



GCW – Group of Companies Workplace Harassment, Sexual Harassment and Bullying Policy

Workplace Harassment, Sexual Harassment and Bullying Policy

Introduction

This policy aims to maintain a safe, respectful and inclusive work environment free from all forms of harassment, sexual harassment and bullying in the workplace and has been developed for use by GCW Holdings Pty Ltd entire group of companies.

We encourage the reporting of behaviour that breaches this policy and always promote appropriate standards of conduct.

Policy Statement

Harassment, Sexual Harassment and Bullying will not be tolerated at any of the GCW group of companies. We aim at all times to ensure that our employees are not subjected to any unwanted workplace harassment, sexual harassment or bullying. Each employee must ensure that they do not engage in harassing or bullying behaviour or aide, albeit or encourage other persons to harass or bully other employees, managers, supervisors, contractors or customers. If an employee is found to be harassing or bullying another person, then they can be held legally liable for their actions.

The company has a common law duty to take reasonable care for the health and safety of their employees, as well as under both Federal and State legislation, Anti-Discrimination Acts, Equal Employment Opportunity, Work Health and Safety and Sex Discrimination Act Laws and can be a breach of the Fair Work Act.

Application of Policy

All Officers, Directors and employees of GCW Holdings Pty Ltd and associated entities are bound by this policy, irrespective of their status, position or location and must be adhered to, in conjunction with all company policies and procedures and relevant legislative requirements at all times both inside and outside the workplace whilst representing the company (at work, at work-related events, meetings or where people are carrying out work-related functions or activities outside their physical work premises).

This policy replaces all previous policies, whether written or not, and does not form part of any employee's contract of employment.

Workplace Harassment including Sexual Harassment

Under federal legislation, employees have protections against harassment and sexual harassment. The most common form of workplace harassment is sexual harassment which is behaviour of a sexual nature that is unwelcome and has the effect of offending, humiliating and/or intimidating the person being harassed. A person could also be sexually harassed by being exposed to or witnessing this kind of behaviour such as overhearing a conversation or seeing a sexually explicit poster in the workplace. Harassment can be manifested in many forms, direct and indirect, subtle and not so subtle as well as verbal and non-verbal behaviours. harassment can involve conduct by one or more people and can be a single incident, or repeated conduct/part of a course of conduct.

Sexual harassment can be manifested in many forms, direct and indirect, subtle and not so subtle as well as verbal and non-verbal behaviours. Sexual harassment can involve conduct by one or more people and can be a single incident, or repeated conduct/part of a course of conduct.

Workplace Harassment, Sexual Harassment and Bullying Policy

What is Harassment?

Harassment in the workplace is unwelcome conduct or behaviour which offends, humiliates or intimidates the person at whom it is directed or in whose presence it takes place. The conduct may be verbal, written or physical. It is uninvited and unwelcome and may occur as a single event or a series of incidents. It is unlawful and unacceptable for any employee to harass another employee.

What is Sexual Harassment?

The Sex Discrimination Act 1984 describes the meaning of sexual harassment as follows:

“A person sexually harasses another person if they make an unwelcome sexual advance, or unwelcome request for sexual favours, to the person harassed; or engage in other unwelcome conduct of a sexual nature in relation to the person harassed; including making a statement of a sexual nature to a person or in the presence of a person, either orally or in writing, in circumstances in which a reasonable person having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.”

“Conduct of a sexual nature” includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Sexual harassment can be manifested in many forms, direct and indirect, subtle and not so subtle as well as verbal and non-verbal behaviours. Sexual harassment can involve conduct by one or more people and can be a single incident, or repeated conduct/part of a course of conduct.

Examples of Harassment and Sexual Harassment

Harassment and Sexual Harassment may include, but is not limited to:

- Verbal abuse and constant ridicule
- Verbal or derogatory comments based on race
- Offensive or demeaning comments
- Persistent and unjustified criticisms or complaints, often about small things
- Making derogatory comments, jokes or taunts about a person’s disability
- Gender based insults or taunting
- Inappropriate sexist or racial jokes
- Displaying racially offensive or pornographic material
- Inappropriate SMS messages, emails or pictures
- Homophobic abuse or material displayed in the workplace
- Verbal or written abuse directed at a transgender person
- Physical violence, including sexual assault (criminal offence)
- Flashing (criminal offence)
- Obscene telephone calls (criminal offence)
- Abuse based on a person’s age
- Inappropriate staring, leering or loitering.
- Someone asking intrusive questions or making comments about a co-worker sexuality.
- Unwelcome touching
- Suggestive comments or jokes, insults or taunts based on sex, or sexual gestures.
- Using suggestive or sexualised nicknames for a person
- Brushing up against someone, touching, fondling, or hugging
- Persistent unwanted invitations to go out on dates or events.
- Intrusive questions or comments about a person’s private life, body or the way they look.
- Displaying material of a sexual nature in the workplace

Workplace Harassment, Sexual Harassment and Bullying Policy

- Communicating sexually explicit material or comments in person or through phone calls, online interaction, email, social media or text messages.
- Behaviour that may be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Harassment and Sexual harassment can cause physical and psychological harm.

In some instances, the harassment or sexual harassment might take place outside the workplace such as the office Christmas party, work conference or when an employee makes unwelcome phone calls to another employee at their home or follows them home from work.

The GCW group recognises that workplace harassment, including sexual harassment may involve comments and behaviours that offend some people and not others. The Management of GCW Holding Pty Ltd accepts that individuals may react differently to comments and behaviours. That is why a minimum standard of behaviour is required by employees. This standard is, as far as possible, respective of all employees.

Managers responsibilities and positive duty

Under the Fair Work Act, there is a positive duty for employers to take reasonable and proportionate measures to eliminate sex discrimination, sexual and sex-based harassment, hostile work environments and victimisation, which includes sexual harassment at the workplace. It is the responsibility of every manager to ensure that all his/her employees are aware of this policy. Managers should provide appropriate support to an employee who claims that they have been subjected to sexual harassment, including referral to the company provided confidential Employee Assistance Program and/or external support services e.g.: 1800RESPECT if required.

Employee responsibilities

All employees have a responsibility to comply to the company policy, refrain from engaging in behaviour and/or conduct and must maintain confidentiality if they provide information to, or are involved in an investigation of a complaint.

Bullying

What is Bullying?

Bullying is defined under the Fair Work Act when a person or group of people repeatedly behave unreasonably towards a worker or group of workers and the behaviour creates a risk to health and safety. Bullying is behaviour that can intimidate, offend, degrade or humiliate an employee and includes physical and psychological abuse. Violent behaviour is a highly objective form of bullying. Note however, that it can be manifested in more subtle ways that impact on the health and wellbeing of the victim of bullying.

Reasonable management action that is carried out in a reasonable way is not bullying. Reasonable management action that isn't carried out in a reasonable way may be considered bullying.

Bullying in the workplace is harmful to the victim and the workplace culture. Our clear policy is to totally oppose bullying without differentiating between levels of staff, in other words, if a manager and a junior employee are guilty of bullying then no favouritism will be shown to the manager compared to the juniors.

Workplace Harassment, Sexual Harassment and Bullying Policy

Examples of Bullying

Bullying may include, but is not limited to:

- Yelling, assault, screaming or offensive language or abuse
- Behaving aggressively towards others
- Excluding someone at work or work related events or isolating employees
- Psychological harassment
- Intimidation, teasing or playing practical jokes
- Assigning meaningless tasks unrelated to the job
- Giving employees impossible jobs or unreasonable work demands
- Deliberately changing work rosters to inconvenience a particular employee
- Undermining work performance by deliberately withholding information vital for effective work performance
- Spreading malicious rumours or practical jokes, tampering with personal effects or work equipment
- Constant criticism or trivial fault finding, ostracizing, nitpicking and isolating a team member
- Deliberately withholding work-related information
- Singling out or treating one employee differently from others
- Pressuring someone to behave inappropriately
- Suppression of ideas
- Overloading a person with work or allowing insufficient time for completion and criticising the employee's work in relation to this
- Inappropriately threatening the loss of employment or a cut back in hours

Procedure

If you believe that you have been, (or are being) harassed, including sexual harassment or bullied, you are encouraged to act and there are a number of important steps you should take:

1. Report the harassment or bullying behaviour to your manager or the Group Human Resources Manager.
2. If the alleged perpetrator is a manager, report the behaviour or incident to a Senior Manager or to the Group Human Resources Manager.
3. If you have a complaint relating to any form of sexual harassment whatsoever, you are to direct the details of that complaint in writing to the Group Human Resources Manager.
4. Keep your complaint confidential – this will avoid idle gossip and the possibility of defamation against you or the company. Any information or complaint about an employee's experience of harassment or bullying is sensitive and confidential. Complaints will be attended to promptly, fairly and confidentially.
5. The GCW group of companies has the legal responsibility to take reasonable steps to prevent harassment (including sexual harassment) and bullying from happening in the workplace. If you make a complaint of workplace harassment (including sexual harassment) or bullying, the matter will be taken seriously and will be dealt with in a sympathetic and confidential manner.
6. You will not be treated unfairly for making the complaint.

The company may at its discretion, refer the matter for investigation to an external party of the company's choice.

Workplace Harassment, Sexual Harassment and Bullying Policy

Frivolous or Vexatious (Untrue) Complaints

No action will be taken against anyone for making a valid, truthful complaint or helping someone in making a valid, truthful complaint. Disciplinary action including termination, may occur against any employee who makes deliberately false and/or malicious or vexatious complaints.

Where concerns or complaints at any stage of an investigation are found to be vexatious, frivolous, or unlawful for any reason, the company may invoke disciplinary procedures, as appropriate.

Any employee deliberately making a false or malicious statement (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), will be subject to disciplinary action themselves, up to and including termination of employment.

General and Important Information

It should be noted that employees have rights under the Fair Work Act, Anti-Discrimination Act, Equal Employment Opportunity and Sex Discrimination Acts. A person or company may be liable for sexual harassment committed by an employee in connection with work, including if they were involved in the employer's contravention. These protections at work also protect people conducting a business or undertaking (PCBU).

It is important all complaints are managed and actioned appropriately. Employees have rights to make application through the Fair Work Commission or another government body like the Australian Human Rights Commission for a stop sexual harassment order if they deem that their complaints have not been appropriately dealt with by the company. Some forms of sexual harassment could constitute criminal conduct and should be reported to the police.

Breach of Policy

All complaints of harassment, including sexual harassment and bullying will be investigated. Any person found to have harassed or bullied another, may result in disciplinary action, which may include termination of employment or termination of contract. Disciplinary action may be taken against any person who victimises or retaliates against a person who has lodged or is involved in a situation under this policy. Such action may include termination of employment.

Sexual harassment in the course of employment is considered serious misconduct and can be a valid reason for dismissal. Any person found to have sexually harassed another, may result in disciplinary action, which may include termination of employment or termination of contract.

If an employee has a reason to believe they have not been managed in accordance with this policy, they are able to escalate their concerns in accordance with the Disciplinary Policy appeals process.

The company reserves the right to vary, replace or terminate this policy from time to time.

Group Management