

EQUAL OPPORTUNITY ANTI DISCRIMINATION, HARASSMENT AND BULLYING POLICY



Purpose

Mason Bros Vegetable Farms is committed to equality and providing a workplace free of discrimination, harassment, sexual harassment, bullying and victimisation. This commitment includes actively promoting policy and procedure, staff and management training and monitoring the workplace on a regular basis with the aim of preventing the occurrence of discrimination, harassment, bullying and victimisation in the workplace.

Mason Bros Vegetable Farms recognises and values the difference between its employees and contractors and the various skills and perspectives that these differences contribute to our workplace. Behaviour that is discriminatory, harassing or bullying, whether displayed by an employee, manager, supervisor or contractor, will not be tolerated.

The aim of this policy is to ensure employees, contractors, temporary staff / hire employees, volunteers and work experience personnel of Mason Bros Vegetable Farms have a clear understanding of the Company expectation pertaining to acceptable and appropriate behaviour within the workplace. The workplace also pertains to work conducted offsite and activities at a work related social event.

Scope

This policy applies to all Mason Bros Vegetable Farms employees, contractors, temporary staff / on hire employees, volunteers, trialist workers and work experience personnel.

Legislation

Mason Bros Vegetable Farms must meet all legislative requirements of the following:

Federal Jurisdiction

- *Australian Human Rights Commission Act 1986*
- *Sex Discrimination Act 1984*
- *Disability Discrimination Act 1992*
- *Racial Discrimination Act 1975*
- *Equal Opportunity for Women in the Workplace Act 1999*
- *Fair Work Act 2009*
- *Age Discrimination Act 2004*

State Jurisdiction

- *Victorian Equal Opportunity Act 2010*
- *Racial and Religious Tolerance Act 2001*
- *Occupational Health & Safety Act 2004*
- *Accident Compensation Act 1985*
- *The Victorian Charter of Human Rights and Responsibilities 2006*

Responsibilities of Managers

It is the primary responsibility of management and other employees in a position of authority to establish monitor and proactively maintain a working environment free from discrimination, harassment and bullying. Responsible personnel must also model appropriate behaviour and monitor the workplace in which their employees (including contractors) perform their role to ensure that acceptable standards of conduct are observed at all times.

Responsibilities of Employees

It is the primary responsibility of employees and contractors to behave in a professional manner, treat each other with respect and dignity and support the organisation to maintain a safe work environment for all employees at all times.

Reporting / Treatment of Complaints

Management will treat all concerns and complaints quickly, fairly and seriously. Treatment of complaints or reports will be undertaken in line with the *Discrimination, Harassment and Bullying Complaint Resolution Procedure*. This document also outlines the process in which employees may raise issues of concern. Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

No employee or contractor will be penalised or disadvantaged as a result of raising legitimate concerns or complaints relating to discrimination, harassment or bullying. Where a complaint is substantiated it may result in disciplinary action up to and including termination of employment. If unsubstantiated or found to be vexatious it may also result in disciplinary action against the complainant.

Discrimination

Unlawful discrimination occurs when a person treats or proposes to treat another person less favourably owing to a protected attribute listed below. This is known as direct discrimination.

Unlawful discrimination also occurs when there is a requirement or condition or practice which has the intention of treating everyone the same ends up disadvantaging, or potentially disadvantaging a person with one or more of the protected attributes listed below. This is known as indirect discrimination.

Protected attributes in Victoria include:

- Age;
- Disability/impairment;
- Industrial activity/inactivity;
- Lawful sexual activity;
- Sexual orientation or preference;
- Gender identity;
- Marital status, including de facto;
- Political belief or activity;
- Pregnancy;
- Breastfeeding;
- Race includes colour descent or national or ethnic origin;
- Religious belief or activity;
- Sex;
- Status as a parent or carer;
- Personal association with someone who has one or more of the above attributes;
- Irrelevant criminal conviction (one that does not relate to an inherent requirement of the role).

Workplace discrimination can occur in:

- recruiting and selecting staff;
- terms, conditions and benefits offered as part of employment;
- who receives training and what sort of training is offered;
- who is considered and selected for transfer, promotion, retrenchment or dismissal.

It is important to note that from a legal perspective it is irrelevant whether or not the discrimination was intended.

Harassment

A person unlawfully harasses another person if he or she makes that other person (another employee, contractor or member of the public) feel offended, humiliated or intimidated because of one of the protected attributes listed above. It may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence.

It is important to note that from a legal perspective it is irrelevant whether or not the harassing behaviour was intended.

Unlawful harassment may have occurred if the behaviour makes the victim feel:

- offended and humiliated;
- intimidated or frightened and/or;
- uncomfortable at work

Unlawful harassment can include behaviour such as:

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

Sexual Harassment

Sexual harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person, or engages in any other unwelcome conduct of a sexual nature in relation to another person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated. It has nothing to do with mutual attraction or consenting friendships, whether sexual or otherwise.

Sexual harassment is unlawful in pre-employment activities and in the workplace. The workplace includes any place a person goes for the purpose of carrying out any function in relation to his/her employment or engagement and can also extend to social functions.

Some examples of sexual harassment include:

- Persistent, unwelcome demands or even subtle pressures for sexual favours or outings;
- Staring or leering at a person or at parts of their body;
- Unwelcome patting, pinching, touching or unnecessary familiarity, such as unnecessarily brushing up against a person;
- Offensive comments or questions about a person's physical appearance, dress or private life;
- Sexually explicit pictures or posters or screen savers (words and images);
- Sexually explicit telephone calls, letters, faxes, emails or voice mail messages;
- Humour such as smutty or suggestive jokes or comments;
- Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality, or tales of sexual performance;
- Requests for sex;
- Insults or taunts based on sex;
- Sexually explicit physical contact.

Some types of sexual harassment may also constitute offences under the criminal law.

Bullying

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.

“Unreasonable behaviour” means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the other person.

"Behaviour" includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining, punishing or threatening.

“Risk to health and safety” includes risk to the mental or physical health of the employee or contractor.

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

- physical or verbal abuse;
- intimidation;
- yelling, screaming or offensive language;
- excluding or isolating employees;
- psychological harassment;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible jobs;
- deliberately changed work rosters to inconvenience particular employees;
- undermining work performance by deliberately withholding information vital for effective work performance.

Other types of behaviour may also constitute bullying.

Workplace bullying can occur between a worker and a manager or supervisor, or between co-workers.

Bullying is not an acceptable part of Mason Bros Vegetable Farms’s work culture. It is a significant occupational health and safety issue of concern as it can cause harm to a person’s health and wellbeing, both physical and psychological. Bullying may also be unlawful if it is linked to, or based on, one of the above-specified protected attributes covered by anti-discrimination legislation.

Bullying does not cover situations where an employee has a grievance about legitimate and reasonable:

- Performance management processes;
- Disciplinary action;
- Allocation of work in compliance with systems.

Victimisation

It is unlawful for a person to subject or to threaten to subject another person to any detriment because the other person, or someone associated with the other person, has made an allegation or complaint of discrimination, harassment or bullying on the basis of a protected attribute.

Breach of Policy

Violations of this Policy may result in disciplinary action up to and including termination of the employee’s employment.

I the undersigned employee have read, understood and agree to comply with Mason Bros Vegetable Farms Policy & Procedures.

Employee Print Name

Employee Signature

Date

Mason Bros Vegetable Farms may amend and vary this policy from time to time.

Related Mason Bros Vegetable Farms Policies and Procedures

Mason Bros Vegetable Farms EEO Complaint Resolution Procedure
Mason Bros Vegetable Farms Disciplinary Policy

Date Effective

1 July 2018

Next Review Date

1 July 2021 or in the event of Legislative change