

## **EQUAL EMPLOYMENT OPPORTUNITY, DISCRIMINATION, BULLYING AND HARRASSMENT POLICY**

### **PURPOSE**

Anmar Group is committed to providing Equal Employment Opportunity and readily accepts that it has a responsibility to create an environment free from any discrimination, harassment and bullying. Anmar Group shall ensure the principle of merit operates in all its decision-making.

### **SCOPE**

This policy is ongoing and applies to all companies owned and/or operated by Anmar Group. All workers of Anmar Group are entitled to work in a discrimination free environment. Every worker has a responsibility to adhere to this policy.

### **REFERENCE**

Victorian Equal Opportunity Act 2010  
Age Discrimination Act 2004  
Sex Discrimination Act 1984  
Racial Discrimination Act 1975  
Disability Discrimination Act 1992  
Australian Human Rights Commission Act 1986  
Fair Work Act 2009  
Occupational Health & Safety Act 2004  
Work Health & Safety Act 2011  
Equal Opportunity for Woman in the Workplace Act 1999  
Equal Opportunity Act 2010  
Racial and Religious Tolerance Act 2001  
Accident Compensation Act 1985  
The Victorian Charter of Human Rights and Responsibilities 2006  
Fair Treatment Counselling Policy HR-POL-108  
Fair Treatment Counselling Procedure HR-PRO-102

### **POLICY**

Anmar Group respects the Federal Government's Affirmative Action Program outlined in the Affirmative Action (Equal Employment Opportunities) Act 1986. Discrimination, bullying, harassment and sexual harassment are unacceptable and unlawful pursuant to the relevant legislation. Anmar Group takes a zero tolerance stance against these behaviours.

Workers who engage in such conduct will be subjected to disciplinary action which may include the termination of their employment. Refer to Fair Treatment Counselling Policy (HR –POL-108). Independent contractors and other non-workers who are found to have breached this policy may result in the termination of their contract.

Abilities, skills, qualifications and experience are considered without regard to sex, national origin, race, religion and marital status. This is applicable, other than where specifically legislated by Acts of Parliament. Anti-discrimination legislation operates in the workplace to eliminate practices and beliefs that may adversely impact workers and refuse them access to a range of jobs, promotions, training and the receipt of fair treatment. Anmar Group aims to take steps to ensure that there is a shared understanding amongst all workers, temporary staff, independent contractors, volunteers and work experience personnel, of what is acceptable and appropriate behaviour within the workplace.

It is the primary responsibility of management to take reasonable measures to ensure the work environment is free from any discrimination, harassment and bullying. It is the responsibility of every worker to not display or participate in discriminatory or harassing behaviour during work activities or on any company worksites.

Anmar Group is dedicated to implementing a proactive approach and taking reasonable steps to prevent discriminating or harassing behavior. Anmar Group strives to educate all workers, as well as monitor behavior, to prevent disputes and address issues in the absence of a formal dispute or grievance.

Management and the Human Resource Department must treat all disputes confidentially, seriously and with empathy, as far as possible. However, in order to resolve issues, it may be necessary for Management or the Human Resource Department to converse with other workers to determine facts and provide fairness to those against whom the complaint has been made. No worker will be penalized or disadvantaged as a result of raising legitimate concerns, grievances or complaints relating to discrimination, harassment or bullying.

Anmar Group has a formal process and procedure to record and investigate any claims of discrimination, harassment or bullying. If an employee believes they have been subject to any form of discrimination, harassment or bullying, the employee must contact their Case Officer immediately. The Case Officer will provide the employee impartial guidance and assistance.

**Case Officers for following locations are:**

<b>Location</b>	<b>Case Officer</b>
<b>Claytons VIC</b>	<b>Human Resource Manager Human Resource Coordinator</b>
<b>Claytons SA</b>	<b>Human Resource Manager Human Resource Coordinator</b>
<b>Claytons QLD</b>	<b>Human Resource Manager Human Resource Coordinator</b>
<b>Claytons NSW</b>	<b>Human Resource Manager Human Resource Coordinator</b>
<b>Marbut Stone VIC</b>	<b>Human Resource Manager Human Resource Coordinator</b>

**Discrimination**

Direct discrimination is treating or proposing to treat a person with a protected attribute unfavourably due to a protected attribute (listed below). The new test is whether or not certain treatment was less favourable to the person claiming discrimination, placing emphasis on the consequences of the treatment on the person claiming direct discrimination because of a protected attribute.

Protected attributes include:

- Age
- National or ethnic origin
- Disability/impairment
- Industrial activity/inactivity
- Lawful sexual activity/sexual orientation or preference
- Gender identity/Sex
- Marital status, including de facto
- Physical features
- Political belief or activity
- Pregnancy/breastfeeding

- Race
- Religious belief or activity
- Status as a parent or carer
- Personal association with someone of the above attributes
- Irrelevant criminal conviction

Indirect discrimination occurs when there is an unreasonable rule or policy that is the same for all workers however has an unfair effect on employees who share a particular attribute.

### **Harassment**

Harassment occurs when a person unlawfully harasses another worker or member of the public by making them feel offended, humiliated or intimidated by using any of the protected attributes listed above. It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence.

It is important to note that from a legal perspective whether the harassing behavior was intentional or not is irrelevant.

Unlawful harassment may occur when the behaviour makes another person feel:

- Offended and humiliated
- Intimidated or frightened and/or
- Uncomfortable at work

Unlawful harassment may include:

- Telling insulting jokes about particular racial groups
- Sending explicit or sexually suggestive emails
- Displaying offensive or pornographic posters or screen savers
- Making derogatory comments or taunts about someone's race or religion
- Asking intrusive questions about someone's personal life, including their sex life

### **Sexual Harassment**

Sexual harassment is unlawful under state and federal legislation. Sexual harassment is any unwelcome sexual advance, unwelcome request for sexual favours or any other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Sexual harassment is unlawful in the workplace, which includes any place a person goes for the purpose of carrying out any function in relation to his or her employment. The workplace can also extend to social functions. Co-workers can be named sole respondents in cases of alleged sexual harassment.

Some examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings
- Staring or leering at a person or at parts of their body
- Unwelcome patting, pinching, touching or unnecessary familiarity, such as unnecessarily brushing up against a person
- Offensive comments or questions about a person's physical appearance, dress or private life
- Sexually explicit pictures or posters or screen savers (words and images)
- Sexually explicit telephone calls, letters, faxes, emails or voice mail messages
- Inappropriate humour such as smutty or suggestive jokes or comments
- Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality, or tales of sexual performance

- Requests for sex
- Insults or taunts based on sex
- Sexually explicit physical contact

### **Bullying**

Bullying is a significant occupational health and safety issue as it can cause harm to a person's health and wellbeing, both physical and psychological. Anmar Group has the legal duty to provide a healthy and safe workplace. Workers also have a responsibility to abide by safety standards and to cooperate with their employer's actions to ensure a healthy and safe workplace is maintained.

Bullying may be recognized as unlawful under federal and state anti-discrimination legislation where the bullying is linked to, or based on, one of the attributes covered by various sections of legislation (for example, age, sex, race, disability, etc).

Workplace bullying is repeated, unreasonable behavior, directed toward a worker, or group of workers, that creates a risk to health and safety. Risk to health and safety includes risk to the mental or physical well being of another worker.

Unreasonable behaviour is defined as a behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person. Such behaviour includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining, punishing or threatening.

Workplace bullying can occur between a worker and a Supervisor and/or Manager, or between co-workers. Bullying does not cover situations where a worker has a grievance about legitimate and reasonable claims made by Supervisors/Manager about the following:

- Performance management processes
- Disciplinary action
- Allocation of work in compliance with systems
- The following types of behaviour, where repeated or occurring as part of a pattern of behaviour could be considered to be workplace bullying:
  - Physical or verbal abuse
  - Intimidation
  - Yelling, screaming or offensive language
  - Excluding or isolating workers
  - Psychological harassment
  - Assigning meaningless tasks unrelated to the job
  - Giving workers impossible jobs
  - Deliberately changed work rosters to inconvenience particular workers
  - Undermining work performance by deliberately withholding information vital for effective work performance

Other types of behaviour may also constitute bullying and the above types listed are not exclusive.

### **Victimisation**

It is unlawful to subject or threaten to subject any person to detriment due to that person, or someone associated with that person, making an allegation or complaint of discrimination, harassment or bullying on the basis of a protected attribute.

Where workers believe they have been the subject of discrimination, harassment or bullying, or have witnessed any inappropriate action in the workplace, they are advised to:

- Not ignore the discrimination, harassment or bullying
- Inform the party/s that the behaviour is offensive and unacceptable
- Seek an immediate resolution
- If necessary, seek assistance by reporting the matter to a Supervisor or Manager

The employee may also:

- Seek assistance by reporting the matter to a Case Officer or a Human Resources representative

Anmar Group encourages workers to discuss and resolve their concerns internally first prior to contacting the Equal Opportunity Commission in their state.

Consequences for breaching Anmar Group's Equal Employment Opportunity, Anti-Discrimination, Anti-Harassment and Bullying Policy, may result in disciplinary action up to and including termination of employment. Disciplinary procedures that can be actioned by Anmar Group will be in line with Anmar Group's Fair Treatment Counselling Procedure.

A handwritten signature in black ink, appearing to read "Chris Troman".

Chris Troman  
**Chief Executive Officer**  
**Anmar Group Pty Ltd**