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EQUAL OPPORTUNITY, DISCRIMINATION, BULLYING AND HARASSMENT POLICY

1. Introduction

1.1 Altaira is committed to:

- ensuring that our workplace is one where everyone is treated with dignity, courtesy and respect and which is free from discrimination, harassment, sexual harassment, bullying and victimization;
- creating an environment and workplace culture in which individual differences and the contributions of our employees are recognised and valued, and where unfair and unlawful discrimination, bullying and harassment is not tolerated.

2. Application

2.1 The principles of this policy apply to employees, workers, contractors, visitors, customers, suppliers, and former employees. It applies to all areas of employment including recruitment, selection, training, deployment, career development, and promotion.

2.2 This policy has been designed to facilitate the creation of a workplace culture that maximises organisational performance through employment decisions. These decisions will be based on real business needs without regard to non-relevant criteria or distinctions and will ensure that all decisions relating to employment issues are based on merit.

2.3 The policy is intended to provide staff with information to help Altaira achieve its policy objectives by outlining expectations of behaviour and procedures for dealing with complaints.

3. Definitions

Reasonable Person Test

Would a reasonable 'random' person not involved in the situation, having regard to all the circumstances, consider the actions and/or behaviour unacceptable and feel offended, humiliated, victimised, or intimidated?

Reasonableness

Is determined by weighing all the relevant circumstances which can include the context in which any harassment occurred, the nature of the relationship between the parties and the relative status of those involved in any complaint.

Scope

Staff members must comply with the policy at all times during work, when representing or acting on behalf of Altaira and at work related events and social functions and interactions.

5. Policy

5.1 Altaira supports the principle of equal employment opportunity and to providing a productive workplace in which everyone can work free of unlawful discrimination, bullying, victimisation and harassment.

5.2 Behaviour that is inconsistent with this policy will not be tolerated.

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5.3 Altaira will treat all complaints of harassment, bullying and victimisation seriously, and will ensure they are dealt with promptly, impartially and confidentially.

6. Equal Employment Opportunity

6.1 It is the policy of Altaira that all persons in the workplace be treated on the basis of merit and according to their skills and abilities. This includes, but is not limited to, matters involving: recruitment, selection, transfers, promotions, performance reviews, training and development, supervision and management of staff, counselling, disciplinary procedures and termination of employment.

6.2 A staff member's gender, marital status, pregnancy, parental or family responsibilities, race, age, physical or mental disability, sexual orientation, chosen gender, political or religious beliefs, social origin, trade union activity or inactivity, or physical appearance will not form the basis of employment decisions.

7. Discrimination and Harassment

7.1 Altaira believes that all staff have a right to work in a productive environment in which discriminatory conduct or harassment of others is not tolerated.

7.2 Unlawful discrimination and harassment can have many negative effects in the workplace. Staff members who are subjected to, or witness this type of treatment often feel intimidated or anxious at work.

7.3 Through responsible management, Altaira will endeavour to prevent discrimination and harassment from occurring in the workplace.

7.4 All forms of harassment and unlawful discrimination are unacceptable and depending on the severity can lead to disciplinary action including termination of employment.

7.5 What is Unlawful Discrimination?

7.5(a) Unlawful discrimination may occur when a staff member is treated less favourably than others because of that person's individual characteristics or because that person belongs to a particular group of people. Everyone should feel comfortable in the workplace and individual differences should be respected.

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7.5(b) Discrimination does not have to be calculated or intentional to be unlawful. The intention of the person discriminating is irrelevant. Basically, two types of discrimination can occur in the workplace:

(1) **Direct Discrimination** - this occurs when an individual treats another person less favourably for an unlawful reason. To be unlawful it must also be unreasonable.

(2) **Indirect Discrimination** - this occurs when a policy or practice appears neutral but in fact results in an individual or group being treated less favourably.

7.5(c) Employment decisions may be unlawful if they are made on the basis of a person's:

(1) Gender or chosen gender;

(2) Race (including colour, nationality, ethnic or social origin);

(3) Sexuality;

(4) Age;

(5) Marital or domestic partnership status;

(6) Association with a child or carer's responsibilities;

(7) Pregnancy/potential pregnancy;

(8) Religion, religious appearance or dress;

(9) Political opinion;

(10) Identity of spouse/partner;

(11) Irrelevant Criminal records;

(12) Disability or impairment; or

(13) Trade Union Activity.

7.5(d) Examples of Unlawful Discrimination

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The following examples may constitute unlawful discrimination in the workplace:

- (1) A pregnant staff member being pressured to resign prior to taking any maternity leave;
- (2) A person with a physical impairment being retrenched because new building facilities cannot accommodate a wheelchair; or
- (3) Making the decision not to hire a person on the basis of their ethnicity.

7.6 What is Harassment?

7.6(a) Harassment is any uninvited or unwelcome behaviour that offends, humiliates or intimidates another person, whether or not that effect is intended.

7.6(b) Harassment may occur as a single act, or as a series of incidents, persistent innuendoes or threats. It can take many forms: it may be silent or loud, subtle or openly hostile; it can be private or public.

7.6(c) Harassment may take the form of general bullying, or be specifically aimed at people with particular or different characteristics. The latter type of harassment may amount to discrimination which is unlawful.

7.7 Sexual Harassment

7.7(a) Sexual harassment generally includes any unwelcome or uninvited conduct of a sexual nature or having sexual connotations which a reasonable person would find offensive. It may be physical, verbal or written. This applies to any person with whom there is a worker/co-worker relationship and a person who is seeking to become a fellow worker.

7.7(b) Certain conduct that may be tolerated socially could constitute sexual harassment in the workplace when it is unwelcome. At the same time, sexual harassment must not be confused with conduct that has the consent of all involved. Consent is something actively given, as opposed to “just going along with” because of being too uncomfortable, embarrassed or scared to object openly.

7.7(c) Altaira is committed to maintaining a working environment which is free from sexual harassment. Altaira regards sexual harassment as a serious issue and aims to treat any complaints in a sensitive, fair and confidential manner.

7.8. Examples of Sexual Harassment

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The following examples may constitute sexual harassment when they are *UNWELCOME* and offensive to a staff member, regardless of any innocent intent on the part of the offender (this is not an exhaustive list):

- (1) Offensive visual material (e.g. as posters, or on the internet);
- (2) Intrusive enquiries into another staff member's private life, their sexuality or physical appearance;
- (3) Requests for, or expectations of, sexual activity under threat, or in exchange for favours or promises of preferential treatment.

8. Victimisation

8.1 Victimisation occurs when a person victimises another person who lodges a discrimination or harassment complaint or takes certain related actions such as whistle blowing.

8.2 Victimisation of others is unlawful. The intention of such protective measures is to ensure that a person who wants to use or does use their statutory rights to protect themselves against discrimination or harassment, is not further disadvantaged by other detriments being imposed on them.

8.3 Disciplinary action will be taken against any staff member who is found to have engaged in threatening or other inappropriate action against a person who has complained of harassment.

9. Bullying

9.1 Bullying is repeated and unreasonable behaviours directed towards a staff member or group that creates a risk to health and safety (including putting at risk people's psychological wellbeing). Bullying behaviour makes people feel offended, afraid, embarrassed or humiliated and is subject to the 'reasonable person test' (see Section 2 - Definitions). Bullying may involve harmful physical or verbal abuse, aggression or intimidation, but it may also be more subtle or indirect.

9.2 Examples of Bullying:

- (1) verbal abuse, threats, sarcasm or other forms of demeaning or intimidating language or persistent uncivil communication
- (2) constant negative criticism or "nit-picking" on trivial matters

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(3) threatening to take unjustified action against a person unless they comply with unreasonable requests.

(4) Cyber Bullying, this includes: a) malicious or threatening emails or SMS communications to an individual's phone or email address;

b) electronic communications that feature offensive content such as explicit images, jokes and comments about race, religion or sexual preference;

c) electronic communications aimed to overly criticise work performance that is shared with other members of the employees team;

d) offensive comments about an individual or their appearance posted on blogs or social networking sites;

e) sharing embarrassing, offensive or manipulated images or videos of an individual, for example, on iPhone applications;

f) screen savers or desktop backgrounds featuring offensive content.

- participation in performance management processes
- informing a staff member about unsatisfactory work performance or inappropriate work behaviour
- asking a staff member to perform reasonable duties in keeping with their job.

9.3 A single incident of unreasonable behaviour is not considered to be workplace bullying however, it may have the potential to escalate and should not be ignored.

9.4 '**Reasonable Management Action**' does **not** constitute bullying and can be defined as:

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(1) reasonable management action carried out in a reasonable manner by the organisation to transfer, demote, disciplinary action for misconduct, counsel, retrench or dismiss a staff member

(2) a decision by the organisation, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with the staff members' employment

(3) reasonable administrative action taken in a reasonable manner by an organisation in connection with the staff members' employment such as:

10. Responsibilities

10.1 Altaira has a duty of care to all staff to take reasonable steps to prevent unlawful harassment, bullying and discrimination.

10.2 The Director and Managers have a responsibility to:

10.2(a) Comply with this policy and undertake training in order that they can fulfil their responsibilities for effectively handling any complaints;

10.2(b) Monitor the working environment to ensure it is free from harassment and that acceptable standards of conduct are observed at all times;

10.2(c) Model appropriate behaviour;

10.2(d) Ensure all staff under their supervision are aware of Altaira policy for dealing with Bullying and Harassment, Equal Opportunity and Discrimination;

10.2(e) Ensure that all employment, advancement and training decisions are consistent with this policy;

10.2(f) Seek appropriate advice and assistance when dealing with formal or informal complaints;

10.2(g) Ensure that Equal Opportunity, Discrimination, Bullying and Harassment Training is provided to employees.

10.3 All persons have a responsibility to:

9.3(a) Comply with this policy;

9.3(b) Cooperate with Altaira in the event of an investigation;

9.3(c) When appropriate, deal with sensitive information in a confidential manner.

11. What if you do have a complaint?

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11.1 Breaches of this policy will be treated seriously.

11.2 Staff who become aware of a breach or suspected breach of this policy are encouraged to discuss the matter with their immediate manager or supervisor on a confidential basis.

11.3 A staff member who believes they are the victim of discrimination, bullying or harassment may deal with the matter:

(1) **Informally** - by discussing / approaching the person with whom they are aggrieved. The staff member can choose to do this either personally or with the assistance of their immediate manager or supervisor; and/or

(2) **Formally** - by using *Altaira Grievance Procedure*.

11.4 Should the staff member elect to raise a formal grievance, Altaira may carry out an investigation. Alternatively, Altaira may take whatever action it deems necessary to attempt to resolve the staff members' grievance.

11.5 If after an investigation by Altaira the staff members' complaint or statement is found to be false and malicious, disciplinary action may be taken against the staff member and such action may include termination of employment.

11.6 If a staff members' complaint is substantiated, Altaira may take disciplinary action against the perpetrator. Depending upon the seriousness of the breach of this policy, such action may include termination of employment.

12. Relevant Legislation

- Defamation Act 2005 (SA)
- Sex Discrimination Act 1984 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Australian Human Rights Commission Act 1986 (Commonwealth)
- Age Discrimination Act 2004 (Commonwealth)
- Fair Work Act 2009 (Commonwealth)
- Equal Opportunity Act 1984 (amended October 2009) (SA)

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- Racial Vilification Act 1996 (SA)
- The Workplace Gender Equality Act 2012 (Commonwealth)
- Human Rights and Equal Opportunity Act 1986 (



Recoverable Signature

X

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Regulatory and Compliance Operations Manager

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