



HARASSMENT, BULLYING & DISCRIMINATION

Policy Statement:

It is the policy of Burdekin Productivity Services (BPS) to treat all forms of harassment or bullying or discrimination against staff or members of the Company as unacceptable and contrary to the representation and employment policies of the Company. All forms of harassment, bullying and discrimination are of concern as the behaviour may constitute grounds for dismissal.

Definition:

Harassment, Bullying or Discrimination is defined as behaviour that is directed at an individual or group, which is considered by the recipient as:

- Offensive, belittling, humiliating, intimidating or threatening
- Unwelcome and unsolicited;
- It is of the type that
 - is sexually unreciprocated
 - Can usually be expected to be repeated
 - Make the work environment unpleasant, humiliating or intimidating for the individual or group
 - Can make it difficult for effective work to be done.

Harassment may be sexual in nature or based on gender, race, disability, sexual preference or a range of other factors listed in the [Anti-Discrimination Act 1991](#).

What is Sexual Harassment:

Sexual Harassment can be defined as;

- Uninvited acts of sexual intimacy
- Unsolicited requests (both expressed or implied) for sexual favours
- Remarks aimed at others which have a sexual connotation, and
- Unwelcome conduct of a sexual nature to others.

Examples of sexual harassment include;

- Patting;
- Pinching;
- Deliberately brushing up against someone;
- Sexual propositions;
- Insinuations about another person's private life;
- Comments about a person's body;
- Offensive phone calls, and
- Indecent exposure

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Sexual harassment could also be displaying offensive photographs or telling jokes in a common area which some may find offensive.

Discrimination is when a person is treated less favourably than another person because of certain attributes (direct discrimination), or when a requirement that is the same for everyone has an unfair effect on some people because of an attribute, such as race, pregnancy, gender, disability (indirect discrimination).

The grounds under which discrimination is unlawful and on which discrimination in this policy is based are stated in the Anti-Discrimination Act 1991.

General Principles:

Reports and complaints of harassment, bullying and discrimination are treated seriously by BPS and will be investigated promptly in a thorough and confidential manner ensuring that all complainants and witnesses are not victimised. The principles of natural justice apply and will guide the application of this procedure.

The complaint resolution process is carried out in good faith and complaints that are frivolous, vexatious, misconceived or lacking in substance will be rejected if any of these are identified in the preliminary investigation of the facts. BPS management may initiate disciplinary procedure investigations immediately in response to allegations of conduct or behaviour that may be misconduct.

BPS will ensure that staff and members are informed of this policy and their responsibilities in ensuring that it is upheld, and that managers and other supervisory staff are aware of their particular responsibilities in the prevention and resolution of complaints of harassment, bullying and discrimination.

Management Responsibilities:

- Investigate incidents involving harassment, bullying or discrimination and take appropriate preventive action.
- Debrief employees who are involved in a harassment, bullying or discrimination incident and ensure that follow up action is taken.
- Apply appropriate disciplinary procedures if applicable.
- Keep a record of the discussions.

Procedure:

- Initially the nominated representative will;
 1. Identify the nature of the complaint;
 2. Discuss a possible course of action with the complainant to resolve the matter (if that is possible);
 3. Determine (in consultation with the complainant) whether the matter ought to be dealt with through formal or informal procedures; and

Resolution by Informal Means:

- If the matter can be resolved through informal means;
 1. The nominated representatives after identifying the nature of the complaint will put the allegations to the alleged harasser in an informal interview;
 2. The alleged harasser will have the opportunity to respond (the alleged harasser may be given a period of time to respond);

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3. Depending on the alleged harasser's response, the nominated representatives may choose to conduct further interviews with the complainant or to interview witnesses;
4. After this, the nominated representatives will decide if there has been harassment and determine the severity of the conduct, and;
5. The nominated representative will then decide (in consultation with Board Management) on the appropriate action to take.

Resolution by Formal Means:

If the matter cannot be resolved through informal means, the nominated representative will;

- determine a set of statements of alleged acts that accurately reflect the extent of the complaint of sexual harassment; the complainant must counter sign the statements; the allegations will be given to the alleged harasser in writing;
- the alleged harasser will be informed about their right regarding legal representation and about the possible outcomes if the allegations are proved; the nominated representatives, together with Management, will conduct interviews with witnesses;
- the alleged harasser will have the right to nominate people to give information to the nominated representatives (the nominated representatives will only be obliged to interview those witnesses if they decide that the witnesses can comment directly on the alleged acts of harassment);
- any investigation will try to maintain the confidentiality of the alleged harasser and the complainant and minimise disruption to work and work relationships;
- after hearing all the available evidence, the nominated representative (in consultation with Management) will consider the allegations, and if substantiated, determine the appropriate response.

Responses to Sexual Harassment Claims:

- If a sexual harassment claim is made/alleged, the nominated representative must decide on the appropriate response.

The response may include:

1. provide counselling; and/or
 2. provide training and/or
 3. reprimand; and/or
 4. effect a change to working relationships or work responsibilities; and/or
 5. prohibit certain actions or practices; and/or
 6. give the harasser a warning and indicate that any repeat of the same or similar offence would result in a more severe disciplinary action, and;
 7. Severe cases may result in termination of the harasser's employment and report the matter to the appropriate authorities if warranted.
- In the event that allegations are not substantiated, the nominated representatives will endeavour to resolve outstanding difficulties between the complainant and the alleged harasser, which may include training, counselling and/or mediation.

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Employee's Responsibilities:

- Report all incidents involving harassment, bullying or discrimination

Signed:

Chairman Burdekin Productivity Services Limited.

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