

Discrimination, bullying and harassment

Buildcorp is committed to providing a safe, inclusive and productive working environment that is free from discrimination, bullying, workplace violence, victimisation and harassment (including sexual harassment), and where everyone is treated with dignity and respect.

At Buildcorp:

- everyone has a personal responsibility to behave appropriately at work
- discrimination, bullying, workplace violence, victimisation and harassment (including sexual harassment) will not be tolerated, under any circumstances
- all complaints of discrimination, bullying, workplace violence, victimisation and harassment will be treated seriously, promptly with due regard to confidentiality, and without victimisation or prejudice.

Scope

This policy applies to all employees and contractors of Buildcorp.

It applies to behaviour during the course of work, including:

- in the workplace – including work performed during and outside your normal working hours
- during work activities – including dealing with customers and suppliers
- at work-related functions – including customer functions, conferences, and team dinners and events. To avoid doubt, this includes work-related events outside of working hours.

Responsibilities

Employees and contractors are expected to:

- act in accordance with this policy
- actively prevent discrimination, bullying and harassment in the workplace
- report any observed discriminatory, bullying or harassment behaviour, even if they are not directly affected.

Managers are expected to:

- treat any report of workplace discrimination, bullying and harassment promptly and with confidentiality.

Definitions

Bullying

Bullying is defined as repeated, unreasonable behaviour by an individual directed towards a worker or a group of workers, that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours overtime.

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

Bullying can occur in the physical workplace or online, including through email or social media.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, may be considered bullying:

- Abusive, insulting or offensive language or comments
- aggressive or intimidating behaviour

- excluding or isolating employees
- criticism, sarcasm or insults
- spreading misinformation or malicious rumours
- assigning meaningless tasks unrelated to the job
- giving employees impossible assignments
- deliberately withholding information that is vital for effective work performance.

Bullying is not:

- reasonable management action taken in a reasonable way
- setting reasonable performance goals, standards and deadlines
- transferring a worker or operational reasons
- deciding not to select a worker for promotion where a reasonable process is followed
- informing a worker about unsatisfactory work performance
- informing a worker about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- one-off instances of unreasonable behaviour

Bullying may sometimes be unlawful under state and federal laws where it is linked to one of the attributes of anti-discrimination legislation, such as age, sex, race, disability etc.

Workplace violence

Workplace violence can include (but is not limited to) the following types of behaviour:

- Threatening behaviour – such as throwing objects or destroying property
- Verbal or written threats – any expression of an intent to inflict harm
- Verbal abuse – swearing, insults or condescending language
- Physical attacks – hitting, shoving, pushing or kicking

Violence is not limited to the above and will be determined on a case-by-case basis after considering all information relevant to the alleged incident.

Discrimination

Discrimination occurs when a person, or a group of people, are treated less favourable than another person or group because of their background or certain personal characteristics.

Grounds of discrimination can include:		
Race	Pregnancy (including potential pregnancy)	Sexual Orientation
Religion	Disability (physical, intellectual, psychological or psychiatric)	Trade union or employer association activity, membership or non-membership
Age	National or ethnic origin	Physical features
Gender	Marital Status	Carers responsibilities
HIV/AIDs	Political beliefs or activities	Transgender status

What is unlawful discrimination?

Discrimination in the area of work is unlawful or prohibited under Federal, State and Territory legislation. Discrimination can be either direct or indirect, as outlines below:

- **Direct discrimination** occurs when a person is treated less favourably than another person in the same or similar circumstances due to an attribute or characteristic they may have (for example not offering employment to a person on the basis of gender or religion).

Direct discrimination often happens because people make unfair assumptions about what people with certain characteristics can and cannot do

- **Indirect discrimination** refers to practices, conditions or requirements that while appearing to treat everyone equally actually operate indirectly to disadvantage one group of persons (with a particular attribute or characteristic) over another, for example imposing a requirement that all employees climb five flights of stairs to reach their office could be indirectly discriminatory against some people on the grounds of pregnancy or physical disability.

Behaviour that may constitute discrimination includes (but is not limited to):

- Offensive jokes or comments about another person's racial or ethnic background, sex, sexual preference, age, disability and the like
- Using stereotypes or assumptions based on a person's sex when making decisions about their career
- Judging a person based on characteristics such as religious or political beliefs, cultural practices or age rather than work performance.

Harassment and Sexual Harassment

Harassment

Harassment is any verbal, written or physical behaviour which is unwelcome, uninvited and unreciprocated and which a reasonable person, having regard to all the circumstances, would anticipate as being offensive, humiliating, degrading, hostile and intimidating.

It only takes a single act to constitute unlawful harassment and it doesn't matter if you didn't intend to hurt, humiliate or offend someone.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails or text messages
- displaying offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race or religion; and
- asking intrusive questions about someone's personal life, including their sex life.

Sexual harassment

Sexual harassment is conduct of a sexual nature which is unsolicited or unwelcome and makes a person feel humiliated, intimidated or offended and the reaction to the conduct is reasonable in all the circumstances. Sexual harassment is also unlawful under State and Federal legislation.

Some examples of sexual harassment include:

- sexually explicit pictures, email messages, computer screen savers or pornographic internet material
- unwelcome physical contact such as deliberately brushing up against someone
- sexually explicit conversations, phone calls, e-mails, SMS messages or social media messages
- intrusive questions or remarks about a person's sexual activities, private life or body
- repeated invitations to go out after prior refusal.

Victimisation

Victimisation occurs where a person suffers a detriment at work because of their involvement in a complaint, either as the complainant or as a witness to the behaviour that gave rise to the complaint (This may include teasing or general hostility to a person at work).

Equal employment opportunity (EEO)

Buildcorp is an equal opportunity employer. At every stage of the employment relationship (recruitment and selection, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement or termination) employment decisions are made on the basis of individual merit or on such attributes as skills, knowledge and experience; and recognising that having a diverse workforce can enhance the performance of Buildcorp.

Freedom of association

Freedom of association means that the employer, employees or contractors have the right to join or not to join an employer association or trade union. An employer, employee or contractor cannot be pressured, victimised or discriminated against regarding their decision of membership or non-membership.

Complaints guidelines

- Buildcorp is committed to resolving complaints and grievances in a timely and confidential manner, whether in relation to an allegation of unreasonable behaviour, unlawful discrimination, harassment, bullying, victimisation; or relating to any other aspect of employment
- If you experience or witness bullying, harassment or discrimination in the workplace, you should speak to the project or site manager, your direct manager, HSE representative or a member of the Human Resources team
- In the first instance, Buildcorp will attempt to resolve complaints and grievances using informal resolution methods. If the complaint is unable to be resolved informally, Human Resources may make an assessment that formal resolution is required
- Guidelines for lodging a complaint under this policy and the complaint handling processes are detailed in Buildcorp's complaints guidelines.
- Any person who has been found to have engaged in bullying conduct may be disciplined. The discipline will be appropriate to the severity of the offence, but may involve a warning or dismissal

Malicious or false complaints

- Any person found to have discussed a complaint inappropriately may be disciplined for that conduct
- If you are found to have raised a malicious or false complaint against another person, you may also be subject to disciplinary action, up to and including termination of employment

Contact Information

- Persons involved in a report of bullying are also encouraged to utilise our Employee Assistance Program. Our provider is Access EAP and can be contacted directly by phoning **1800 818 728**.