


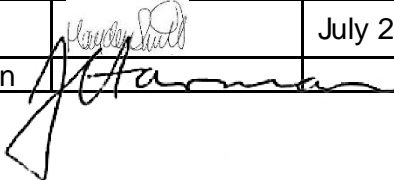




# Workplace Harassment Policy

Issue Number	Date	Brief description of update	Next review date
1	March 2019	Policy Creation	March 2021
2	July 2020	New Branding, Reorganisation & RAP Inclusions	July 2022

Business unit responsible for updates: Human Resources

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## 1. OVERVIEW AND PURPOSE

EDL is committed to having a safe, diverse and professional work environment. Everyone at EDL has a role to play in developing this type of work environment. EDL expects that EDL workers do not subject others to behaviour which involves discrimination, harassment, bullying or other inappropriate behaviour.

## 2. SCOPE AND KEY CONCEPTS

EDL will not tolerate inappropriate behaviour towards any other person. This Policy sets out EDL's requirements and expectations about acceptable and unacceptable workplace behaviour relevant to workplace harassment including discrimination, harassment, sexual harassment, bullying and other types of inappropriate behaviour.

This Policy applies to all EDL workers (including directors, officers, employees, contractors and other workers (however described):

- at all EDL workplaces;
- during all EDL work related situations; or
- in dealings with other people - including colleagues, customers, suppliers, visitors and others dealing with EDL.

Further, in Australia EDL will not discriminate against employees, contractors and suppliers who identify as Aboriginal or Torres Strait Islander. EDL will acknowledge differing cultural needs in accordance with EDL's Diversity & Inclusion Policy and Reconciliation Action Plan (RAP).

### **Zero tolerance**

EDL does not accept discrimination, harassment (including sexual harassment), bullying or other inappropriate behaviour as detailed in this Policy. A breach of this policy by an EDL worker could result in disciplinary action against that EDL worker up to and including dismissal.

## 3. KEY DEFINITIONS

For the purpose of this Policy, EDL workplaces and EDL work related situations are broad concepts and are intended to apply to any place, event or activity which is work related. They include (but are not limited to):

- EDL occupied, leased or owned premises (e.g. office, warehouse, workshop, project site or residential accommodation for EDL workers);
- work related transportation (e.g. cars, buses, trains, aircraft or boats);
- work related events and contexts (e.g. work-related travel, business trips, conferences, work lunches/dinners or work functions and parties); or
- contexts where EDL workers are representing EDL in any way.

**Discrimination** includes any practice that makes distinctions between individuals or groups on grounds other than merit, so as to disadvantage some and to advantage others. Discrimination can be either direct or indirect. Direct discrimination is the more obvious form and occurs when somebody with a particular characteristic is treated unfavourably because of that characteristic. In comparison, indirect discrimination occurs when there is a rule that applies to everyone in the same way, however it puts a particular group of people at a disadvantage.

Discrimination may occur on the basis of (among other things):

- sex;
- age;
- race;
- sexual orientation or preference;
- family responsibilities (including pregnancy, marital status);
- disability;
- political or religious beliefs;
- gender reassignment;
- ethnic or social origin; or
- other attributes covered by relevant discrimination laws.

**Harassment** includes any action or behaviour which is:

- unwelcome and belittling and which has the effect of offending, humiliating or intimidating the person at whom it is directed - even if harassment was not intended; and
- which a reasonable person would anticipate would likely have the effect of offending, humiliating or intimidating a person.

Harassment can be based on any personal attributes such as the grounds for discrimination listed above. Harassment is often repeated behaviour but can also consist of a single act.

**Sexual harassment** includes any unwanted advances or attention of a sexual nature or harassment of a sexual nature or with sexual undertones. Sexual harassment can be a single incident – depending on the circumstances. Sexual harassment can include:

- verbal or physical conduct; or
- actions or remarks that are so offensive that they may constitute sexual harassment in themselves - even if they are not repeated.

Some behaviour, such as an unwanted invitation or compliment, may not necessarily constitute harassment or sexual harassment if they are unintended or not repeated.

There does not have to be intention to offend or harass an individual or group for activity to be harassment or sexual harassment. The specific impact of the behaviour towards the person receiving it, and the nature of the behaviour / actions of the EDL worker determine whether it is recognised as harassment or sexual harassment.

Some examples of harassment and sexual harassment might include, but are not limited to:

- uninvited/offensive physical contact, derogatory language or intimidating actions/behaviour;
- threatening or insulting gestures or language (whether implied or overt),
- any unwarranted shouting in the workplace;
- unnecessary/unjustified comments in regard to a person's capability or capacity for work;
- insensitive jokes;
- direct propositions of a sexual nature;
- sexual or suggestive remarks;
- displaying pictures, videos, posters, graffiti or written materials which could be considered by a reasonable person to be offensive to some people or inappropriate for a work-related situation (e.g. pornographic, racist, sexist or homophobic material);

- phone calls or messages (whether on electronic mail or computer networks) which a reasonable person would consider to be abusive or offensive to others;
- consistent following or stalking of EDL workers including within the workplace, to and from work, and electronically (including through social media); or
- persistent, unwanted attempts to change a professional relationship to an intimate one.

**Workplace bullying** includes repeated, persistent, and unreasonable behaviour in the workplace that is likely to humiliate, victimise or threaten an EDL worker or group of EDL workers. This behaviour, whether intentional or unintentional, creates a risk to health and safety.

Examples of workplace bullying may include, but are not limited to:

- the exclusion of an EDL worker or a group of EDL workers from standard conversations, work projects, work related social activities, events and networks within the workplace;
- offensive physical contact, derogatory language or intimidating actions/behaviour;
- deliberately withholding information that is vital for effective work performance;
- spreading misinformation, malicious rumours and gossip, or other unprofessional conduct;
- setting unreasonable timelines or constantly changing deadlines;
- changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular EDL worker or group of EDL workers;
- making a vexatious complaint about bullying: i.e. deliberately making a complaint that is frivolous or malicious, where the person making the complaint does not have sufficient grounds for action and is seeking only to cause trouble for the other party. Note: if a complaint is found to be vexatious in nature, it may in itself lead to disciplinary action; or
- victimisation (see note below).

*Note: There is a difference between workplace harassment / bullying and comments or advice concerning the work performance or work-related behaviour by an EDL worker or group of EDL workers. This type of performance feedback should be carried out in a constructive way that does not humiliate or threaten an individual or their beliefs. Genuine and reasonable differences of opinion or disagreements are generally not considered to be workplace bullying.*

### **3.1 EDL's expectations and commitment**

Everyone has a role to play in developing a supportive culture, free from discrimination, harassment and bullying.

All EDL workers are expected and required to:

- comply with this Policy by maintaining an appropriate standard of behaviour to prevent bullying or harassment;
- attempt to resolve any issues informally if appropriate and safe to do so;
- raise issues with their Manager / Supervisor in a timely manner if unresolved through informal approaches;
- actively contribute to a positive and productive work environment and workplace culture; and
- report suspected breaches of this Policy.

EDL workers who are Managers / Supervisors are expected and required to:

- promote a culture free from discrimination, bullying and harassment;

- ensure all EDL workers are aware of and have access to this Policy and any associated procedures;
- ensure all EDL workers are aware of the behavioural expectations and what action to take if they believe they have been subjected to, or witness to, unacceptable behaviour;
- reinforce an EDL worker's rights to raise a matter about behaviour in the workplace if they feel it is affecting them adversely; and
- treat all complaints seriously, ensuring that the aggrieved EDL worker is not victimised or treated unfairly including investigating and resolving issues to the best of their ability.
- EDL is committed to taking all steps necessary to:
- ensure that EDL workers and others are not exposed to health or safety risks from workplace bullying;
- ensure all EDL workers are aware of and have access to this Policy and any associated procedures;
- maintain confidentiality during any complaint and investigation process;
- ensure that appropriate resources and processes are in place to eliminate or minimise the risks from workplace bullying; and
- monitor the use and effectiveness of those resources and processes.

## **4. WHAT TO DO IF YOU HAVE CONCERNS**

If, as an EDL worker, you feel that you are or have been harassed, bullied or discriminated against you are encouraged to follow the grievance process outlined below in a prompt and timely manner. These stages do not need to be followed sequentially; the most appropriate option will depend on the situation. EDL recognises that some complaints (especially sexual harassment complaints), are sensitive in nature and it may not be appropriate to raise the issue through the standard grievance process. In these situations, you are encouraged to approach a member of Human Resources in the first instance.

### **4.1 Informal Intervention**

If you feel that another EDL worker has harassed you, bullied you or discriminated against you and you feel comfortable doing so, you should personally address the other person concerned and explain that you do not feel comfortable with his or her behaviour. The person may be unaware of the impact that their behaviour is having and addressing them may cease its re-occurrence.

If 'self-help' does not resolve the situation or if you are not comfortable personally addressing the other person, you are encouraged to speak with your manager or another senior colleague. They will take reasonable steps to resolve the incident on your behalf.

### **4.2 Formal Complaint Overview**

If a matter or complaint cannot be solved through informal methods, or if you or your manager believe that it is a serious breach of this Policy, a formal complaint can be lodged with Human Resources. It is recommended that any formal complaint to Human Resources starts with a confidential verbal discussion with a Human Resources representative. The representative can then give guidance on the next steps for dealing with the complaint.

All details of complaints and investigations will remain strictly confidential and will not be discussed with anyone outside the process. This applies to both EDL Management and the involved parties.

**A note about victimisation**

Victimisation is itself a form of bullying. It involves treating someone unfairly because they have made, or intend to make, a complaint in connection with this Policy or because they have supported someone else who has made or intends to make a complaint in connection with this Policy. EDL

will take all necessary steps to ensure that people who come forward with a complaint or those who help resolve it are not victimised.