

'Pace' means. Pace (VIC) Pty Ltd and Pace (NSW) Pty Ltd.

Scope

This policy applies to all direct employees, on-hire employees and contractors whilst at any workplace of Pace and any other place where the employee performs work for Pace.

Introduction

Pace is committed to the provision of a fair, healthy and safe workplace in which everyone is treated with dignity and respect and in which no individual or group feels bullied, threatened or intimidated.

Bullying or harassment in any form is unacceptable behaviour and will not be permitted or condoned.

Pace recognises that bullying and harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by detracting from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

Harassment

The intention of these procedures are to inform employees of the type of behaviour that is unacceptable and to provide procedural guidance.

Pace recognises that we have a duty to implement this policy and all employees are expected to comply with it.

Harassment is any unwanted physical, verbal or non-verbal conduct based on grounds of age, disability, gender identity, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

A single incident of unwanted or offensive behaviour can amount to harassment.

Harassment can take many forms and individuals may not always realise that their behaviour constitutes harassment.

Examples of harassment include:

- insensitive jokes and pranks
- lewd or abusive comments about appearance
- deliberate exclusion from conversations
- displaying abusive or offensive writing or material
- unwelcome touching
- abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of harassment. Appropriate action in relation to a employee will include disciplinary action in accordance with Pace's disciplinary and disciplinary termination procedure.

For other employees, appropriate action may include termination of their engagement with Pace.

Sexual harassment

Sexual harassment is prohibited in the workplace.

Sexual harassment is unwelcome behaviour of a sexual behaviour that causes a person to feel offended, humiliated or intimidated, where a reasonable person could have anticipated that reaction in the circumstances. Sexual harassment includes:

- an unwelcome sexual advance
- an unwelcome request for sexual favours
- any other unwelcome conduct of a sexual nature

It may be physical, verbal or written.

Certain conduct that may be tolerated in social situations could constitute sexual harassment in the workplace when it is unwelcome. Pace regards sexual harassment as a serious issue and endeavours to treat any complaints in a sensitive, fair and confidential manner.

Examples of sexual harassment

The following examples may constitute sexual harassment when they are offensive to a employee, regardless of any innocent intent on the part of the offender:

- the public display of pornography, including on the internet
- continued use of jokes containing sexual innuendo
- intrusive enquiries into another employee's private life, their sexuality or physical appearance
- persistent requests from a colleague to go for a drink where such requests have been consistently declined
- persistent staring or leering at a person or parts of their body
- sexually offensive telephone calls
- requests for, or expectations of, sexual activity under threat, or in exchange for favours or promises of preferential treatment
- deliberate or unnecessary physical contact, such as patting, pinching, fondling, deliberate brushing up against another body, or attempts at kissing
- public displays of nudity – commonly referred to as flashing; or

- sexual violence at the most extreme, sexual assault and forced attempts at sexual intercourse.

Victimisation

Victimisation occurs when a person victimises another person who lodges a discrimination or harassment complaint or takes certain related actions.

Victimisation of others is unlawful. The intention of such protective measures is to ensure that a person who wants to use or does use their statutory rights to protect themselves against discrimination or harassment, is not further disadvantaged by other detriments being imposed on them.

Disciplinary action will be taken against a employee who is found to have engaged in threatening or other inappropriate action against a person who has complained of harassment up to and including termination of the employment or engagement of a employee.

Bullying

Bullying is repeated, offensive, abusive, intimidating, insulting or unreasonable behaviour directed towards an individual or a group, which makes the recipient(s) feel threatened, humiliated or vulnerable. Note single incidents of bullying will not be tolerated.

Bullying can occur in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips.

Bullying can be a form of harassment and can cause an individual to suffer negative physical and mental effects.

Bullying can take the form of physical, verbal and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

- abusive, insulting or offensive language or comments
- putting new employees through 'initiation rituals'
- unjustified criticism or complaints
- physical or emotional threats
- deliberate exclusion from workplace activities
- the spreading of misinformation or malicious rumours
- the denial of access to information, supervision or resources such that it has a detrimental impact on the individual or group.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of bullying. Appropriate action in relation to a employee will include disciplinary action in accordance with Pace's disciplinary and disciplinary termination procedure. For other employees, appropriate action may include termination of their engagement with Pace.

What is not bullying

Many things that happen at work are generally not considered to be bullying, although some experiences can be uncomfortable for those involved. Differences of opinion, performance management, conflicts and personality clashes can happen in any workplace, but do not necessarily result in bullying.

Reasonable management action taken in a reasonable way

It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a employee's performance. These actions are not considered to be workplace bullying or harassment if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

Examples of reasonable management action can include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours where the requirements are reasonable
- transferring a employee for operational reasons
- deciding not to select a employee for promotion where a reasonable process is followed
- informing a employee of their unsatisfactory work performance
- meeting with a employee to discuss performance and/or conduct
- informing a employee of their unreasonable or inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- taking disciplinary action including suspension or termination of employment.

Violence

A employee may be exposed to work-related violence as a victim or witness to a violent incident.

Work-related violence is any incident in which a person is abused, threatened, or assaulted in circumstances relating to their work. Violence at work can come from a member of the public, a customer or even a colleague.

The term 'work-related violence' covers a broad range of actions and behaviours that can create a risk to employees' health and safety, such as:

- verbal threats
- threatening someone with a weapon
- throwing objects
- pushing, shoving and hitting
- spitting and biting; or
- sexual abuse

There will be no tolerance of violence. All incidents of violence and aggression will be reported and investigated. All causes will be identified, and appropriate action taken to prevent it happening again. If any employee found to have been violent to another person within the workplace, the employee may be subject to disciplinary action including termination of a employee's employment or engagement.

Bullying, harassment and violence complaint procedures

i) Informal complaint

We recognise that complaints of bullying, harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. You also have access to a Contact Officer. The Contact Officer is a Pace staff member who assists employees who experience discrimination and harassment in the workplace. The Contact Officer is not the same person who is responsible for investigating or making decisions about the complaint. The Contact Officer can help to facilitate the process of making an internal complaint of discrimination or harassment. The Contact Officer should:

- listen to an employee's concerns about discrimination or harassment
- not form a view of the merit of any allegations
- provide information about the internal complaint process
- advise the person that in some situations where serious allegations are raised – for example, that may expose Pace to legal liability – the issue may need to be reported to management and dealt with as a formal complaint
- where appropriate, provide support for a person if he or she wants to try and resolve the issue personally
- provide information about available support services; for example, workplace counselling services
- outline other options available to the person, such as lodging a complaint of discrimination or harassment with an external agency.

If you are the victim of minor bullying or harassment you should make it clear to the alleged bully or harasser on an informal basis that their behaviour is unwelcome and ask the individual to stop. If you feel unable to do this verbally then you should hand a written request to the individual, and your confidential helper can assist you in this.

ii) Formal complaint

Where the informal approach fails or if the bullying or harassment is more serious, you should bring the matter to the attention of management as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the bullying or harassment so that the written complaint can include:

- the name of the alleged bully or harasser
- the nature of the alleged incident of bullying or harassment
- the dates and times when the alleged incident of bullying or harassment occurred
- the names of any witnesses
- any action already taken by you to stop the alleged bullying or harassment.

On receipt of a formal complaint we will take action to separate you from the alleged bully or harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged bully or harasser to another work area or suspension of employees (with contractual pay) until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a report of the findings and of the investigator's decision will be sent, in writing, to you and to the alleged bully or harasser.

General notes

If the report concludes that the allegation is well founded, appropriate action will be taken against the bully or harasser.

If you bring a complaint of bullying or harassment you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, appropriate action will be taken against you. Appropriate action in relation to an employee will include disciplinary action in accordance with Pace's disciplinary and disciplinary termination procedure. For other employees, appropriate action may include termination of their engagement with Pace.