

# EQUAL EMPLOYMENT OPPORTUNITY, DISCRIMINATION, HARASSMENT AND BULLYING POLICY



## 1.0 KEY POLICY

***City West Water is committed to providing a workplace that is free from all forms of unlawful discrimination, harassment and bullying. City West Water considers such acts to be unacceptable and such behaviour will not be tolerated under any circumstances at work and at work related functions such as conferences, Christmas parties, business trips or field trips.***

***All employees are responsible for their own behaviour and should contribute to a safe and pleasant work environment that is free from discrimination, harassment and bullying.***

## 2.0 OBJECTIVES

City West Water aims to achieve a workplace that is free from unlawful discrimination, harassment and bullying and to provide all existing and potential employees with equal and fair opportunities in employment. This policy seeks to support the following objectives of:

- Ensuring all selection and recruitment practices provide equal opportunity for all and is compliant with the relevant legislation;
- Ensuring that discrimination does not arise from decisions with respect to training, promotion, remuneration and general conditions of employment;
- Providing education and training to improve understanding and compliance;
- Providing information to management and employees about what constitutes discrimination, harassment and bullying and what their responsibilities are in relation to this;
- Ensuring all complaints are treated seriously and are managed in a timely and fair manner;
- Providing the adequate procedures to effectively manage reports of alleged unlawful discrimination, harassment and bullying;
- Identifying areas of non-compliance and taking appropriate action to rectify.

## 3.0 SCOPE

The objectives, processes and responsibilities outlined in this policy apply to all City West Water employees.

## 4.0 CONTRIBUTING POLICIES

### 4.1 DISCRIMINATION

City West Water will provide equal employment opportunity to all potential and existing employees in relation to their recruitment, promotion, transfer, remuneration and conditions of employment, training, working environment, termination and redundancy throughout the course of their employment with the Company. In accordance with legislation, City West Water will not unreasonably refuse to accommodate the responsibilities that an employee has as a parent, guardian or carer.

The principles of equal opportunity in employment (EEO) demand that the requirements of the position and the person's ability to fulfil those requirements are the only factors relevant to employment issues. All employment and management practices must provide equality of opportunity.

Under Federal and State legislation, it is illegal to discriminate against someone because of:

- Political opinion or activity
- Race
- Religious belief or activity
- Nationality
- Social origin
- Marital status
- Pregnancy or potential pregnancy
- Parental status or caring responsibilities
- Sex
- Sexual preference
- Gender identity
- Age
- Mental, intellectual or psychiatric disability
- Physical disability or impairment
- Physical features
- Medical or criminal record
- Trade union membership or activity
- Defence force reserve membership
- Personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes

#### **Discrimination can be direct or indirect.**

**Direct Discrimination** can be defined as any action which specifically excludes a person or group from a benefit or opportunity on the basis of any of the above personal characteristics.

**Indirect Discrimination** refers to the outcome of rules, practices and decisions which appear to treat people equally and to be neutral, but have an adverse outcome for a group or an individual with a protected characteristic thereby reducing a benefit or opportunity. Practices appear fair in form but are in discriminatory in outcome.

## 4.2 BULLYING AND HARASSMENT

**Workplace bullying** is **repeated**, unreasonable behaviour directed towards an employee or to a group of employees. It is behaviour that any reasonable person, having regard to all the circumstances, would anticipate would victimise, humiliate, undermine or threaten that employee or group of employees. 'Repeated behaviour' is behaviour that can be identified as persistent and having an established pattern.

There is **no stereotype for a bully** – job type, status and gender are all irrelevant. Bullies can be managers, employees, contractors or others.

The following types of behaviour are examples of what could be considered bullying:

- A manager or supervisor using a management style that is harsh, involves shouting, constant criticism or humiliation of an employee or group of employees in private or in front of their peers
- Forcing an employee to participate in an 'initiation' process
- Inappropriate practical jokes
- Petty or demeaning work rules
- Yelling and screaming abuse or using foul language
- Excluding or isolating employees
- Psychological harassment
- Intimidation
- Being threatened with violence or dismissal
- Assigning meaningless tasks unrelated to the job
- Giving employees impossible assignments
- Deliberately changed work rosters to inconvenience particular employees
- Constant intrusive surveillance
- Deliberately withholding information vital for effective work performance

The following types of behaviour are examples of what is not considered to be bullying:

- Employee grievance in relation to legitimate and reasonable disciplinary actions or performance management processes
- Lawful directive delivered respectfully
- Constructive feedback
- Poor or bad management
- Organisational change
- Downsizing

**Harassment** is unwelcome or uninvited behaviour that is based on grounds of discrimination (gender, race, sex, disability etc) that offends, humiliates or intimidates an employee or a group of employees. Unlike bullying where the behaviour must be 'repeated' in order to constitute bullying, harassment can be **one** incident.

The following are examples of harassment where the behaviour is directed towards or based upon a person's attributes:

- Practical Jokes
- Displays of offensive material
- Verbal abuse
- Derogatory remarks
- Unjustified and unnecessary comments about a person's abilities
- Insulting or threatening behaviours such as shouting or gestures
- Dismissive comments about a group that a person may belong to

#### **4.3 SEXUAL HARASSMENT**

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature that may make a person feel humiliated, intimidated or offended. It can take many forms and may be visual (eg e-mail or internet), written or physical contact of a sexual nature. The test of sexual harassment is whether the person feels offended, intimidated or humiliated by the unwelcome sexual conduct and/or whether a 'reasonable person' having regard to all the circumstances, would have anticipated that their behaviour would offend, intimidate or humiliate the person being harassed.

Examples of sexual harassment in the working environment:

- intrusive questions asked at employment interview
- lewd comments, dirty jokes (including by email) or foul language
- physical contact, including touching, kissing, patting or pinching in a sexual way
- requests for sexual favours
- sexual intercourse under threat of job loss
- verbal abuse of a sexual nature
- graphic or suggestive comments about an individual's dress, body, or private life
- gender based insults or taunting
- visual displays in the workplace of derogatory objects, pictures or calendars
- requiring hugs and or kisses from employees or co-workers
- asking employees or co-workers questions about their sex life
- offering rewards for sex
- sexually explicit conversation
- unwelcome remarks about a persons sex or private life
- statements of a sexual nature, either verbal or written and either made to a person or in their presence
- suggestive comments about a persons appearance
- offensive or nuisance telephone calls
- love letters or proposals of marriage
- requesting that a person wear sexually suggestive clothing
- offensive or nuisance telephone calls or emails
- screen savers containing any overtly sexual content
- touching or fiddling with a persons clothing eg. lifting up skirts or shirts, flicking bra straps, or putting hands in a persons pocket

A single act **or** a continuing course of conduct is equally capable of constituting sexual harassment. Both men and women may complain of sexual harassment.

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***Sexual harassment is unlawful regardless of the gender or sexual orientation of the person who harasses and the person being harassed.***

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. In such circumstances however, employees shall not engage in any form of behaviour in the workplace, which though it might be consensual, could interfere with the working environment, the proper performance of their jobs or offend other employees.

#### **4.4 VICTIMISATION**

Victimisation is against the law. Victimisation occurs when a person or someone associated with the person is subjected to, or threatened with harm or detriment because the person:

- has made a discrimination or harassment complaint;
- intends to make a discrimination or harassment complaint;
- has helped someone else make a discrimination or harassment complaint;
- has been the subject of a discrimination or harassment complaint.

No employee will be subjected to victimisation if they are involved in a complaint of discrimination, bullying or harassment. Should an employee who has been involved in a complaint of discrimination, harassment or bullying feel that they are being victimised they are encouraged to report it to a company representative eg. Manager, People Strategy and Development, Employee Support Officer or Employee Representative. If such victimisation occurs, the offender will be disciplined immediately. If the offence is serious, the offender may be dismissed.

#### **5.0 RESPONSIBILITIES**

##### **5.1 COMPANY'S RESPONSIBILITIES**

The Company will:

- Ensure that discrimination does not arise from decisions with respect to training, promotion, remuneration and general conditions of employment.
- Ensure that all selection and recruitment practices provide equal opportunity for all and are compliant with the relevant legislation.
- Ensure that its Equal Employment Opportunity, Harassment and Bullying Policy is displayed in a prominent location.
- Provide adequate procedures to effectively manage reports of alleged discrimination, harassment and bullying.
- Ensure all complaints are treated seriously and managed in a timely and fair manner in accordance with Company Procedures
- As far as reasonable ensure that all employees and contractors comply with the appropriate standard of conduct.

## **5.2 MANAGER'S AND SUPERVISOR'S RESPONSIBILITIES**

All Company Managers and Supervisors are responsible for:

- Recruiting, promoting, training, developing and transferring employees on the basis of merit and performance, and free from any discriminatory assumptions.
- Ensuring that all Human Resources practices are applied fairly, consistently and without bias.
- Taking all reasonable steps to prevent all forms of unlawful discrimination, harassment, bullying and victimisation
- Responsibly acting upon any behaviour within the working environment that may be construed as discriminatory, harassment or bullying.
- Treating all grievances seriously, confidentially and with a sense of urgency.
- Providing confidential advice and information to employees as required, including investigating any grievances or complaints that an employee may lodge.
- Treating all employees involved in a complaint or grievance fairly and impartially.

## **5.3 EMPLOYEES' RESPONSIBILITIES**

All Company employees are responsible for:

- Understanding, respecting and applying the Company's Equal Employment Opportunity, Harassment and Bullying Policy.
- Not tolerating any form of discrimination, harassment or bullying and notifying the relevant manager should such circumstances arise.
- Not participating in behaviour that could be considered discriminatory, harassment or bullying, or encourage others to participate in such behaviours.
- Attempting, (wherever practical) to amicably resolve any personal harassment or discrimination matter with the employee/s or manager/s involved, prior to notifying their manager or the Manager People Strategy and Development.
- Offering support to anyone who is being harassed, bullied or discriminated against and let them know where they can get help and advice.
- Maintaining complete confidentiality if they are in any way involved in the investigation of a complaint.

#### **5.4 EMPLOYEE SUPPORT OFFICER'S RESPONSIBILITIES**

The Employee Support Officer has a responsibility to:

- Provide employees who have a grievance relating to EEO, Discrimination, Harassment or Bullying with the opportunity to discuss their concerns informally, privately and confidentially.
- Provide employees with information about Discrimination, Harassment or Bullying as required
- Offer support to the complainant/respondent by listening to the issue, informing the complainant/respondent of the relevant complaints resolution procedure, informing them of the Employee Assistance Program (EAP) and seeking further information as necessary
- Collect the information relating to a complaint in a non-judgemental way.
- Keep confidential records of discussions and forwarding these to the relevant manager or People Strategy and Development when a complaint has been lodged
- Follow up with the complainant/respondent regarding the outcome/resolution

All matters including those reported to the Employee Support Officer will be reported to a member of the People Strategy and Development team not involved in the grievance being raised on a need to know basis. Behaviours that create a risk to health and safety and criminal behaviours should immediately be reported to People Strategy and Development.

#### **6.0 DISCIPLINARY ACTION**

Any manager, supervisor or employee of the Company identified as engaging in discriminatory practices, bullying or harassment of another employee will be subject to disciplinary action that may include termination of employment.

City West Water will not victimise any employee for filing a discrimination, harassment or bullying complaint, or for participating in any investigation, and will not tolerate or permit victimisation by any manager, supervisor or employee.

#### **7.0 CONFIDENTIALITY**

Any allegation of discrimination, harassment, bullying and victimisation will be treated confidentially. Any records made during the investigation will be stored in a secure environment.

Records of the investigation will not appear on personnel files except where formal investigation has established a breach of City West Water's Policy which results in the need for disciplinary action to be taken.

#### **8.0 VEXATIOUS OR FALSE COMPLAINTS**

City West Water will treat all complaints seriously and confidentially. Any employee making false accusations or bringing about complaints for malicious reasons may be subject to disciplinary actions by City West Water which may include termination of employment.

## **9.0 COMPLAINTS AND GRIEVANCE RESOLUTION PROCEDURE**

Refer to the [Equal Employment Opportunity, Discrimination, Harassment and Bullying Complaints and Grievance Resolution Procedure](#) for more information.