

Bullying & Harassment Policy

INTRODUCTION

TDG Environmental (TDG) is committed to preventing bullying and harassment in the workplace to ensure that staff, visitors and contractors are not subjected to behaviours, practices or processes that may constitute harassment, workplace bullying, vilification or victimisation.

SCOPE

This policy applies to all employees, visitors as well as contractors and any other workplace participants. The policy is not limited to the workplace or working hours, and without limitation, will include all work-related events such as, lunches, client functions, while travelling, meetings and conferences as well as Christmas parties.

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

- verbal communication either by telephone or in person in the workplace, and outside of it
- written communication, including letters, notes, minutes of meetings
- internal and external electronic communication including:
 - email
 - instant messaging services
 - internal intranet
 - communication via MS Teams, Zoom, Face-Time and other platforms
 - social media and networking forums, including Facebook, LinkedIn, Twitter and similar
- communications via text message.

PRINCIPLES

In line with TDG'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 are expected to observe the following minimum standards of behaviour, including:

- being polite and courteous to others
- being respectful of the differences between people and their circumstances
- ensuring they do not engage in any bullying behaviour(s) towards others in, or connected with the workplace
- ensuring they do not assist, or encourage others in the workplace, or in connection with the workplace to engage in bullying behaviour(s) of any type
- adhering to the complaint procedure in this policy if they experience any bullying and harassment behaviour(s) personally
- reporting any bullying and harassment behaviour(s) they witness, or otherwise become aware of, in the workplace, or connected with the workplace, in line with the Complaint Handling Procedure outlined in **clause 2** of this policy
- keeping information confidential if involved in any investigation of bullying and harassment.

These standards of conduct are intended to operate in addition to, and in conjunction with, TDG's Code of Conduct.

TDG will have zero tolerance towards any form of bullying, harassment, or threatening behaviour within the workplace or at offsite business activities, under any circumstances and will treat any instance thereof as serious misconduct.

Bullying & Harassment Policy

POLICY

1. What is Bullying & Harassment?

1.1. Bullying

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 be by direct or indirect means.

- Direct bullying occurs between the people involved, whereas indirect actions involve others, for example passing on insults or spreading rumours.
- Indirect bullying mostly inflicts harm by damaging another's social reputation, peer relationships and self-esteem.

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

- an employee being treated less favourably by another employee or group of employees in the workplace
- 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
- unexplained job changes, and tasks beyond a person's skills and training
- unreasonably blocking requests for leave, promotion or training
- continuously and deliberately excluding someone from workplace activities including ignoring them and keeping them isolated from relevant communications about work issues

1.2. What is not bullying behaviour?

Without limitation, fair and reasonable management action taken in order 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.

1.3. Harassment

Harassment can occur where a person engages in uninvited or unwelcome behaviour which 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. Harassment can take many forms, for example, sexual harassment, bullying, disability harassment or racial or religious vilification although it is not limited to these forms of harassment.

Harassment prohibited under this policy may occur by way of:

- an ongoing pattern of behaviour;
- a series of incidents; and /or
- an isolated incident of harassment.

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

Bullying & Harassment Policy

1.4. Sexual Harassment

Sexual harassment is defined in the Sex Discrimination Act 1984 (Cth) (SD Act) as: 'any unwelcome conduct of a sexual nature that a reasonable person, having regard to all the circumstances would have anticipated would offend, humiliate or intimidate the other person.' Similar definitions are found in State and Territory anti-discrimination and equal opportunity legislation.

This means that sexual harassment will occur 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 of the 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.

Conduct must be 'unwelcome'

Conduct will only be sexual harassment if it is 'unwelcome'. Consensual conduct will not be 'unwelcome'.

Intention is irrelevant

You do not need to intend to offend, humiliate or intimidate, or even to know that this was the effect of your behaviour for this conduct to be sexual harassment. For example, a practical joke that 'everyone else thinks are funny' can amount to sexual harassment of somebody else who finds it offensive.

2. Complaint Handling Procedure

If you feel you have been subjected to discrimination, harassment or bullying, you are encouraged to act promptly once the situation arises. There are a number of options open to you and you should choose the option or options with which you are most comfortable.

2.1. Amicable Resolution

Wherever practicable and if you feel comfortable, you may attempt to amicably resolve the matter and tell the offender directly and courteously that their behaviour is unwelcome and offensive, causing distress and ask that it stop. The person may not be aware that their behaviour or conduct was causing offense or was unwelcome unless you make it clear.

This is not a compulsory part of the complaint procedure, and if you do not wish to confront the person directly, then this is not encouraged.

Bullying & Harassment Policy

2.2. Informal Complaint Procedure

This may be appropriate in the circumstances that you do not wish to make a formal complaint, or a supervisor or manager observes unacceptable conduct that does not warrant a more formal disciplinary response.

Informal procedures emphasise resolution rather than factual proof or substantiation of a complaint. Informal ways of dealing with complaints of discrimination, harassment or bullying can include the following actions:

- you wish to deal with the situation yourself but may seek advice on possible strategies from your manager
- you ask your manager to speak to the person on your behalf. They will then confidentially convey your concerns to the person and ensure that the person understands TDG's policy on discrimination, harassment, and /or bullying. This does not involve assessing the merits of the complaint
- where a complaint is made and the perpetrator admits the behaviour, investigation is not required, and the complaint can be resolved through conciliation or counselling
- where a manager observes unacceptable behaviour and takes independent action even though no complaint has been made

You do not need to have completed the informal procedure before deciding to take formal action.

2.3. Formal Complaint Procedure

Formal complaint procedures focus on looking at whether a complaint can be substantiated, or at least whether the parties can be brought together to try to reach a satisfactory outcome.

Formal complaint procedures usually involve:

- investigation of your allegation(s)
- giving both parties an opportunity to explain their side of the story
- making a finding as to whether the discrimination, harassment or bullying occurred or is likely to have occurred
- The taking of appropriate action by the employer if it considers the claim is substantiated

In order to proceed with a formal complaint it may be necessary for you to document the incident or incidents, noting the following:

- the specific behaviour/s to which you are objecting
- when it occurred (date and time)
- whether there were witnesses
- if witnesses are available to provide a report
- what occurred in the discussion

You should then report this to Human Resources providing those details.

Human Resources will discuss the alleged behaviour with you and compile a written report, which will include the names and contact details of witnesses if available. You will be asked to sign this report, confirming the complaint and allegations are accurate as documented.

You may bring a support person with you to any of these meetings. The support person should not be witness. Human Resources will interview the alleged perpetrator, giving them the opportunity to be accompanied by a support person. Human Resources will explain the nature of the complaint which has been made against them and give them the opportunity to respond.

This interview will be documented and the record signed by the perpetrator confirming its accuracy.

If there is a dispute over the facts between the person who complained and the alleged perpetrator, Human Resources will interview any witnesses and obtain a written statement of their version of events.



Bullying & Harassment Policy

If the investigation concludes that the complaint is justified, Human Resources will prepare a report documenting the evidence, findings and recommended course of action and then:

- inform the offender of the action which will be taken
- advise both parties of the reasons for the decision
- compile a comprehensive record the incident, investigation and outcomes
- direct the relevant manager to monitor the situation on an ongoing basis to ensure that the behaviour has stopped (should this be considered necessary in the given circumstances).

3. Course of Action

The recommended course of action where a complaint has been substantiated may include, amongst other things, any combination of the following:

- counselling
- disciplinary action (demotion, transfer, suspensions, probation or dismissal)
- formal apology
- conciliation/mediation
- official warnings that are noted on the perpetrator’s file

If the investigation concludes that the incident cannot be substantiated, both parties will be advised that there is insufficient evidence to support the complaint. However, Human Resources in conjunction with the employee’s manager will continue to monitor the situation. It may also be necessary to conduct further training to ensure that all workers understand TDG’s policies on discrimination, harassment, and/or bullying.

4. Confidentiality

As a matter of fairness and natural justice, all parties including witnesses and management should ensure that they maintain confidentiality with respect to the complaint and investigation.

Where potentially unlawful conduct has occurred TDG may be required to alert the appropriate authorities.

Any person who was involved in making the complaint or as a witness, who acted in good faith, will not be victimised or disadvantaged as a result of making the complaint.

Victimisation of employees who make complaints or reports of discrimination or harassment is unlawful and will not be tolerated by TDG. Disciplinary action will be taken against any employee who victimises or retaliates against a person who has complained of discrimination or harassment or is involved in a complaint or investigation of a complaint of discrimination or harassment. Furthermore, no person who is involved in making a complaint or as a witness, who has acted in good faith, will be disadvantaged in their employment with TDG as direct consequence of that involvement.

5. External Organisations

The following bodies can provide more information regarding dispute resolution if required:

| State | Organisation | Phone |
|------------|--|--------------|
| All States | Australian Human Rights Commission www.hreoc.gov.au | 1300 369 711 |
| | Fair Work Ombudsman www.fairwork.gov.au | 13 13 94 |
| | Fair Work Commission (bullying) www.fwc.gov.au | 1300 799 675 |

These organisations provide general information on discrimination issues as well as advice and assistance with conciliating/resolving cases involving discrimination, harassment, victimisation, and bullying.