

PREVENTION OF DISCRIMINATION, HARASSMENT AND BULLYING POLICY

1. Purpose

- 1) ProcessWorx is an equal opportunity employer and provides a workplace that maximises the talent, potential and contribution of all employees, which is free of harassment, discrimination and bullying and where diversity is valued and encouraged.
- 2) Behaviour which constitutes discrimination, harassment or bullying is unacceptable within the workplace of ProcessWorx and will not be tolerated under any circumstance. An employee who engages in such conduct will be subject to disciplinary action up to and including instant dismissal.

2. Scope

- 1) This policy applies to all ProcessWorx employees, contractors, subcontractors, and visitors whilst at the workplace, on ProcessWorx business, and at ProcessWorx sponsored or funded functions or activities during and outside of work hours.
- 2) This policy is applicable to the employment of employees but operates independently of their contract of employment, and does not form part of it.

3. Definitions

- 1) Discrimination occurs when a person is treated less favourably in the workplace because of their age, breastfeeding, family responsibility, family status, gender history, impairment, marital status, political conviction, pregnancy, race, religious conviction, sex, sexual orientation or spent convictions.
- 2) Harassment is any conduct which is unwanted by the recipient, is considered objectionable, and causes humiliation, offence, distress or other detriment.

It may be an isolated incident or repeated behaviour against one or more individuals. Harassment may be, but is not limited to:

- a) physical contact (ranging from touching to serious assault, gestures, intimidation, aggressive behaviour),
- b) verbal (unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language), or
- c) non-verbal (offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities).

- 3) Sexual harassment is unwelcome behaviour of a sexual nature which can reasonably be regarded as offensive, or which may cause the recipient to feel as if they will be disadvantaged if they object to it.
- 4) Bullying is usually, but not exclusively, repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:
 - a) conduct which is intimidating, physically abusive or threatening,
 - b) conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues,
 - c) picking on one person where there is a common problem,
 - d) consistently undermining someone and their ability to do their job,
 - e) setting unrealistic targets or excessive workloads, or
 - f) bullying via email (cyber-bullying).

4. Performance Management

- 1) Discrimination, harassment, bullying or victimisation should not be confused with legitimate feedback and advice regarding standards of work and work performance, and /or workplace behaviour, given appropriately by managers.
- 2) As an employer, ProcessWorx has a legal right to direct and control the manner in which work is done, and its managers have a responsibility to monitor workflow and provide feedback on performance to employees. It is not discrimination, harassment or bullying for ProcessWorx to undertake these responsibilities which may include:
 - a) the allocation of work,
 - b) directing and controlling how work is performed and monitoring work flow and work output,
 - c) setting reasonable goals, standards and deadlines,
 - d) addressing unsatisfactory performance and/or behaviour,
 - e) undertaking disciplinary action, and
 - f) implementing organisational change or downsizing.

5. Roles and Responsibilities

- 1) Management are responsible for:
 - a) taking all reasonable steps to ensure that employees are protected from harassment, discrimination and bullying by monitoring the working environment to ensure that acceptable standards of behaviour are maintained at all times,

- b) ensuring that all complaints regarding breaches of this policy are treated seriously, equitably, confidentially and in a timely manner, and are investigated in accordance with the Grievance Procedure,
 - c) acting as a role model in demonstrating appropriate standards of behaviour at all times, and
 - d) promoting this policy within the workplace.
- 2) All employees, contractors and visitors have a responsibility to:
- a) make themselves aware of, and adhere to, this and all ProcessWorx's policies,
 - b) identify discrimination, harassment and bullying activity and work co-operatively to eliminate it,
 - c) offer support to anyone who is subjected to discrimination, harassment and bullying,
 - d) respect the confidentiality of any complaint made and avoid gossip in relation to any possible inappropriate conduct, and
 - e) report any instance of behaviour which contravenes this policy which they witness, or which is brought to their attention.

6. *Obligations under this Policy*

- 1) ProcessWorx supports the:
- a) provision of training and information to employees regarding harassment, discrimination and bullying issues,
 - b) promotion of appropriate standards of behaviour at all times,
 - c) provision of an effective mechanism to ensure that complaints and grievances are treated in a sensitive, fair, timely and confidential manner,
 - d) provision of protection from any victimisation or reprisals, and
 - e) reporting of behaviour which is in breach of this policy.
- 2) All matters relating to the investigation of complaints will be treated in strict confidence. Any breach of confidentiality may render those responsible subject to action under the Discipline Policy.
- 3) No person shall be victimised or suffer detriment as a result of making a complaint of discrimination, harassment or bullying. Any victimisation may render those responsible subject to action under the Discipline Policy.

7. Consequences of a Breach

- 1) If, following investigation in accordance with this policy, a breach of this policy is found to have occurred, senior management will decide on action appropriate to rectify any detriment suffered by a person as a result of the breach, and will take steps to prevent it recurring.
- 2) Actions taken in favour of the affected person may include:
 - a) requiring an apology from the person in breach,
 - b) civil proceedings against the person in breach, or
 - c) termination of employment of the person in breach.
- 3) Any action taken against the person in breach will be in accordance with the processes and sanctions outlined in the Discipline Procedure. It may take the form of counselling, verbal and written warnings or termination of employment.
- 4) If the behaviour complained about is unlawful, an aggrieved person may have recourse to complaint resolution or investigation by external authorities.

8. Complaint Procedures

- 1) Any employee who considers that they have been discriminated against, harassed, bullied or victimised should immediately make it clear to the person engaging in the behaviour that it is unwelcome, and request that it is stopped immediately.
- 2) If the employee has difficulty making it clear that such behaviour is unwelcome, or the behaviour continues, the employee should make a complaint in accordance with ProcessWorx's Grievance Procedure.
- 3) All complaints and reports of discrimination, harassment, bullying or victimisation will be treated seriously and will be investigated promptly and impartially, in a thorough and confidential manner, taking all reasonable steps to ensure that complainants and witnesses are not victimised.
- 4) Both the complainant and the respondent will be treated in accordance with the principles of procedural fairness and will receive information, support and assistance.
- 5) All complainants have the right to refer their complaint to the Fair Work Commission.

9. Related Documents

- 1) [Discipline Policy](#)
- 2) [Discipline Procedure](#)
- 3) [Grievance Policy](#)
- 4) [Grievance Procedure](#)