

# Respectful Workplaces Policy

## Purpose

Programmed/PERSOLKELLY is committed to a work environment that is free from all forms of bullying, harassment, and sexual harassment, where all employees are treated with dignity, courtesy and respect and can work without distress or interference caused by harassment.

We recognise the harmful effects bullying and harassment can have on individuals and that these behaviours can cause the loss of trained and talented employees, reduce productivity and morale, and create legal risks. At its most serious level, harassing behaviour may constitute a criminal offence.

Accordingly, the **purpose** of this policy is to ***reinforce our commitment to the creation and maintenance of a diverse workplace where equality, respect, and consideration for one another are the norm.***

## Scope

This policy applies to **all employees** (including full time, part time, casual, fixed term contract and permanent) within Programmed/PERSOLKELLY, as well as **subcontractors, clients, and visitors**.

This policy applies while at work, at work-related or work-sponsored functions, training, conferences, events; development activities at the request of Programmed/PERSOLKELLY, travelling on work-related business and at Client and Supplier premises.

## Definitions

**A Bystander** is someone who sees or knows about bullying, harassment, discrimination, or victimisation that is happening or has happened to someone else

**Complaint** is an allegation about an event or action that is perceived to be unfair, unreasonable, or unlawful.

**Employee** is any person employed by Programmed/PERSOLKELLY to work in a permanent, temporary, casual or contract capacity.

**Harassment<sup>1</sup>** is treating a person less favourably on the basis of protected attributes such as a person's sex, race, disability or age. This can include uninvited, unacceptable, or unwelcome behaviour or conduct of a verbal, physical, social, or psychological nature that any reasonable person would interpret as offensive, humiliating or intimidating.

**Reasonable management action** is management action that is considered reasonable if it is carried out in a lawful, reasonable, and impartial way, considering the circumstances of the matter. Reasonable management action may include, but is not limited to:

- setting reasonable and achievable performance goals, standards, and deadlines
- performance appraisals including ongoing meetings to address underperformance
- investigating alleged misconduct
- disciplining, transferring, redeploying, or retrenching a worker
- deciding not to permit an employee to return to work due to a medical condition.

**Repeated behaviour:** refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

**Sexual harassment<sup>2</sup>** is unwelcome conduct of a sexual nature which has the possibility of making a person or group of people feel offended, humiliated, or intimidated; or offending another person or person/s. Sexual harassment can be physical, spoken or written (*Sex Discrimination Act 1984*). Some forms of sexual harassment including sexual assault, indecent exposure, stalking and obscene communications may constitute a criminal offence.

**Unreasonable behaviour** is behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

**Vilification** is a public act which incites, encourages, or urges others to hate, have serious contempt for, or severely ridicule, a person, or group of people because they are (or are thought to be) members of a particular group. Vilification has no justification in "free speech". Racial vilification is unlawful under the *Racial Discrimination Act 1975* and is also prohibited under state/territory laws.

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<sup>1</sup> Harassment is defined by the relevant Human Rights Commission

<sup>2</sup> Legal definitions of sexual harassment may vary in each country, state and/or territory.

**Workplace Bullying**<sup>3</sup> is repeated and unreasonable behaviour by an individual or group of individuals that is directed towards a worker, or a group of workers, that creates a risk to health and safety. This includes in person or online. Examples of workplace bullying, whether in person or online, intentional, or unintentional, that may be workplace bullying include, but are not limited to the following:

- abusive, insulting, or offensive language or comments
- aggressive and intimidating conduct
- belittling or humiliating comments
- using the internet or social media to harass, bully or intimidate a fellow employee
- practical jokes or initiation
- deliberately excluding someone from work-related activities
- withholding information that is vital for effective work performance
- denying access to information, supervision, consultation, or resources to the detriment of the worker
- setting unreasonable deadlines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level.

A **Workplace Participant** is other visitors at a Programmed/PERSOLKELLY workplace, these include (but not limited to) sub-contractors, volunteers, and visitors.

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<sup>3</sup> Bullying is defined in the Fair Work Act 2009 (Cth) and Safe Work Australia and Work Safe NZ Guidance

## Policy

At Programmed/PERSOLKELLY we have **zero tolerance** for all forms of bullying, harassment, and discrimination (in person or online) against our employees by their peers, supervisors, customers, or vendors.

**Everyone is responsible.** The following principles are adopted:

- All employees are responsible and encouraged to raise complaints, including complaints of workplace bullying, sexual harassment, and unlawful discrimination at the earliest opportunity.
- Allegations of workplace bullying, sexual harassment and unlawful discrimination will be treated seriously, fairly, sensitively and without victimisation. Where possible, issues will be resolved locally and promptly, in line with complaints management policies and procedures. Substantiated allegations will be referred to human resources for appropriate disciplinary action.
- Bystanders who witness workplace bullying, sexual harassment and/or unlawful discrimination (in person or online) are encouraged to speak up and take appropriate action.
- Reasonable management action to address performance or conduct related issues is not considered workplace bullying, if it is carried out in a lawful, reasonable, and impartial way, taking the circumstances of the matter into account.

Programmed/PERSOLKELLY believe that **respectful workplaces** should be **accessible to everyone**, and we do this by:

- Endorsing applicable laws, rules, and legislation regarding the promotion of equal opportunity for all persons that prevent discrimination based on prohibited grounds
- Implementing systems that support all employees being able to work in an environment free of all forms of discrimination and harassment.
- Eliminating any source of discrimination based on factors not related to work performance in all recruitment and employment-related activities where any factor that is not relevant to the individual's ability to perform the job to the Company's satisfaction is discarded.
- Understanding that it is especially important for people in groups that have historically been subjected to unfair treatment in the workplace. Although we don't promise to employ or promote all people in such groups, we do pledge to treat qualified job applicants and employees eligible for promotion fairly. We also pledge to avoid discriminating against them based on conscious or unconscious biases.
- Reinforcing that discrimination and harassment are unacceptable forms of behaviour and will not be tolerated under any circumstances. It does not matter whether someone intends to treat another less favourably or in a discriminative manner, nor does it matter whether the discrimination is direct or indirect.
- Actively seeking to identify and eliminate all discriminatory employment practices, both direct and indirect, and will strive to maintain a workplace free of harassment.

## Requirements

### All employees, contractors, and other workplace participants

**All employees, contractors and workplace participants** have a responsibility to respect the rights of others and not to participate in or encourage any type of bullying, harassment, sexual harassment, vilification, or discrimination. As an employee, you have a responsibility to:

- Model appropriate behaviour and treat others with dignity and respect and promote a positive, inclusive, and constructive workplace culture.
- Raise complaints and concerns at the earliest opportunity.
- Comply with the Code of Conduct and all applicable codes, policies, and relevant legislation.
- Ensure any allegations relating to inappropriate conduct are made in good faith and are not vexatious or malicious or designed to impede legitimate management action.
- Provide support to an employee who is being subjected to bullying or harassment if you feel comfortable doing so.
- Cooperate with all complaint management procedures.

### Additional requirements for managers and supervisors

**All managers and supervisors** have additional responsibilities to prevent all forms of bullying and harassment from occurring within their teams and work locations. As a manager or supervisor, you have a responsibility to:

- Model appropriate standards of behaviour and create a respectful team culture.
- Promote, educate, and ensure employees are aware of the Code of Conduct and the requirements of this policy, and ensure employees are aware that any bullying, harassment, sexual harassment, or discrimination will not be tolerated.
- Monitor the workplace to ensure acceptable standards of conduct are observed. Ensure that your team's work environment is free of any sexist, racist, or any other type of stereotyping or offensive material, including (but not limited to) posters, calendars, and screen savers.
- Take appropriate and timely action to address allegations of workplace bullying, sexual harassment, and unlawful discrimination. This may include initiating local action to promote informal resolution or referring the complaint immediately to human resources.
- Act immediately if you witness or are informed of any bullying or harassment by applying the principles of the Grievance Resolution Guideline.
- Where issues cannot be resolved informally, ensure complaints are reported to human resources
- Ensure employees are aware of the confidential professional counselling services available to all employees through the Employee Assistance program.

## Policy Actions

### Affirmative actions

Reasonable steps will be taken to make an active effort to improve employment, educational and promotional opportunities, with the intention of removing barriers to equal employment opportunity.

### Vicarious liability

All employees, contractors and workplace participants are responsible for their own behaviour and can be held personally legally liable as individuals for behaviour that is unlawful, including discriminatory, harassing, or bullying behaviour. If a court finds that an employee has discriminated against, harassed, vilified, sexually harassed, bullied or victimised someone else at work, the court may order the individual employee to pay compensation to the other person or otherwise rectify the behaviour.

### Response action

Employees have a range of informal and formal options available to address concerns relating to this policy. Where a grievance or complaint of alleged discrimination is brought to our attention, the complaint will be addressed in accordance with the Grievance Resolution Guideline.

### Disciplinary action

If a claim of discrimination is substantiated, Programmed/PERSOLKELLY will consider the matter and initiate disciplinary action in line with the circumstances of the individual case, up to and including termination of employment.