

Subject: Fair Treatment

Chapter: Diversity & Fair Treatment

Date Issued: January 2010

Date Updated: July 2013

Flexi's procedures for managing concerns regarding personal treatment, which may be discriminatory, harassing, bullying or victimising, are designed to provide fast, safe, effective solutions which are fair and reasonable.

Flexi acknowledges that behaviour or comments that are acceptable to one person may offend or be unwelcome to another. We understand that perceptions and interpretations can differ because of background, culture and age for example.

All employees (permanent and temporary) are expected to take account of this in their everyday behaviour and in the resolution of any concerns.

Discrimination, workplace harassment and bullying of employees or by employees in the course of their work, is not acceptable under any circumstances. If an employee is found to be in breach of this policy, appropriate disciplinary action will be taken (as per Flexi's Disciplinary Policy), up to and including dismissal.

Under Australian legislation, discrimination or harassment in employment may be unlawful if based on one of the protected characteristics below. It is also in breach of Flexi Policy.

- age
- breastfeeding
- carer status
- disability/impairment
- gender identity
- industrial activity
- lawful sexual activity
- marital status
- parental status
- physical features
- political belief or activity
- pregnancy
- race
- religious belief or activity
- sex
- sexual orientation

Definitions:

Discrimination – refers to any practice that results in a person or groups of people being treated less favourably than another person or group of people. Discrimination in employment is unlawful and in breach of Flexi policy if it is based on any of the protected characteristics.

Workplace Harassment – occurs when one person subjects another to behaviour that is unwelcome or uninvited and which offends, humiliates or intimidates the person. Harassment can make the workplace uncomfortable or unpleasant, not only to the person at whom it is directed, but for others as well.

Workplace harassment is unlawful and in breach of Flexi policy if it is based on any of the protected characteristics.

Harassment in the workplace can take many forms. Harassment can be verbal, visual, written or physical in form and include innuendo. Some examples of behaviour that may constitute harassment are:

- Repeated questions about someone's personal life.
- Mimicking someone with a disability.
- Sexual or suggestive remarks and references.
- Offensive or obscene language.
- Displaying of offensive or suggestive communications or material such as posters, cartoons, pin-ups, memos, voice mail, email, faxes, computer screen savers or downloading or displaying material from the internet.
- Persistent and unwelcome requests to go out or sexual propositions.
- Threats, insults, name calling, or bullying made on the basis of a person's race or accent.
- Unnecessary, unwelcome physical contact (pinching, patting, brushing up against a person, touching, kissing and/or hugging, against a person's will).

Workplace Bullying – involves repeated, unreasonable behaviour directed toward an employee or group of employees, which creates a risk to health and safety. It may include behaviour that intimidates, offends, degrades, humiliates, undermines or threatens an employee. Bullying is physical or psychological behaviour or conduct where strength (including strength of personality) and/or a position of power is misused by a person in a position of authority or by a person who perceives that they are in a position of power or authority.

Bullying is normally associated with an ongoing systematic pattern of behaviour. An isolated incident of behaviour is not considered bullying, but may of course lead to action being taken against the perpetrator based on that single incident. Bullying may be perpetrated by an individual who may be a work colleague, a supervisor, a more senior manager or a person who reports to the individual subject to the alleged bullying. A bully is equally likely to be male or female.

Examples of overt bullying behaviour can include:

- Verbal abuse or offensive language and yelling.
- Humiliating someone through sarcasm, criticism or insults.
- Constant unreasonable and unconstructive criticism
- Physical abuse and practical jokes affecting the physical and psychological safety of an Employee.

Examples of covert bullying can include:

- Deliberate exclusion, isolation or alienation of the employee from normal work interaction, such as intentionally excluding the employee from meetings
- Placing unreasonably high work demands on one employee but not on others
- Allocation of demeaning jobs or meaningless tasks only
- Unreasonably ignoring the employee
- Undermining another employee, including encouraging others to "gang up" on the employee
- Deliberately withholding information that a person needs to exercise her or his role or entitlements within Flexi

Providing guidance, conducting performance counselling, invoking unsatisfactory performance procedures or misconduct procedures does not in itself constitute bullying. Managers are expected to offer constructive advice and comments as part of their role in a way that does not demean or humiliate.

Victimisation – is a form of harassment and can occur because a discrimination complaint has been made. It may also take the form of intimidating tactics designed to minimise the likelihood of a complaint being made.

It is unlawful and in breach of this policy to harass or otherwise victimise an employee because he/she has lodged a complaint, threatened to do so or assisted in the investigation of a complaint.

Immediate disciplinary action will be taken against any employee who victimises or retaliates against a person who has made a complaint.

Resolution

We are committed to resolving any complaints fairly and effectively. All complaints will be treated confidentially, fairly and consistently, and resolved as speedily as possible.

Complaints shall be resolved in accordance with the Flexi Equal Opportunity Complaints Resolution Procedure and all persons covered by this policy are required to adhere to this procedure unless suitable alternative arrangements are agreed.

Flexi is strongly committed to the identification and elimination of discriminatory practices within the work environment.