

OVERVIEW

This document provides guidance for responsibilities and obligations under relevant employment legislation to promote a workplace culture that displays fair practices and behaviours, which is free of unlawful discrimination, harassment and bullying.

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1. INTRODUCTION

CBH Group recognises its responsibilities and obligations under relevant employment legislation and is committed to promoting a workplace culture that displays fair practices and behaviours, which is free of unlawful discrimination, harassment and bullying. All CBH Group employees must comply with this procedure and behaviour consistent with unlawful discrimination, harassment and bullying, of any sort, is unacceptable and will not be tolerated under any circumstances.

1.1. Objective

CBH Group is committed to providing a workplace which encourages diversity. To do this, we foster an environment which is free from harassment, discrimination and bullying. We understand that creating a diverse workforce is a strategic advantage, allowing us to utilise the unique talents of a wide variety of people. To this end, our employment practices encourage equal employment opportunities.

1.2. References

The following references are referred to in this document and in supporting resources:

Table 1: Governing References

Title	Source
Disability Discrimination Act 1992 - Discrimination related to any type of disability	Federal Register of Legislation
Fair Work Act 2009 (Cth)	
Fair Work Amendment Act 2013 – Bullying in the workplace	
Occupational Health and Safety Act (WA) 1984 – Employer duty of care	
Racial Discrimination Act 1975 - Discrimination related to race and ethnicity	
Sex Discrimination Act 1984 – Sexual harassment and discrimination	
Workplace Gender Equality Act 2012 – Gender equality in the workplace	

Table 2: CBH References

Title	STORE ID
People Policy	1473931053-519
Health, Safety and Environment Policy	1473931053-383
The Way We Work Business Code of Conduct	1473931053-831
Employee Management and Discipline Procedure	1473931053-259
Harassment - Information for Managers	1473931053-1503
Harassment Discrimination and Bullying Confidentiality Form	1473931053-1504
Harassment Discrimination Bullying Formal Complaint Form	1473931053-1502
Harassment Discrimination Bullying Information for Staff Reporting an Issue	1473931053-1507
Information for Respondents	1473931053-1506
Workplace Harassment Discrimination Bullying EEO Site Poster	1473931053-1505

1.3. Roles and Responsibilities

The following roles have responsibilities associated with the undertaking of tasks relating to workplace harassment, discrimination, bullying and equal employment opportunity.

Role	Responsibilities
Employees	Treat all people in the workplace with professional courtesy and conduct themselves in a manner that does not breach the requirements of this procedure. Address inappropriate behaviour in the workplace and where this is not possible; report the matter in accordance with this procedure to seek a resolution.
People Leaders	Monitor behaviour in the workplace and address inappropriate behaviour promptly to prevent harassment, discrimination and/or bullying from occurring. Seek to resolve informal complaints to the satisfactions of all parties and where investigations are required; ensure they are complete impartially and promptly. Contact Human Resources for support and guidance and make all decisions in accordance with the Delegations of Authority.
People and Performance	Provide support to employees, supervisors and managers in addressing issues relating to harassment, discrimination and/or bullying. Support investigations and educate all employees on acceptable behaviour in the workplace. Monitor the application of this procedure, monitor changes in legislation, review this procedure annually and where necessary update and communicate changes.

1.4. Communication

The document owner is responsible for communicating and making available this document to all stakeholders. The document will be communicated via line managers, training, Staff Bulletin and will also be available to all staff on the company intranet.

1.5. Compliance Management

Workplace Harassment, Discrimination, Bullying and Equal Employment Opportunity Procedure is subject to auditing for the purposes of ensuring compliance with Legislation and/or Standards. Regular reviews and audits will be performed by internal and external parties as required to ensure compliance is being achieved.

1.6. Change Management

Changes to this document shall be managed, reviewed and updated as described in the Document Control Content and Records Management Group Procedure.

2. PROCEDURE

2.1. What is Harassment?

Harassment covers a wide range of behaviours which are offensive in nature and may appear to be threatening, pestering or disturbing. In particular, in accordance with the Sex Discrimination Act 1984, a person sexually harasses another person (the person harassed) if:

- the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- engages in other unwelcome conduct of a sexual nature in relation to the person harassed;
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Examples of sexual harassment include (but are not limited to):

- uninvited physical contact or sexually suggestive gestures;
- unwelcome requests for sex;
- sexual comments, jokes or innuendo;
- intrusive questions or insinuations about a person's private life;
- displays of offensive or pornographic material including on computer screens and mobile phones;
- sex-based insults or taunts;
- unwanted invitations;
- offensive communications (letters, phone calls, emails, etc)

2.2. What is Discrimination?

Discrimination occurs when there's 'adverse action', such as firing or demoting someone, because of a person's characteristics like their race, religion or sex.

Sex discrimination is when a person is treated less favourably than a person of the opposite sex would be treated in the same or similar circumstances. It is also sex discrimination when there is a rule or policy that is the same for everyone but has an unfair effect on people of a particular sex. This is called 'indirect discrimination'.

The *Sex Discrimination Act 1984* provides that individuals cannot be treated unfairly on the basis of their sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy and breastfeeding. It also protects employees with family responsibilities.

The *Racial Discrimination Act 1975* provides that it is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

The *Disability Discrimination Act 1992* provides that it is unlawful to discriminate against a person or group on the grounds of a permanent or temporary disability.

2.3. What is Bullying?

In accordance with the Fair Work Act 2009, a worker is bullied at work if:

- a person or group of people repeatedly act unreasonably towards them or a group of workers
- the behaviour creates a risk to health and safety.

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances. Examples of bullying include:

- behaving aggressively
- teasing or practical jokes
- pressuring someone to behave inappropriately
- excluding someone from work-related events or
- unreasonable work demands.

Bullying does not include reasonable management action that's carried out in a reasonable way. For example, a manager can make decisions about poor performance, take disciplinary action, and direct and control the way work is carried out. However, management action that isn't carried out in a reasonable way may be considered bullying.

2.4. What is Equal Employment Opportunity?

Equal Employment Opportunity means that all individuals regardless of gender, race, colour, age, marital or parental status, sexual preference, disability or religious belief have the right to be given fair consideration for a job or other job-related benefits such as staff training and development.

2.5. CBH Group's Commitment

CBH Group will:

- handle complaints promptly with confidentiality, impartiality and with sensitivity;
- meet legal and statutory requirements;
- ensure employees submitting complaints of workplace harassment, discrimination or bullying are not disadvantaged in their employment conditions or opportunities.

CBH Group has both informal and formal processes to resolve discrimination, harassment and bullying complaints.

2.7. Complaint Resolution

The following process will be followed for the resolution of complaints:

Step	Instruction
1.	<p>Complaint is raised either:</p> <ul style="list-style-type: none"> a) informally, to the employee's manager or the Group Manager – People & Performance; or b) formally, to the employee's manager, a more senior manager within the division, the employee's Human Resources Advisor, the Employee Relations Manager or the Group Manager – People & Performance via the Harassment, Discrimination, Bullying - Formal Complaint Form
2.	<ul style="list-style-type: none"> ▪ If the complaint is informal, the person who has received notification of the complaint shall act as an intermediary between the parties with the aim of reaching an agreed solution. Harassment - Information for Managers is a guide to assist in the resolution of such issues.
3.	<ul style="list-style-type: none"> ▪ In cases where conciliation is inappropriate, has proved unsatisfactory or the matters raised are serious and involve more than two employees (such as witnesses to the alleged behaviour), an investigation may be undertaken. In such instances, an investigation shall take place as follows: <ul style="list-style-type: none"> a) The investigation will usually be conducted by the employee's manager with support from the Human Resources team. In circumstances where it is not appropriate for the manager to conduct the investigation, a representative from the Human Resources team, the one up manager or the Company's Investigation Officer may lead the investigation. It is the role of the person conducting the inquiry to discuss the matter with the complainant and others who have been involved, to examine the substance of the allegation(s). Template and processes for investigations can be located in the Employee Management and Discipline Procedure b) At the conclusion of the investigation, a report will be prepared which may include: <ul style="list-style-type: none"> ○ details of the initial complaint; ○ the actions taken in investigating the matter(s); ○ the facts identified; ○ statements from all parties directly involved and any witnesses; ○ the records of any interviews; and ○ recommended actions. c) Employees directly involved in the investigation may be stood down with full pay (based on ordinary hours and rates) until the investigation is concluded. d) Any disciplinary action, including termination of employment should be obtained in accordance with the Employee Management and Discipline Procedure

2.8. Complaint Resolution Guidelines

The following principles shall be observed throughout the implementation of any complainant procedure relating to harassment, discrimination and / or bullying and shall be observed by all responsible persons:

Step	Instruction
1.	Confidentiality must be maintained and each party involved in the process (the complainant, respondent, managers, supervisors and witnesses) must sign the Harassment, Discrimination, Bullying - Confidentiality Form.
2.	The principles of procedural fairness shall apply at all stages of the formal complaint resolution process. Persons responsible for investigating and resolving formal complaints have a duty not to be affected by bias or conflict of interest and must act fairly and impartially. Persons against whom formal complaints have been made shall be given a fair opportunity to provide a response to the allegations. To enable this, the respondent shall be given reasonable details of the complaint.
3.	Formal complaints shall be investigated promptly, involving as few people as possible. Parties to a formal complaint shall be entitled to receive advice and support as appropriate and be kept informed of the progress of the complaint.
4.	The preferred method of resolution shall be by discussion, raising awareness, mediation and a process of conciliation which aims not to make a finding or to allocate blame but to assist the parties to reach agreement on an acceptable outcome.
5.	It is recognised that conciliation may not be appropriate if a party to a complaint holds a reasonable belief that discussion is likely to provoke victimisation, further incidents of similar behaviour or unnecessary distress.
6.	A process for formal investigation shall be available for cases where conciliation is inappropriate or has proved unsatisfactory.
7.	Parties using these procedures must not be victimised on that account and have the right to take action if they believe that victimisation has occurred.
8.	Appropriate steps shall be taken to ensure harmonious working relationships during and after the procedures.
9.	Nothing in this document prevents the right of an individual from seeking legal redress.

3. DOCUMENT CONTROL

Authorities

Approved By	General Manager People and Performance	Approval Date	22/11/2019
Review Frequency	Biennial	Next Review Date	22/11/2021
Owner	General Manager People and Performance	Custodian	Employee Relations Manager
Division	People and Performance	Department	Employee Relations

Review History

Version	Date	Author	Description of Revision
1.0	30/06/2017	General Manager People and Performance	New Document
1.1	04/04/2019	Emma Dixon	Review and amendments
1.2	08/04/2019	Kerri Blakeman	Transfer to IMS Template – Upload to Store365 Source File: # 714532373-343 Published File: # 1473931053-875
1.3	28/05/2019	Technical Writer	Amend references to Store 365 IDs
2.0	18/11/2019	IMS Team	Formatting updates, published for use