



## Anti- Discrimination and Harassment Policy

### PURPOSE

The purpose of this policy is to state the company's commitment to providing a workplace free from all forms of discrimination and harassment and promotes an inclusive culture where everyone is treated with dignity, courtesy and respect.

The policy details all forms of unacceptable behaviour. Everyone must comply with this policy at all times. Anyone found to be in breach of this policy may be subject to disciplinary action including but not limited to termination of employment or in the case of contractors or visitors may have their right to enter and/or their contractual arrangements with AKD terminated.

### SCOPE

This policy applies to all AKD employees, contractors and visitors whilst on company owned or operated sites/properties or whilst undertaking business activities.

### POLICY

The company does not accept any form of harassment, bullying or discrimination by any individual whilst visiting, supplying, employed or contracted to perform work for AKD.

Everyone is responsible and accountable for their own conduct and is expected to treat one another with dignity, courtesy and respect and report any failures to comply with this policy immediately.

AKD will not tolerate discrimination and harassment on any grounds, including sexual harassment and occupational bullying and violence. This is throughout all stages of the employment process and relationship and at work related functions or activities.

**Discrimination** happens when an employee or group of employees are treated unfairly or less favourable because of a protected attribute. People cannot be treated unfairly or less favourably because of their Age, Marital Status, Race, Family Status, Sexual Orientation, Religion, Sex, Political Beliefs, Disability (past, present or imputed), Industrial Activity, Pregnancy, Physical Features etc.

**Harassment** is communication or an action that is reasonably likely in the circumstances to be unwelcome, offensive, unnecessary, humiliating or unreasonable. Harassment can be based on a number of grounds, including those outlined above, but also include Sexual Harassment, Bullying and Occupational Violence.

**Sexual Harassment** is an unwanted or unwelcomed behaviour of a sexual nature where a reasonable person would anticipate that reaction. It can be a single incident or repeated behaviour.

It can include verbal, visual or physical behaviour and can take many various forms in the workplace, such as:

- staring at someone or parts of their body
- unwelcomed touching, pinching, kissing, patting or declarations of affection
- unwanted suggestive or offensive innuendo, comments, jokes or crude conversations
- display or taking of inappropriate, sexually explicit, obscene or suggestive pictures or material
- unwanted, suggestive or offensive comments, jokes, insults or taunts based on sex
- intrusive questions about a person's private life or body
- sexually explicit physical contact
- sexually explicit statements or pictures transmitted by phones, emails, radios etc.
- swearing or wolf whistles
- persistent unwelcome invitations, text messages, telephone calls or messages, emails or other electronic communications.
- following someone home from work

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment. Some of the behaviours, if engaged can also constitute criminal offences such as stalking and sexual assault. Harassment

**Bullying** is repeated and unreasonable behaviour directed towards an employee or group of employees, that intimidates, humiliates and/or undermines them. Examples of such behaviour, include:

- open aggression, shouting obscenities or verbal abuse
- over-ruling or undermining authority or setting unrealistic deadlines
- sabotaging, intimidating, humiliating or ignoring someone etc.
- excluding someone from activities or playing pranks on someone
- inappropriate comments about someone's personal appearance, lifestyle or family etc.
- interfering with someone else's tools or equipment
- overloading someone with work
- denying someone information or resources
- taunting, ridiculing, spreading gossip or rumours, belittling, making derogatory remarks or actions
- either in person or through email, text messages or other electronic forms

**Occupational Violence** includes any incident where an employee is physically attacked or threatened in the workplace. Examples of such behaviour, include:

- striking, kicking, scratching, pushing, tripping
- other unwelcomed and forceful physical contact
- throwing objects

**Unreasonable behaviour**- means behaviour that a reasonable person, having regard to all the circumstances, would be considered to victimise, humiliate, undermine or threaten. This is an objective test and not determined by individual values and/or humour.

It is important to note that using social media to engage in any of the behaviour we have described in relation to another employee or work colleague is covered by this policy and in certain circumstances may breach this policy.

## REPORTING

If you have experienced, seen or know of an incident or situation that you think breaches this policy you should immediately notify that person's direct Supervisor or Manager whom will gather information and refer to the HR Department for investigation. If you don't feel comfortable, or you don't think it is appropriate reporting it to that Supervisor/Manager please contact the HR Department who will assist you.

The complaint will be handled in a timely, confidential, sensitive manner and without discrimination.

The company expects individuals involved in an investigation to maintain confidentiality and not to discuss the facts around the complaint unless in the process to assist in its resolution, nor disclose information to any other individual without the permission of the lead investigator. The company may choose to stand down relevant employees or contractors whilst the investigation is being undertaken.

It is not only against company policy to discriminate, bully or harass another in breach of this policy. It may also constitute a breach of anti-discrimination legislation, OHS legislation and the Fair Work Act. If, after investigation, a breach has been found; the breach will generally be regarded as '**serious misconduct**' which will result in disciplinary action.

This may include summary dismissal of employment, or in the case of a contractor termination of their engagement.

It is important for all individuals to understand that legal action can still be taken against individuals who engage in behaviour in breach of this policy, especially in regard to sexual harassment or violence by anyone who has been a victim of that behaviour.

## **SUPPORT**

If you are not sure whether behaviour you have experienced or seen may be in breach of this policy you are encouraged to speak up and not wait until 'next time'. If you need support or guidance, speak to your Supervisor/Manager or a member of the HR or HSW Team.

Those dealing with instances of discrimination and harassment are encouraged to speak to their supervisor about the services that may be available under our Employee Assistance Program.

For alternative external assistance contact the Australian Counselling Association on 1300 784 333 who will direct you to appropriate counsel services. Information provided to these services are confidential.