

# Discrimination, Harassment and Bullying Policy

Gordon McKay Pty Ltd (**Gordon McKay**) is committed to preventing all forms of discrimination, harassment and bullying in the workplace. Gordon McKay demonstrates this commitment through its' Health and Safety Management System which is integrated within all organisational activities related to products, services and people.

## **The objective of this policy is to ensure:**

- That discrimination, harassment and bullying does not occur in the workplace;
- All persons comply with applicable laws and regulations relating to discrimination, harassment and bullying in the workplace;
- The promotion of equal opportunity rights for all employees;
- There is an increased awareness in the workplace of the prohibition against discrimination, harassment and bullying and the consequences if the prohibition is breached; and
- Where discrimination, harassment or bullying has occurred, it is reported and appropriately redressed.

**"Discrimination"** occurs where a person treats another person less favourably because the other person has a protected attribute or where a person imposes a condition, requirement or practice that is unreasonable and has the effect of disadvantaging persons with that attribute.

**"Sexual harassment"** includes an unwelcome sexual advance, an unwelcome request for sexual favours or other unwelcome conduct of a sexual nature in relation to another person in circumstances where a reasonable person would anticipate that the person to whom the conduct is directed would be offended, humiliated or intimidated. It does not include conduct that is welcome, occurring within a personal relationship of mutual attraction and/or friendship.

**"Workplace bullying"** is where an individual, or a group of individuals repeatedly behave unreasonably towards an employee, or a group of employees, that creates a risk to health and safety. **"Unreasonable behaviour"** includes behaviour that a reasonable person, having regard to all the circumstances, would consider unacceptable, and behaviour that a reasonable person would expect to intimidate, victimise, humiliate, undermine assault or threaten another person.

## **Unlawful behaviours**

Bullying, harassment (including sexual harassment) and discrimination are unlawful behaviours under many pieces of State, Territory and Federal legislation, including the *Equal Opportunity Act 2010* (Vic), *Racial & Religious Tolerance Act 2001* (Vic), *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth), *Age Discrimination Act 2004* (Cth), *Disability Discrimination Act 1992* (Cth), *Fair Work Act 2009* (Cth), *Crimes Act 1958* (Vic) and *Occupational Health and Safety Act 2004* (Vic).

**In Order to achieve these objectives Gordon McKay will:**

- Ensure appropriate action is taken when any type of discrimination, harassment or bullying has been reported
- Ensure all reports are treated confidentially, seriously and sympathetic

**All Gordon McKay employees:**

- Must not discriminate against, harass or bully anyone at work or persons with whom the employee comes into contact with in the course of work;
- Must not victimise anyone involved in a complaint or investigation under this policy;
- Must not make a vexatious or knowingly false complaint of bullying, harassment or discrimination;
- Must report any occurrences of discriminating, harassing or bullying behaviour; and
- Must maintain complete confidentiality if providing information for any investigation of a complaint.

**Procedure if discriminated against, bullied or harassed**

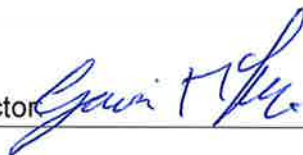
An affected employee who reasonably believes that he or she has been discriminated against, harassed or bullied at work by another person (the other person) should take the following steps:

- Tell the other person directly to stop the conduct, if the affected employee feels comfortable doing so.
- If the other person's behaviour or attitude does not change, or the affected employee feels uncomfortable raising the issue directly, the affected employee should discuss the matter with his or her direct supervisor or a Senior Manager.
- Different options for resolving the situation will be discussed with the affected employee with the aim of resolving the issue satisfactorily and equitably, which may include conducting mediation.
- Management of Gordon McKay or an internal investigator may determine the outcome of a complaint, in the absence of agreement, after undertaking an investigation into the matter, which may include giving directions to the affected employees about their conduct in the workplace.

Disciplinary action will be taken against any employee who is found to be involved in any form of discrimination, harassment or bullying or who makes a false or vexatious complaint. In serious cases disciplinary action could include summary termination of an employee's employment with Gordon McKay.

Gordon McKay Pty Ltd recognises that active participation and consultation with every employee is essential to achieving the optimum levels of safety. With the assistance of all employees we will strive to continually identify and improve the effectiveness of the Health and Safety Management System.

Policy Authorised by the Managing Director



Date:

9/6/17

Gavin McKay  
Managing Director