

Equal Employment Opportunity

POLICY OBJECTIVES

- To provide a workplace that maximises the talent, potential and contribution of all employees and ensures equal opportunity for all.
- To prevent bullying, discrimination, harassment and victimisation at all levels of Flexi Staff Pty Ltd's activities, including within the workplace and the provision of goods and services.
- To ensure that Employees comply with the relevant legislation which make bullying, discrimination, harassment and victimisation unlawful.
- To ensure that all Employees are aware that bullying, discrimination, harassment and victimisation are considered to be forms of misconduct which undermine the integrity of the employment relationship.
- To provide avenues for seeking redress, should a claim of grievance be made.
- To provide education to all Employees to ensure they understand the required standard of behaviour expected at Flexi Staff Pty Ltd.

POLICY STATEMENT

Flexi Staff Pty Ltd values its employees and believes in conducting business ensuring fair, equitable and non-discriminatory employment and operational practices. Flexi Staff Pty Ltd is committed to ensuring a workplace free from bullying, discrimination, harassment and victimisation.

Treating people fairly has a positive impact on staff and customers and enhances our reputation as an employer of choice.

Relevant Legislation

The Equal Employment Opportunity legislation relevant to this Policy includes:

Commonwealth Law

- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Fair Work Act 2009
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

Western Australian Law

- Equal Opportunity Act 1984 (WA)
- Occupational Safety and Health Act (WA)
- Spent Convictions Act 1988
- Industrial Relations Act 1979

Definition of Unlawful Harassment

Harassment is defined as unwanted, uninvited and inappropriate behaviour based on a person's sex, race or disability. All harassment is deemed unlawful. Flexi Staff prohibits employees from engaging in harassment.

Harassment in the workplace is usually a pattern of unwelcome behaviour however it can consist of one act of a serious nature. There is not a requirement that the harasser intends to offend or harm in order for the act to be unlawful. The law only requires that a reasonable person would consider the person being harassed would be offended, humiliated or intimidated by the behaviour.

The company aims to provide a working environment that is free of workplace harassment or bullying.

Sexual Harassment

Sexual harassment includes, but is not limited to:

- Unsolicited and unwelcome verbal comments, questions or jokes and physical gestures or actions of a sexual nature toward another employee (for example, touching, patting, pinching, indecent exposure or profane jokes, constantly asking someone out/ asking invasive questions about their love life, describing sexual exploits etc.), offensive telephone calls, pictures, emails, reading matter or objects;
- Unsolicited and unwelcome demands or requests for sexual favours or sexual encounters;
- Visually displaying material of a sexual nature such as posters and screen savers etc;
- The explicit or implicit promise of preferential treatment with regard to an individual's employment in exchange for sexual favours or sexual activity; and
- The use of an employee's or applicant's submission to, or rejection of such conduct as the basis of an employment decision (e.g. hiring, firing, promotion, demotion, compensation, benefits or working conditions).

Such sexually related conduct and communication will not be tolerated. Sexual harassment in any form to any gender is prohibited.

Racial Harassment

Racial harassment generally includes threats, abuse, insults, intimidation or taunts directed at an individual because of their race or a characteristic that pertains generally to their race.

Examples of racial harassment include (but are not limited to):

- Telling insulting jokes about particular racial groups;
- Making derogatory comments or taunts about someone's race or religion;
- Threats/abuse/insults towards relatives, neighbours;
- Taunts about dress i.e. head dress etc.;
- Offensive nicknames that are racially motivated.

Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, Tran sexuality or HIV/AIDS.

Unlawful Discrimination

Unlawful discrimination is treating a person less favourably on the basis of one of the following characteristics, as provided for by the relevant legislation (this list is not exhaustive):

- Age
- Family responsibility
- Family status
- Gender history
- Disability or impairment
- Marital status
- Political conviction
- Pregnancy
- Race
- Racial harassment
- Religious conviction
- Sex
- Sexual harassment
- Sexual orientation
- Or any other form of victimisation/harassment.

Direct discrimination can occur regardless of the discriminators motive or intent.

Definition of Bullying

Bullying can be defined as behaviour, directed towards a person or group of persons in the workplace, that is repeated, unreasonable or inappropriate and that creates a risk to health and safety. It includes behaviour that intimidates, offends, degrades or humiliates a worker, often in front of, but not limited to, co-workers, clients, contractors or customers. Bullying can take place between various groups and individuals.

Workplace bullying can take various forms. Some examples of workplace bullying are:

- a) Acts of violence;
- b) Loud and abusive language;
- c) Yelling and screaming;
- d) Unexplained rages;
- e) Unjustified criticisms and insults;
- f) Constant humiliation;
- g) Unjustified threats of dismissal or other disciplinary action;
- h) Acts of sabotaging an employees work by withholding information or providing incorrect information;
- i) Hiding documents or equipment;
- j) Constantly changing targets or work guidelines;
- k) Overloading an employee with work and impossible deadlines;
- l) Not providing appropriate resources and training;

- m) Isolating or ignoring an employee on a constant basis; and
- n) Practical joking.

It is important to differentiate between a person's legitimate authority at work and abuse or bullying. Performance counselling is a necessary part of ensuring that employees meet Company standards of work and behaviour.

Discipline

An employee who engages in any conduct that constitutes sexual or other harassment, discrimination, bullying or victimisation in violation of this Policy will be subject to appropriate disciplinary action, which may include termination of employment.

Investigation

Each allegation of sexual or other harassment, discrimination or bullying under this Policy will be investigated promptly by the Company. Investigation will be conducted in a manner to protect the privacy of the parties concerned to the extent possible. Results of the investigation will be discussed with the individuals involved in the alleged incident.

Flexi Staff encourages any employee who feels they have been harassed to contact a Manager or Human Resources whichever is appropriate.

Liability

Employees who engage in harassment, bullying or discrimination:

- May be subject to prosecution personally (including possible criminal proceedings);
- May be personally liable to pay compensation to the person concerned;
- May incur liability for the Company to compensate the person concerned;
- Will be subjected to disciplinary action which may result in summary dismissal.

Complaints Procedure

The complaints procedure that is to be followed is as per the Grievance Policy


Company Director

1st January 2014
Date