

Policy

Title: Equal Employment Opportunity Policy

Responsibility: All Employees

1. Purpose

The following policy outlines the standards of workplace behaviours required of all Cromwell employees as well as contractors, and clarifies what constitutes unacceptable and unlawful behaviour.

2. Scope

This policy is applicable to all Cromwell employees including casuals and contractors.

3. Policy Statement

Cromwell Group is committed to providing Equal Employment Opportunities and a workplace that is free from illegal and harmful behaviour such as discrimination, harassment, bullying and other inappropriate behaviour which creates an uncomfortable environment for employees, contractors, clients or any person who associates with our organisation.

By upholding the standards presented in this policy, Cromwell intends to:

- Ensure a positive working environment which is free from bullying, harassment and violence, where all employees are treated equitably, with dignity, courtesy and respect.
- Educate and increase the awareness of all employees to ensure they are aware of their rights and responsibilities under this policy.
- Effectively resolve formal or informal complaints, under this policy, in a confidential and timely manner.
- Encourage the reporting of behaviour which breaches this policy.
- Promote, select and develop based on merit and potential.
- Wherever possible, promote opportunities to minority groups.
- Uphold our obligations under the relevant legislation.
- Acknowledge workforce labour rights, including freedom of association and collective bargaining.

4. Policy Framework

Cromwell will uphold the principles of this policy through the management of associated corporate policies, including:

- Gender Diversity
- Sexual Harassment Policy
- Flexible Working Arrangements Policy

5. Responsibilities

It is the responsibility of all Cromwell employees to ensure that employees, contractors, clients and anyone who has contact with Cromwell is not harassed, discriminated against or bullied. It is also the primary responsibility of all Cromwell employees not to participate in discriminatory, harassing or bullying behaviour.

All **employees (including casual employees and contractors)** have a responsibility to:

- Comply with this policy in all work-related situations;
- Respect other opinions and values and behave appropriately, according to the situation;
- Respect the rights, dignity and worth of all employees;
- Raise any concerns you have about inappropriate behaviour with your supervisor or to People & Culture.

Managers and supervisors responsibilities include:

- Monitoring the working environment to ensure that acceptable standards of conduct are observed at all times;
- Modelling appropriate behaviour;
- Promoting and communicating the policy within their business unit;
- Treating all complaints seriously, acting on any concerns that employee's may have, and following up on complaints;
- Acting on any behaviour observed that breaches this policy, whether a complaint has been made or not;
- Recruiting, promoting and developing employees on the basis of their skills, qualifications, abilities, merit and potential.

The role of Cromwell's **People & Culture team** is to:

- Provide support and information, confidentially;
- Providing information on, and clarification of Cromwell's Equal Employment Opportunity policy and framework;
- Providing information on the options available to employee's who believe they have been treated unfairly;
- Providing further information on discrimination, harassment, bullying and workplace violence.

6. References

6.1 Documentation

Name	Doc Type	Reference No	EDMS Ref
Grievance Procedure	Procedure	1	826473

6.2 Legislation

- Fair Work Act 2009
- Anti-Discrimination Act 1991
- Age Discrimination Act 2004
- Sex Discrimination Act 1994
- Racial Discrimination Act 1975
- Disability Discrimination Act 1992

7. Policy Content

7.1 Discrimination

Under federal and state legislation, unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group because of any of the below characteristics. This behaviour is against the law and not acceptable in our workplace.

Under legislation, it is unlawful to discriminate against someone on the grounds of:

- Sex;
- Race;
- Disability/ Impairment;
- Marital status/ Relationship status;
- Parental status;
- Pregnancy;
- Religious beliefs and activity;
- Political beliefs and activity;
- Trade Union membership and activity;
- Age;
- Transgender/ transexuality;
- Physical appearance;
- Industrial activity;
- Sexual preference;
- Gender identity;
- Breast feeding;

- Carer status/ Family responsibilities;
- Criminal record;
- Social origin;
- Lawful sexual activity;
- Association with any person with any of the above characteristics.

7.2 Workforce Labour Rights

Cromwell supports fundamental worker rights, including the principles of freedom of association and collective bargaining, as defined by International Labour Organisation Conventions 87 and 98. This includes permitting employees, contractors and clients to join independent trade unions and participate in industrial activity.

7.3 Workplace Harassment

Under federal and state legislation, unlawful harassment occurs when a reasonable person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, sex, disability, sexual preference, or some other characteristic specified under anti discrimination or human rights legislation. It can also happen if someone is working in a hostile or intimidating environment. This behaviour is against the law and not acceptable in our workplace.

7.3.1 Bullying

Workplace Bullying is the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades or humiliates. This behaviour is against the law and not acceptable in our workplace.

Bullying behaviour can range from very obvious verbal or physical assault to very subtle psychological abuse. This behaviour may include:

- physical or verbal abuse;
- yelling, screaming or offensive language;
- excluding or isolating employees;
- psychological harassment;
- intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible jobs;
- deliberately changing work patterns to inconvenience particular employees;
- undermining work performance by deliberately withholding information vital for effective work performance

7.3.2 Cyber-Bullying

Cyber-bullying involves the use of information and communication technologies to support deliberate, repeated, and hostile behaviour by an individual or group that is intended to harm others. It shares many similarities with traditional bullying, it has the potential to be more

aggressive and escalate faster. It is a form of bullying that is not limited to office hours or the physical work environment, as there is the potential to contact the victim 24 hours a day. Email, social networking media and portable communication devices such as iPhones and Blackberries make it easy to share gossip and rumours to a large audience and damage a co-worker's reputation or career. Examples of cyber-bullying include:

- Malicious or threatening emails or SMS communications to an individual's phone or email address
- Electronic communications that feature offensive content such as explicit images or jokes/comments about ethnicity, religion or sexual preference
- Electronic communications aimed at correcting or providing feedback to an individual that are copied to a group with the effect of publicly shaming or demeaning the individual
- Malicious or threatening comments about an individual posted on blogs or social networking sites
- Sharing embarrassing, offensive or manipulated images or videos of an individual

7.3.3 Sexual Harassment

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or 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 against the law. Examples may include:

- Staring, leering or unwelcome touching;
- Suggestive comments or jokes;
- Sexually explicit pictures or posters;
- Unwanted invitations to go out on dates;
- Requests for sex;
- Intrusive questions about a person's private life or body;
- Unnecessary familiarity, such as deliberately brushing up against a person;
- Insults or taunts based on sex;
- Sexually explicit physical contact;
- Sexually explicit emails or SMS messages.

Sexual harassment is not sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated.

The Sex Discrimination Act 1994 and the Anti-Discrimination Act 1991 prohibit sexual harassment and discrimination throughout recruitment and selection processes as well as during all work related activities including those outside normal working hours such as conferences, social activities, training courses and work social functions.

7.3.4 Vilification

Vilification is a public act which incites, encourages or urges others to hate, have serious contempt for, or severely ridicule, a person, or group of people on the ground of race, religion, sexuality or gender identity of the person or members of the group. Vilification is unlawful and will not be tolerated.

7.3.5 Workplace Violence

Workplace violence is any incident where an employee is physically attacked or threatened in the workplace. Attack means the direct or indirect application of force by a person to the body of, or to the clothing or equipment worn by, another person, where that application creates risk to health and safety. A threat is a statement or behaviour that causes a person to believe they are in danger of being physically attacked. This can be:

- Striking, kicking, scratching, biting, spitting or any other type of direct physical contact;
- Attacking with knives, guns, clubs or any other type of weapon;
- Pushing, shoving, tripping and grabbing;
- Throwing objects;
- Any form of inappropriate physical contact.

This behaviour is against the law and not acceptable in our workplace. This behaviour is also governed by criminal law and may be referred to the police.

7.3.6 Victimisation

Victimisation occurs if a person does an act, or threatens to do an act, to the detriment of another person who has made a complaint under this policy, or under the relevant legislation. This includes any retribution or intimidation towards someone who has made a complaint, witnessed an incident or had a complaint made against them. Victimisation is unlawful and is not acceptable in our workplace.

7.4 Consequences for Non-Compliance

The behaviours listed by this policy are against the law and Cromwell will not tolerate them. Any breach of this policy or alleged breach will be taken seriously, acted on and may result in disciplinary action up to and including termination of employment.

Consequences for breaching this policy can include formal apologies, counselling, formal warnings, dismissal or other forms of disciplinary action.

Immediate disciplinary action will be taken against anyone who victimises or retaliates against a person who has;

- Lodged a harassment complaint;
- Told another that his or her actions are offensive and uninvited;
- Brought a harassment concern to the attention of a manager or the People & Culture team

7.5 Where to get Advice & Help

Please refer to the grievance procedure for clarification of the appropriate steps to follow if you think you are being harassed, discriminated against or bullied.

Alternatively, please seek advice and/or information from your supervisor/manager and/or P&C.