



Respect at Work Policy and Procedure

Service Stream

Replaces:

- CCD-H-POL-0027-Equal Employment Opportunity Policy
- CCD-H-POL-0025-Performance Management and Disciplinary Action Policy

To be read in conjunction with:

- CCD-H-POL-0010 Code of Conduct
- CCD-H-POL-0023 Whistleblower Policy
- CCD-H-POL-2014 Diversity Policy
- Respect at Work Guideline
- Respect at Work Frequently Asked Questions
- Respect at Work Further Support

1. Purpose

Service Stream is committed to being a respectful workplace which is free from bullying, harassment, victimisation, vilification and intimidation and unlawful discrimination. Service Stream aims to ensure all employees, potential employees, consultants, suppliers, subcontractors and their employees and other external parties are treated with respect, dignity, and fairness with an aim of creating an inclusive environment which promotes positive working relationships. By providing employees with appropriate avenues for expressing their views, complaints and concerns, Service Stream is committed to maintaining good employee relations through effective communication and the resolution of work-related issues.

This policy and procedure is designed to ensure that all employees understand what will be regarded as discrimination, bullying and harassment, how complaints of discrimination, bullying and harassment can be made and how claims will be treated by Service Stream.

2. Language and Cultural Support

If you require language, translation, or cultural support services to assist you in understanding this document, or in making a complaint, let your manager or People and Culture representative know and Service Stream will endeavour to provide you with appropriate services and support.

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3. Scope

This policy and procedure applies to all employees, consultants, and contractors (temporary or otherwise) of Service Stream.

4. Definitions

Term	Definition
Workplace Bullying	<p>Bullying is repeated, unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety and is unlawful. Bullying can occur by direct or indirect means.</p> <p>Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.</p> <p>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.</p> <p>Direct bullying occurs between the specific people involved.</p> <p>Indirect bullying involves third parties participating in bullying behaviours, for example passing on insults or spreading rumours. Indirect bullying mostly inflicts harm by damaging another's social reputation, peer relationships and self-esteem.</p>
Harassment	<p>Harassment occurs where a person engages in uninvited or unwelcome behaviour which a reasonable person would expect would cause another person to be offended, humiliated, or intimidated. It does not matter if the person who committed the act intended, or did not intend, to upset or cause offence to the other person.</p>
Sex-based Harassment	<p>Sex-based harassment is where a person harasses another person based on that person's sex (including a characteristic that appertains or is imputer to that person's sex) by engaging in unwelcome conduct of a seriously demeaning nature and where a reasonable person would have anticipated the possibility that the person harassed would have been offended, humiliated, or intimidated.</p>
Victimisation	<p>Victimisation occurs when a person subjects another person to detriment (or threatens to do so) because they have made or intend to make a complaint or refused to assist in the contravention of this policy and procedure. It also includes acting to a person's detriment because they have agreed to be a witness.</p>
Vilification	<p>Vilification is any act that occurs publicly, that may incite, encourage, or urge others to hate, have contempt or revulsion for, or ridicules, an individual or group of individuals because of their actual or assumed race, colour, ethnicity, gender, religion, gender identity, medical status or any other 'protected ground'.</p>

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	<p>Vilification is conduct specifically prohibited by anti-discrimination legislation. Unlawful acts of vilification may be expressed by graffiti, posters or stickers, public speeches, published articles or statements, public abuse, wearing badges or clothing with racist, homophobic, or sexist slogans or displaying internet sites that incite hatred.</p>
Discrimination	<p>Discrimination occurs when a person is treated less favourably or harassed in certain areas of public life including their employment because of a personal characteristic or prescribed attribute that is protected under law.</p> <p>Direct discrimination occurs when a person is denied a benefit or an opportunity on the grounds of any of the prescribed attributes.</p> <p>Indirect discrimination occurs when a policy or procedure, rule or practice has a discriminatory effect against a person or group of people in relation to any of the prescribed attributes.</p> <p>An 'attribute' includes another person's:</p> <ul style="list-style-type: none">• race;• colour;• sex;• sexual orientation;• social origin;• religion;• family or carer's responsibilities;• age;• physical or mental disability;• marital status;• political opinion;• pregnancy;• national extraction;• personal association with a person or people identified by reference to any of these attributes.

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5. Procedure Principles

We respect the wishes of complainants: Our actions at each stage of the process are informed by genuine and respectful conversations with complainants about their desired path to resolution. Service Stream may not always be able to take every action that a complainant may desire, particularly if there are risks to the health and safety of others. Service Stream will take the wishes of the complainant into consideration and will seek to align our process wherever possible, practical, and reasonable.

We support all participants through the process: We will provide complainants, respondents, and witnesses with support throughout the process including through our Employee Assistance Program. Service Stream will also provide a dedicated support officer who will check in with the complainant and respondent regularly.

We follow up and check in: Following the outcomes of an informal or formal resolution process, we will follow up with both the complainant and the respondent to check in on their wellbeing and if necessary, take any reasonable additional actions to address any concerns about the wellbeing of either party.

We share outcomes in full with both parties: Subject to any privacy, legal and/or confidentiality obligations, both the complainant and the respondent will be made aware of the outcomes of a complaint that are relevant to them, including but not limited to whether any allegations may have been substantiated or unsubstantiated as well as any action that Service Stream is taking.

6. Procedure

This procedure is not limited to the workplace or working hours and covers all work-related events, which includes (but is not limited to) lunches, client functions, meetings, and conferences as well as Christmas parties.

This procedure also relates to, but is not limited by, the following types of communication:

- Verbal communication either over the telephone or in person in and outside the workplace
- Written communication including letters, notes, minutes of meetings and all other physical communication
- Internal and external electronic communication including:
 - Email
 - Instant messaging services
 - Internal intranet
 - Faxes
 - Communication via MS Teams, Zoom, Facetime and other platforms

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- Social media and networking forums including Facebook, LinkedIn, Twitter, and other forms of social media
- Communications via text message.

7. Standards of behaviour

In line with Service Stream's commitment to creating a workplace which is free from workplace health and safety risks and one which strives to create positive working relationships, all those covered by this policy and procedure are expected to observe the following minimum standards of behaviour:

- Being polite and courteous to others.
- Being respectful of the differences between people and their circumstances.
- Ensuring they do not engage in any discriminatory or bullying behaviour(s) towards others in, or connected with, the workplace which includes customer, clients, suppliers, supervisors, managers, and other visitors.
- Ensuring they do not assist, or encourage, others in the workplace, or in connection with the workplace to engage in discriminatory or bullying behaviour(s) of any type.
- Adhering to the complaint procedure in this document if they experience any discriminatory or bullying behaviour(s) personally.
- Reporting any discriminatory or bullying behaviour(s) they see happening to others in the workplace, or connected with the workplace, in line with the complaint procedure outlined in this document.
- Keeping information confidential if involved in any investigation of discrimination, bullying or harassment.

Service Stream will take all complaints of discrimination, bullying and harassment seriously, and respond with impartiality and confidentiality.

8. Bullying

There is no exhaustive list of behaviour that constitutes bullying. However, examples of conduct that could constitute bullying include:

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- A manager or supervisor using a management style that is harsh, involves shouting, constant criticism or humiliation of an employee or group of employees in private or in front of their peers.
- An employee being treated less favourably by another employee or group of employees in the workplace, including, but not limited to, bullying or intimidation; forcing an employee to participate in an “initiation” process; the playing of practical jokes or forcing an employee to undertake demeaning tasks.
- Sniggering or gossiping behind someone’s back.
- Laughing at someone in the workplace which is intended to make them feel uncomfortable or distressed.
- Sabotaging another person’s work.
- A manager setting unreasonable timelines or constantly changing deadlines for an employee to meet or setting tasks that are unreasonably below or beyond a person’s skill level.
- Continuously and deliberately excluding someone from workplace activities including ignoring them and keeping them isolated from relevant communications about work issues.

9. Workplace behaviour that does not constitute bullying

Fair and reasonable management action taken to counsel an employee for instances of underperformance, investigating complaints made against employees, discipline for misconduct and other work directions in line with business needs does not amount to bullying.

10. Harassment

So long as the conduct was such that a reasonable person would expect that it would cause another person to be offended, then a breach of this procedure will be found to have occurred.

Prohibited harassment can take many forms, such as sexual harassment, bullying, disability harassment or racial or religious vilification. It is not limited to these forms of harassment.

Harassment prohibited under this procedure may occur by way of:

- an ongoing pattern of behaviour

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- a series of incidents
- an isolated incident of harassment.

Harassment can be physical, verbal or written. It can include words, pictures, or statements. It may be transmitted by post, phone, fax, video, e-mail, mobile phone text messages, posters or photographs, computer servers or screensavers.

11. Sexual Harassment

Sexual harassment occurs when:

- a person makes an unwelcome sexual advance or an unwelcome request for sexual favours, to the person harassed
- engages in other unwelcome conduct of a sexual nature in relation to the person harassed.

Depending on the circumstances, the following kinds of behaviour may be deemed sexual harassment:

- jokes or cartoons about someone's appearance, body shape, or any other personal matter that may cause embarrassment and make people feel uncomfortable
- sexual or physical contact such as putting your arm around someone, slapping them, kissing, touching, or patting them
- staring or leering in a sexual manner (looking someone up and down)
- standing too close to someone or brushing him or her as you walk past
- verbal abuse or comments that put down or stereotype people because of their sex, appearance, or sexual preference. These gestures may not need to be obviously crude for the behaviour to be deemed sexual harassment
- offensive gestures and "wolf" whistling
- displaying in the workplace or in personal belongings material that is sexist, sexually explicit, or homophobic (anti-gay). This includes offensive e-mails, screensavers, or computer 'wallpaper'
- repeated sexual invitations when the person invited has refused similar invitations before
- intrusive questions or remarks about a person's sexual activities or private life.

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12. Conduct must be 'unwelcome'

Conduct will only be deemed sexual harassment if it is 'unwelcome'. Consensual conduct will not be 'unwelcome'. Unwelcome conduct is conduct that was not solicited or invited by the person, and the person regarded the conduct as undesirable or offensive. It is a subjective test and relies on how the action was perceived and experienced by the recipient rather than the intention behind it.

13. Intention is irrelevant

Employees do not need to intend to offend, humiliate or intimidate, or even to know that this was the effect of their own behaviour for this conduct to be sexual harassment. For example, a practical joke that 'everyone else thinks you are funny' can amount to sexual harassment if somebody else finds it offensive and regardless of the intentions of the person saying this.

14. Discrimination

Unlawful discrimination will not be tolerated by Service Stream. Employees found engaging in discriminatory conduct will be subject to disciplinary action.

Examples of behaviour which may constitute discrimination (if behaviour is based on the employee's personal attributes as protected by law) include:

- Refusing to employ someone
- Denying someone extra shifts
- Denying requests for leave
- Unfair discipline or criticism
- Not promoting someone to a senior role
- Allocating an inadequate, inconsistent, or unfair workload
- Unfairly terminating someone

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15. Victimisation

Victimisation of individuals who make, or intend to make, a complaint of discrimination, bullying or harassment will not be tolerated by Service Stream.

Victimisation of individuals who provide evidence or information connected to a complaint of discrimination, bullying or harassment will not be tolerated by Service Stream.

Employees found engaging in any victimising conduct will be subject to disciplinary action.

Examples of victimisation of a person who makes or intends to make a complaint of discrimination or who gives evidence or information in connection with such a complaint include:

- refusing to employ the person.
- dismissing, or threatening to dismiss, the person from their employment.
- prejudicing, or threatening to prejudice, the person in their employment.
- intimidating, coercing, or imposing any penalty upon the person.

16. Breach of Policy

All individuals covered by this policy are expected to adhere to the standards of behaviour contained herein at all times. Any employee who is found to have breached this policy will be disciplined accordingly, which may lead up to, and include termination of employment. If a contractor of Service Stream is found to have breached this policy, their contract stands to be terminated, or may not be renewed in the future.

17. Complaint handling procedure

All individuals covered by this policy who believe that they have been subject to or observed discrimination, bullying or harassment should follow the procedure set out below.

18. Reporting

All those covered by this policy should report instances of discrimination, bullying and harassment to their manager or People and Culture Business Partner. Alternatively, concerns can be raised by email servicestream@stoline.com.au.

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If those covered by this procedure want to raise a concern anonymously, they can do so via Stopline 1300 30 45 50 or <https://servicestream.stoplinereport.com>.

19. Who can make a complaint?

Any employee, regardless of their seniority or whether they are covered by an enterprise agreement, or any other arrangement can make a complaint under this Policy and Procedure. Service Stream will accept complaints by former employees where it considers it appropriate to do so. If a complaint is not accepted, reasons will be given for the decision.

A complaint can be made about one or more employees or persons the employee is dealing with in the course of their work, including workers from another organisation. Where the respondent is not an employee of Service Stream, Service Stream will raise the matter with an appropriate representative from the other organisation. Service Stream will endeavour to work with the other organisation and determine an appropriate response to deal with the complaint – either informally or formally, and consistent with the complaints handling policies and procedures of both organisations.

20. Following a concern being raised

The complainant can expect that all concern will be:

- dealt with confidentially.
- dealt with impartially. All participants will have a chance to tell their side of the story in an investigation process that is free from bias. No decisions will be made until all relevant information and evidence has been collected and considered by the investigator.
- dealt with in a timely manner.
- free from victimisation. No action will be taken against anyone for making a complaint or helping another person make a complaint, so long as the complaint is made in good faith.

21. Support Person

Parties to any resolution process under this procedure are entitled to have a support person present in any meetings such as another employee, a friend, family member or union or legal representative. The support person should:

- Have not been involved in the conduct that is the subject of the allegation(s).
- Provide emotional support to the employee.
- Not advocate or answer questions for the employee.



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- Keep all details of the complaint and investigation confidential.

22. Informal complaint procedure

An informal complaint procedure includes a range of alternatives which can be applied in a flexible manner to address different complaints in consideration of the relevant circumstances. The informal complaint procedure is intended to be used for less serious allegations of discrimination, bullying and harassment which do not warrant disciplinary action being taken. An individual who is unsure of whether to make a formal or informal complaint can always make an informal complaint first and decide if they want to escalate the complaint to a formal complaint after speaking with the manager, People and Culture Business Partner or relevant General Manager.

Different options for handling informal complaints may include, but are not limited to:

- The Manager or People and Culture Business Partner having a conversation with the individual about the unacceptable behaviour
- The Manager or People and Culture Business Partner having a meeting with the individuals concerned to reach a resolution.

23. Formal complaint procedure

If informal resolution attempts are unsuccessful or where it is appropriate that a formal process, be commenced the concern should be brought to the attention of an employee's Manager or People & Culture Business Partner. Where appropriate, informal resolution processes may be explored, such as discussions with the relevant parties and/or mediation.

Some concerns will require a more formal approach which will most likely lead to an investigation. The purpose of the investigation is to establish whether a complaint is substantiated or not. Whether a complaint is substantiated or not is determined after an investigation and consideration of all relevant and available information and evidence. Decisions are made on a balance of probabilities. That is, is it more probable than not that the conduct complained of did or did not occur and if it did occur does the conduct breach company policies or values.

Complaints should be made in writing, where possible. Complaints should include the following information, where relevant:

- the name of the person(s) against whom the complaint is made.
- the nature of the allegation(s).

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- dates, times, and locations when incidents occurred.
- what was said or done.
- names of any witnesses to incidents.
- any supporting evidence (such as emails or documents).
- the desired outcome the complainant is seeking.
- any action already taken by the complainant to stop the offensive behaviour.

Participants in an investigation can generally expect the following:

- the complainant will be interviewed to establish the allegations
- the allegations will be provided to the respondent and the respondent will be given an opportunity to respond and defend themselves against the allegations.
- Where the facts are disputes, statements from witnesses and other evidence may be gathered.
- The investigator will make a finding as to whether the allegations are substantiated or not.
- A decision will be made on the appropriate course of action to resolve the concern.

24. Working arrangements during an investigation

During a complaint resolution process, working arrangements may be altered to protect the safety and wellbeing of those involved in the complaint process, to prevent victimisation and to protect the integrity of the investigation process.

25. Resolution

The appropriate resolution will depend on several factors. A range of actions could be taken to resolve a complaint. These include:

- requiring employees who have breached this procedure to apologise to appropriate person(s).
- seeking an undertaking that the behaviour will cease.
- adjusting working arrangements where appropriate.
- mediation.

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- providing counselling to employees (complainant and the person complained of).
- placing employees on performance improvement plans to ensure improved behaviour.
- disciplinary action, e.g., transfer, formal warning, termination of employment.
- providing training to employees concerned.
- providing coaching and mentoring.
- dismissing the complaint; and
- encouraging a workplace participant to report a matter to the police if appropriate.

26. If complaint not substantiated

If, after investigation, it is decided that the allegations are unsubstantiated, the following steps will be taken:

- The decision will be communicated to the parties involved.
- The company will continue to monitor the situation after the investigation.

27. Misuse of complaint process

If, after investigation, an employee is found to have:

- made a false or frivolous complaint; or
- deliberately supplied false or misleading information in relation to a complaint or its investigation.
- the employee may face disciplinary action which may include termination of employment.

28. Involvement of external parties

In investigating discrimination, harassment or bullying complaints, it may be necessary for the Company to appoint an independent investigator. Where both parties agree the company may appoint an independent mediator to help resolve the matter.

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29. Confidentiality

Whilst the investigator will endeavour to preserve the confidentiality of the complainant and the person complained of, it may be necessary to speak with other workers or people involved to determine what happened and to maintain the integrity of the investigation process. Where potentially unlawful conduct has occurred, Service Stream will need to alert the appropriate authorities.

Those people who are involved in the complaint (including the complainant, witnesses etc.) are also under a duty to maintain confidentiality and display a commitment to uphold the integrity of the investigation process. If the complainant chooses to bring a support person with them to any meetings, they too are bound by confidentiality. Gossiping and/or the spreading of rumours because of, or in connection with, a process followed under this procedure will not be tolerated under any circumstances and may lead to further disciplinary action for those concerned.

30. Appeals procedure (internal)

If any parties involved are unhappy with the outcome, or the way the complaint handling procedure was managed by Service Stream they may refer the complaint to the General Manager IR.

Once notified, General Manager IR will conduct a review of the procedure followed, the outcome issued and make a final determination on the issue. Once this determination is made, the person who has made the appeal will be notified of the outcome and this determination will be final.

31. External sources of information and appeal

The following bodies can provide additional information if required:

- Fair Work Ombudsman 13 13 94
- Australian Human Rights Commission 1800 620 241 (toll free)
- Relevant State or Territory anti-discrimination boards

Further information and related materials

Related information	Description
Instream	Respect at Service Stream

Contact	Details
PeopleDirect	1800 687 125