of complaints and has been effectively trained for this role.

You can be assured if you make a complaint that it **will be treated with strict confidentiality** and only those who need to know will receive information. It is hoped that most disputes can be settled by negotiation without the matter becoming formal. In many instances this will be the case however, if necessary, formal channels may be utilised to resolve the complaint.

4. EMPLOYEE CONSEQUENCES

- The Company will not tolerate discrimination or harassment of its Employees.
- The Company will take whatever action is necessary to prevent it occurring including demotion or dismissal.

5. CODE OF CONDUCT

As Employees you have a responsibility to avoid saying, doing or writing anything which could constitute harassment or discrimination and thereby make another work colleague feel annoyed, embarrassed, intimidated, distressed, anxious, scared, threatened or humiliated.

6. GRIEVANCE PROCEDURES

The grievance procedure is a system that provides Employees with a guide to resolving any issues relating to matters of a discriminatory or harassing nature. The emphasis of this procedure is upon resolution of the complaint, not retribution on behalf of the complainant. Wherever possible Staff will be encouraged to resolve their grievance directly with the person creating the alleged offence. The principle aims of the procedure are to ensure:

1. That any unfair treatment or offending behaviour stops.
2. That there are no reprisals for having made a complaint.
3. That where disadvantage has occurred the situation is redressed as far as possible to the complainant's satisfaction.
4. Refer to the following policy pages for details about the formal process should a complaint be lodged.

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8. GRIEVANCE PROCEDURE

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<p>1. The Grievance Procedure is a system that provides Employees with a guide to resolving any issues relating to matters of a discriminatory or harassing nature.</p> <p>The Company has Contact Officers who will act as facilitators in the event that an Employee wishes to utilise this grievance procedure.</p> <p>The emphasis of the grievance procedure is the resolution of the complaint, not retribution on behalf of the complainant. Wherever possible, Staff will be encouraged to resolve their grievance directly with the person creating the offence.</p> <p>The principal aims of the grievance procedures is to ensure:</p> <ul style="list-style-type: none"> • that any unfair treatment or offending behaviour stops; • that there are no reprisals for having made a complaint; and • that where disadvantage has occurred the situation is redressed as far as possible to the complainant's satisfaction. <p>AusQuest's Grievance Procedure is a three option process as follows:</p> <ul style="list-style-type: none"> • Informal Complaint; • Conciliation; and • Formal Investigation and Arbitration. 	<p>Grievance Procedure</p>
<p>2. AusQuest encourages individuals who believe they are victims of harassment or discrimination to speak directly to the person creating the offence. If this is not possible or this approach has failed, the individual should speak with their Contact Officer who will assist them with their grievance.</p>	<p>Informal Complaint</p>
<p>3. Where an individual is unable to resolve the complaint informally they may request, with the assistance of the Contact Officer, for the matter to be referred for conciliation. The Contact Officer will inform the General Manager and the Human Resources Department of the referral of the matter for conciliation.</p> <p>The General Manager and the Human Resources Department will jointly appoint an independent person to facilitate the conciliation of the complaint.</p> <p>The Facilitator will inform in confidence the person or persons against whom the complaint is being made of the nature of the</p>	<p>Conciliation</p>

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complaint and offer conciliation.

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<p>If conciliation is refused by the respondent to the complaint, the conciliation between the complainant and the respondent is not successful in either the short or long term, the complainant may request of the Contact Officer or Facilitator that the matter be formally investigated and arbitrated.</p> <p>The Facilitator or Contact Officer will ask the complainant for their request for arbitration to be put in writing along with details of their complaint. The Contact Officer should offer their assistance in completing these formalities.</p> <p>The Contact Officer or Facilitator will inform the General Manager and the Human Resources Department that the attempted conciliation has been unsuccessful and that the complainant has requested that the matter be formally investigated and arbitrated.</p> <p>4. The General Manager and Human Resources Department will jointly appoint an independent person who will investigate and arbitrate the complaint.</p> <p>The Investigator will provide the respondent to the complaint with a copy of the written complaint and provide them with information on the process that will be used to investigate and arbitrate the complaint. The respondent will be asked to provide the investigator with a written response to the complaint within seven days. The investigator may extend the time by which a response is required, should the respondent so request, if they deem that to refuse would result in the respondent not having had a fair and reasonable opportunity to respond.</p> <p>The Investigator will interview all persons they deem appropriate and will have unrestricted access to all documents, information and Employees necessary to complete a thorough investigation.</p> <p>The Investigator will determine the validity or otherwise of the complaint and provide their findings in writing, with reasons for their conclusions, to the General Manager and Human Resources Department.</p> <p>If a complaint has been substantiated, the results will be communicated to the parties and the respondent will be subject to disciplinary action as outlined in AusQuest's Disciplinary Procedures. This action could include a verbal warning, written warning or summary dismissal if this is deemed appropriate.</p> <p>If a complaint is not substantiated, the finding will be communicated to the parties. No record of the matter will be placed on personnel files.</p>	<p><i>Formal Investigation & Arbitration</i></p>

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