

SGH group equal employment opportunity & anti-bullying policy

SGH is an equal employment opportunity employer. It is in all of our interests to ensure that our workplace is free from unlawful discrimination, harassment and bullying. The EEO & Anti-Bullying Policy explains the conduct that is prohibited and sets out examples of discrimination, harassment or bullying. SGH will not tolerate any form of discrimination, harassment or bullying by managers, co-workers, contractors, consultants, clients, customers or suppliers. This policy is intended to prohibit offensive conduct, either physical or verbal, that threatens personal dignity and employee morale, or which interferes with a positive and productive work environment.

SGH aims to:

- Create a working environment that is free from discrimination, harassment and bullying and in which all employees are treated with dignity, courtesy and respect.
- Prevent discrimination, harassment or bullying from occurring at any events we participate in.
- Promote appropriate standards of conduct at all times.
- Encourage the reporting of behaviour that breaches the policy.
- Provide effective procedures for resolving complaints.
- Treat all discrimination, harassment and bullying complaints in a sensitive, fair, timely and confidential manner, and
- Protect employees from victimisation or reprisals for lodging a complaint.

What is unlawful discrimination?

Discrimination is unlawful and will not be tolerated by SGH. Employees and prospective employees have the right to be free from discrimination based on protected attributes.

The protected attributes under the Fair Work Act are race, colour, identified gender, sexual orientation, age, physical or intellectual disability, mental health, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin, breastfeeding, intersex status and gender identity.

Unlawful discrimination occurs when a person treats another person less favourably than someone who does not have the same characteristics (real or imagined) as the person who is being discriminated against because of one or more of the above grounds of discrimination ("direct discrimination").

Unlawful discrimination also occurs when an unreasonable requirement, condition or practice is imposed that, although most people can comply with it, persons with a characteristic cannot comply with it ("indirect discrimination").

Discrimination can happen to:

- Someone applying for a job as an employee.
- A new employee who hasn't started work.
- An employee at any time during employment.

The above are examples only and are by no means exhaustive.

What is unlawful harassment?

There are several types of unlawful harassment, namely harassment based on sex, disability or race. Harassment outside of these defined areas can also give rise to legal liability. Harassment can include teasing, criticism, humiliation, practical jokes, bullying, threatening or abusive behaviour, physical violence or fighting.

Harassment of a person at work is unlawful and will not be tolerated. If such harassment is found to have occurred, the person or persons responsible will be subjected to disciplinary action including possible dismissal without notice.

The most common type of harassment complained about is sexual harassment.

What is sexual harassment?

Under the Fair Work Act, sexual harassment is:

- An unwelcome sexual advance
- An unwelcome request for sexual favours
- Other unwelcome conduct of a sexual nature in relation to another person

To be sexual harassment, it has to be reasonable to expect that there is a possibility that the person being harassed would be offended, humiliated or intimidated by the behaviour. This means that whether behaviour is sexual harassment depends on how a reasonable person would interpret the behaviour in that situation.

Behaviour that is sexual harassment in one situation may not be in a different situation. A person could also be sexually harassed by being exposed to or witnessing this kind of behaviour. For example, overhearing a conversation or seeing a sexually explicit poster in the workplace.

Examples of sexual harassment might include:

- Inappropriate physical contact, such as unwelcome touching
- Staring or leering
- A suggestive or inappropriate comment or joke
- A sexually explicit picture or poster
- An unwanted invitation to go out on dates
- A request for sex
- Intrusive questioning about a person's private life or body
- Unnecessary familiarity, such as deliberately brushing up against a person
- An insult or a taunt of a sexual nature
- A sexually explicit email or text message

Sexual harassment doesn't have to be repeated or continuous. It can be a one-off incident. Sexual harassment in connection to employment is a form of serious misconduct and can be a valid reason for dismissal under the *Fair Work Act*.

An employee can be sexually harassed by a manager, co-worker, contractor, service provider, client or customer. Sexual harassment is not just unlawful during working hours or in the workplace itself. Sexual harassment is unlawful in any work-related context including events, conferences, work functions, Christmas parties and business trips.

An eligible worker who believes they've been sexually harassed at work can apply to the Fair Work Commission for an order to stop the sexual harassment. Visit the Fair Work Commission's website for more information about eligibility and making applications.

Some forms of sexual harassment could constitute criminal offences and should be reported to the police.

Behaviour that isn't sexual harassment might still be considered bullying or discrimination in the workplace.

What is racial harassment?

Racial harassment is the targeting of an individual because of their race or ethnicity. The harassment may include words and actions that are specifically designed to make the target feel degraded due to their race or ethnicity. Examples of racial harassment include racial taunts, jokes and remarks about a person's personal appearance.

What is workplace bullying?

Bullying happens at work when:

- A person or group of people repeatedly behave unreasonably towards another worker or 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.

What isn't bullying

Reasonable management action that's carried out in a reasonable way is not bullying.

An employer or manager can:

- Make decisions about poor performance
- Take disciplinary action
- Direct and control the way work is carried out

Management action that isn't carried out in a reasonable way may be considered bullying.

As a guide, all employees should:

- Be sensitive to the effect of their behaviour on other people at work; and
- If in doubt, do not do or say something that you think may offend someone

The laws to stop bullying under the Fair Work Act only apply to certain workers in Australia. A worker includes:

- An employee
- A contractor or subcontractor
- An outworker
- An apprentice or a trainee
- An intern
- A student gaining work experience
- Some volunteers.

If you think you are being or have been harassed, bullied or discriminated against:

Tell the person to stop

- If you do not feel comfortable doing this, or the person does not stop, tell your manager or speak to the CEO
- If you believe a fellow employee has engaged in discriminatory, inappropriate or unlawful conduct you should also report this conduct.

SGH's Contact Persons are Giles Croker, CEO and Pam Hauser, Compliance Director and they are authorised to receive, investigate and resolve complaints relating to allegations of unlawful discrimination, harassment and bullying.

All complaints notified immediately to the Contact Persons will be dealt with promptly and confidentially. All complaints will be investigated impartially and when required, action will be taken to ensure that unlawful discrimination, harassment or bullying does not continue or recur.

No person who lodges a complaint in accordance with this policy will suffer any detriment at work for that reason, unless there is strong evidence the complaint was malicious or vexatious.

If the complaint is found to be substantiated, immediate and appropriate steps will be taken to ensure the discrimination, harassment or bullying does not continue or recur. Both parties will be advised if a complaint is found not to be substantiated.

Depending upon the severity of the case, the consequences for breach of this policy can range from:

- Apology
- Counselling
- Transfer
- Suspension with or without pay
- Verbal or written warnings
- Demotion
- Dismissal with or without notice, and/or
- Any other forms of disciplinary action



Immediate disciplinary action will be taken by SGH against any employee or employees who victimise or retaliate either directly or indirectly against a person who has lodged a complaint.

Employees are strongly encouraged to follow the complaint process outlined in this policy. Furthermore, SGH encourages all employees to contact their General Medical Practitioner or any of the following providers for mental health support:

Lifeline

24-hour crisis support and suicide prevention

Ph: 13 11 14

www.lifeline.org.au

Beyondblue

Mental health support

Ph: 1300 224 636

www.beyondblue.org.au

Employees can also contact the Employee Assistance Program for immediate counselling and support for a confidential discussion.

SGH is committed to ongoing training, communication and reinforcement of this policy.

If you have any questions about the meaning or application of this policy please speak with the CEO.

Employees should feel confident that any complaint they make is to be treated as confidential as far as possible.