



## Workplace Discrimination and Harassment Policy

Weartek is committed to providing a safe, flexible and respectful environment for staff and clients free from all forms of discrimination, bullying and sexual harassment.

Weartek aims to achieve a harmonious workplace and recognises the right of all people who interact with us to be treated with dignity and respect. In accordance with legislation Weartek recognises the right of all people to work in an environment that is free from unlawful discrimination, harassment, bullying, or victimisation.

By effectively implementing our Workplace Discrimination and Harassment Policy we will attract and retain talented staff and contractors and create a positive environment for all.

The purposes of this policy is to encourage a positive workplace culture and to prevent unacceptable conduct. It sets out the processes and options available to all Weartek personnel who encounter unacceptable conduct.

Weartek will promote appropriate standards of conduct at all times and take appropriate action against any employee or contractor who breaches this policy. It commits to implement strategies to ensure that all employees and contractors know their rights and responsibilities and are protected in relation to those rights.

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### Scope

This policy applies to:

- Company Directors
- all employees, including managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers
- how Weartek provides services to clients and how it interacts with other members of the public
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- on-site, off-site or after-hours work; work-related social functions; conferences – wherever and whenever employees or contractors may be as a result of their Weartek duties
- employee treatment of other employees, of clients, and of other members of the public encountered in the course of their Weartek duties



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## **Employee Rights and Responsibilities**

All employees and contractors are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and sexual harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All employees and contractors must:

- 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
- treat everyone with dignity, courtesy and respect.

## **Additional responsibilities of manager and supervisors**

Directors, managers and supervisors must also:

- model appropriate standards of behaviour
- take steps to educate and make staff aware of their obligations under this policy and the law
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- help staff resolve complaints informally
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- ensure staff who raise an issue or make a complaint are not victimised
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- seriously consider requests for flexible work arrangements.



## Unacceptable Workplace Conduct

Weartek employees or contractors must not engage in unacceptable conduct in the workplace. All employees and contractors are required to treat others with dignity, courtesy and respect. Discrimination, bullying and sexual harassment are unacceptable at Weartek and are unlawful under the following legislation:

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

Employees or contractors (including directors and managers) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

## 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.*

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.

## **Bullying**

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.



Bullying is unacceptable in Weartek and may also be against occupational health and safety law.

### **Sexual harassment**

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All employees and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Weartek recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff, contractors and volunteers to respect other people's limits.



## **Victimisation**

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Weartek has a zero tolerance approach to victimisation.

## **Gossip**

It is unacceptable for staff at Weartek to talk with other staff members, clients or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

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## **Merit at Weartek**

All recruitment and job selection decisions at Weartek will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

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## **Resolving Issues at Weartek**

Weartek strongly encourages any employee or contractor who believes they have been discriminated against, bullied, sexually harassed or victimised, or witnessed this behaviour towards another employee/contractor, to take appropriate action by following the procedure outlined below. All discussions will remain confidential amongst those required to investigate or legally required to know.

Weartek's nominated Workplace Contact Officer is Nick Pearce.





## Procedure to Report Bullying or Harassment

### PROCEDURE: REPORTING BULLYING, HARASSMENT OR DISCRIMINATION

- If you believe you have been the victim of or witnessed bullying, harassment or discrimination by a client or contractor, you should raise this with the Weartek Managing Director in a timely fashion. Any action taken will be done in consultation with you.
- If you believe you have been the victim of or witnessed bullying, harassment or discrimination by a fellow employee, and if you feel able to do so, you should speak with the person regarding the unwanted, unwelcome or inappropriate behaviour. Following this conversation, you may decide you wish to report the situation/behaviour to the company. You should contact the Company's nominated Workplace Contact Officer.
- If you feel unable to communicate directly with the bully, discriminator or harasser, the matter should be referred to the company Workplace Contact Officer for assistance.
- Where a Weartek employee believes a colleague is being exposed to discrimination, bullying or harassment, that person has a duty to assist the colleague and bring the matter to Weartek's attention. You should raise this with the company's Workplace Contact Officer.
- Weartek will investigate all alleged breaches of this policy on a confidential basis.

Staff who do not feel safe or confident to take such action may seek assistance from the Workplace Contact Officer for advice and support or action on their behalf.

### Investigation of Complaints

The purpose of the investigation is to determine, using the principles of natural justice, whether any unacceptable conduct has occurred. Investigations may be conducted internally, or Weartek may appoint an external investigator, or arrange for an investigation by a panel of both internal and external investigators.

#### ***Intent***

In relation to cases of discrimination, bullying or harassment, the fact that the alleged perpetrator may not have intended to discriminate against the other person or bully or harass them, is irrelevant.

#### ***Principles of natural justice***

- Any allegations of unacceptable conduct should be investigated promptly.





- The person who is alleged to have committed acts constituting unacceptable conduct should be treated as innocent until such time as findings are made that any of the allegations are substantiated and that unacceptable conduct has occurred.
- The person alleged to have committed the unlawful conduct must be given the opportunity to provide his or her response or comment on the allegations.

***No victimisation or detrimental action***

A complainant will not be disadvantaged in their role at Weartek for making a complaint, being a witness or being an informant to an investigation of a complaint. Some examples of unlawful victimisation include ostracising, demoting or dismissing the person because they are a complainant, where the complaint has been made in good faith. Weartek regards such victimisation as serious misconduct which will be addressed.

***Vexatious complaints***

Weartek will not tolerate vexatious complaints. If a claim is not initiated in good faith (for example, is initiated without reasonable grounds to do so), disciplinary action may be taken.

***Consequences for breach of this policy***

Weartek takes all complaints of harassment, bullying, victimisation or discrimination seriously. If a complaint against a Weartek employee is substantiated, he / she will face appropriate disciplinary action by Weartek, commensurate with the seriousness of the matter. Appropriate disciplinary action may include provision of an apology, warning, formal counselling and / or termination of employment/contract (including termination without notice). 'One-off' or non-intentional breaches may result in the full range of disciplinary action. The person may also be subject to complaints under applicable state or federal legislation.

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**Review Details**

This policy was adopted by Weartek on 18<sup>th</sup> March 2022.

This policy was last updated on 17<sup>th</sup> March 2022.