

EEO, Discrimination, Harassment and Bullying

Quality Personnel Service Group (“QPSG”) is committed to providing a work environment for its employees, contractors, candidates, clients and visitors that is free from discrimination, bullying or harassment.

This Policy establishes the organisation’s behavioural and compliance expectations of its employees with regard to:

- Equal Opportunity
- Discrimination
- Harassment / Sexual Harassment,
- Bullying,
- Victimisation and Vilification.

In addition, the Policy also sets out guidelines and procedures with regard to addressing all aspects of discrimination, bullying and harassment:

- Initial Resolution of Issue
- Making a complaint (informal or formal)
- Possible Outcomes of a complaint
- Other Options
- Confidentiality
- Breaches of this policy

QPSG believes the quality of work life is about cooperation, communication, coordination, team work, fairness and mutual respect for other people within the organisation. QPSG also recognises the need to respect and value diversity of the workforce and is committed to facilitating that diversity by preventing and eliminating discrimination, bullying and harassment.

QPSG’s commitment to a workplace free of any kind of discrimination, bullying or harassment behaviour to ensure all employees and candidates receive equitable treatment in all aspects of the employment relationship including recruitment and selection; procedural fairness employment conditions and career development.

Equal Opportunity

QPSG is an equal opportunity employer and we are committed to equal opportunity in the workplace for all of our employees and will continue to develop equal opportunity practices and programs compatible with our responsibilities.

It is the intention and expectation of QPSG that all decisions affecting employment and career development, including those associated with hiring, training, promotion, transfer, development activities and general work conditions will be based upon the principles of merit and equity.

The fundamental criteria of merit are: work performance, aptitudes, qualifications, competencies, abilities, skills, knowledge, motivation, experience and perceived developmental potential.

This commitment is consistent with the intent of equal opportunity and anti-discrimination legislation including:

- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Equal Opportunity for Women in the Workplace Act 1999 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Racial and Religious Tolerance Act 2001 (Vic)
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 1995 (Vic)

The policy is based upon the principle that all employees are employed or promoted according to merit.

Discrimination

QPSG acknowledges that it has a responsibility to create an employment environment free from discrimination. It will ensure that its structures and practices are free from direct or indirect discrimination based on:

- age, sex, marital/relationship status, pregnancy, race,
- disability/physical or intellectual impairment,
- carer/parental/family status
- sexual orientation/homosexuality
- religious and political beliefs, and activities
- parenthood/family responsibilities
- sexuality
- gender identity/transgender
- breastfeeding
- lawful sexual activity
- industrial/trade union activity
- physical features
- mental health
- gender history
- a personal association with a person who could be discriminated against

Employees should be aware that discrimination of any kind will not be tolerated and will result in disciplinary action, which may include termination of employment.

There are two types of discrimination: direct discrimination and indirect discrimination:

- Direct discrimination means treating someone with an attribute less favourably than a person without an attribute in the same or similar circumstances. The attributes covered are age, breastfeeding, parental or carer status, impairment, gender identity, sexual orientation, industrial activity, marital status, physical features, mental health, political belief/activity, pregnancy, race, religious belief/activity, sex, lawful sexual activity or personal association with someone who has one or more of these attributes.
- Indirect discrimination occurs when a requirement, condition or practice is imposed and a person with an attribute cannot comply with the requirement, whereas others can, and that requirement, condition or practice is not reasonable.
- Discrimination also includes engaging in conduct that incites hatred against, or serious contempt for, or revulsion or severe ridicule of, a person on the ground of race and/or religion. Such conduct is also a criminal offence, which may result in fines or even imprisonment. Discrimination is unlawful under the Equal Opportunity Act (Vic) 1995, and the following Commonwealth Acts: Racial Discrimination Act 1975, Sex Discrimination Act 1984, and the Disability Discrimination Act 1992.

No employees (including management) shall:

- discriminate against or harass anyone at work or persons one comes into contact with in the course of work
- victimise anyone involved in a complaint or investigation
- knowingly make a false complaint.

Harassment

Harassment is any 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, or which a reasonable person would anticipate might have the possibility of offending, humiliating or intimidating a person. Harassment can be based on any personal attributes such as the grounds for discrimination listed above. Harassment will usually be repeated behaviour, but can also consist of a single act.

Sexual Harassment:

No employee shall subject another person to sexual harassment. All employees must ensure that the workplace is free from sexual harassment. Should an employee engage in conduct, which constitutes sexual harassment, the Company may immediately terminate their employment.

Sexual harassment can be defined as any unwanted, unwelcome or uninvited behaviour of a sexual nature, which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment. It is defined not by the intent of the offender, but by the perceptions of and effect on the victim, and whether these reactions were reasonable.

Examples of sexual harassment include:

- uninvited touching, kisses or embraces
- smutty jokes or comments
- making promises or threats in return for sexual favours
- displays of sexually graphic material including posters, pinups, cartoons, graffiti or
- messages left on notice boards, desks or common areas
- emailing lewd pictures or jokes
- repeated invitations to go out after prior refusal
- sexual gestures
- sex - based insults, taunts, teasing or name-calling
- staring or leering at a person or at parts of their body
- unwelcome physical contact such as massaging a person without invitation or
- deliberately brushing up against them
- remarks of a sexual nature about a person's clothing or body; or remarks about sexual activity or speculations about previous sexual experience.
- requests for sex
- persistent questions or insinuations about a person's private life
- offensive phone calls or letters.

If any employee sexually harasses another employee or a client of the employer, legal action could be taken against the employee for harassment and the employee could also be exposing the Company to liability.

Sexual harassment and harassment is unlawful in any work-related context, including conferences, work functions, office Christmas parties and business or field trips.

Bullying

Bullying is described as repeated unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety. "Unreasonable behaviour" means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. "Behaviour" includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

Examples of behaviour that could be bullying include:

- Psychological harassment
- Excluding someone from workplace activities
- Assigning trivial tasks unrelated to the person's job
- Giving someone the majority of unpleasant or impossible tasks
- Deliberately withholding information that is important for the effective performance of
- the person's job

- Verbal abuse
- Humiliating someone through sarcasm or insults
- Intimidation
- Physical abuse or attack

QPSG has a zero-tolerance bullying policy. We are committed to providing all employees with a healthy and safe work environment free from bullying. This includes taking all measures possible to prevent workplace bullying.

Bullying is a breach of the duties of care owed by both employer and employee and persons held accountable for such behaviour may be prosecuted under the relevant state legislation

Victimisation

Victimisation of employees who make complaints or reports of discrimination or harassment is unlawful and will not be tolerated by the Company. Disciplinary action will be taken against any employee who victimises or retaliates against a person who has complained of discrimination or harassment, or is involved in a complaint or investigation of a complaint of discrimination or harassment.

The prohibition against discrimination, bullying and harassment extends to all persons that staff members come into contact with in the course of their employment such as clients and contractors.

Vilification

Vilification is making a vicious or defamatory statement about a person or group of people. It is a public act that could incite (encourage, urge or stir up) others to hate, have serious contempt for, or severely ridicule you or a group of people, because of race, colour or religion but it can be because of another attribute such as gender or sexuality. Vilification can include graffiti, speeches, abuse, gestures, posters, stickers, or remarks on internet sites or public notice boards. Vilification is against the law and will be dealt with accordingly.

Roles and Responsibilities

All Managers and Supervisors are responsible for:

- Promoting a culture free from discrimination, bullying and harassment
- monitoring the working environment to ensure that acceptable standards of conduct are observed at all times
- modelling appropriate behaviour themselves
- Making employees aware of what action to take if they believe they have been subjected to, or witness to, inappropriate behaviour; and
- Treating all complaints seriously, investigating and resolving issues in so far as they are able.
- maintaining complete confidentiality if they provide information during the investigation of a complaint.

All Employees are responsible for:

- complying with the QPSG - Discrimination, Bullying and Harassment Policy i.e. they are not to discriminate against others, harass, bully or vilify others, and must cooperate with their employer with respect to any action taken to comply with requirements under all relevant legislation.

Employees should be aware that non-compliance may result in the termination of their employment.

Informal complaint

Many problems can be sorted out quickly and informally by speaking directly with the other person concerned. The employee should attempt to resolve the matter with the other person only if they feel comfortable doing so, by asking the other person to stop and tell them that their behaviour is unwelcome and unacceptable.

If an employee feels uncomfortable raising the issue directly with the other person, the employee may an informal complaint and refer the matter to their Manager or QPSG Human Resource manager for a discussion and advice on resolving the problem. The manager may assist in facilitating a discussion, and hopefully a resolution between the parties and can help the employee to decide whether or not to make a formal complaint.

Informal resolutions will be documented and counter-signed by the employee.

Making a formal complaint

If no effective resolution has been achieved in the first instance with the other party, or if the employee or manager believes that more serious intervention/support is required, a formal complaint should be lodged with the manager (preferably in writing).

A full investigation is likely to follow which collects documentation including statements provided by the parties, records of interview with the complainant, the alleged bully/harasser and any witnesses, personal notes and reports. It is highly recommended that you contact QPSG HR representative to discuss the matter and to seek advice on the situation before progressing.

If a formal complaint is made, all parties must agree to:

- Give a true and accurate disclosure and cooperate in establishing the facts;
- Maintain confidentiality at all times to avoid defamation;
- Conduct themselves in a professional manner and observe appropriate workplace behaviours; and
- Refrain from the victimisation of anyone during or after the investigation process.

Possible outcomes that may result if a formal complaint is substantiated include:

- An apology;
- An undertaking that the behaviour will cease;
- Formal counselling of the alleged harasser;
- Formal training or coaching;
- Disciplinary action, (e.g. transfer to an alternative position, formal written warning, dismissal)
- Notifying the Police (for criminal matters).

The outcomes can be the same regardless of whether the matter was dealt with under the formal or informal procedure. If your complaint is found to be unsubstantiated, no further action will be taken unless it is found that your complaint was made vexatiously or was knowingly false, in which case disciplinary action may be taken against you.

At the conclusion of the process, the Manager or Human Resource Manager will follow up with the parties to ensure the offending behaviour has stopped and that neither party has been victimised.

All parties involved may request the attendance of a support person at any interview(s).

Other Options

If the dispute remains unresolved after the parties have genuinely attempted to achieve a settlement, then notification of the existence of the dispute can be given to an external body. The body receiving the complaint will attempt to resolve the issue by conciliation between the parties

Disputes of an industrial nature can be given to the Fair Work Ombudsman or an agreed private alternative dispute resolution provider.

Complaints of discrimination, bullying and harassment can be made with the Fair Work Commission or the relevant EEO authority. Jurisdictions under each state are as follows:

Jurisdiction	Administering Body
Federal	Australian Human Rights Commission / Fair Work Commission
New South Wales	Anti-discrimination Board of NSW
Victoria	Victorian Equal Opportunity and Human Rights Commission
Queensland	Anti-Discrimination Commission of Queensland
South Australia	South Australian Equal Opportunity Commission
Western Australia	Western Australian Equal Opportunity Commission

If conciliation is unsuccessful or not possible, the complainant can elect to refer the complaint to a tribunal for legal resolution. If the tribunal upholds the complaint, remedies include, but are not limited to, damages, financial compensation, and issuing an apology.

Confidentiality

All complaints, investigations and documentation will be kept strictly confidential and information to parties subject to the need to properly investigate complaints wherein co-workers will be involved only to the extent necessary to establish facts and on a “need to know” basis. Management will observe the principles of maximising confidentiality to the fullest extent possible. All employees and support persons involved in the process will also maintain strict confidentiality and will not discuss the matter with anyone outside the process. Breaches of confidentiality by any party may result in disciplinary action being taken.