



EEO, Discrimination, Bullying, Harassment and Violence Policy

1. Introduction

- 1.1. Rusher Rogers (Employer) supports equal employment in the workplace and eliminating unlawful discrimination, bullying, harassment and violence in the workplace. We are committed to providing all workers with a healthy and safe work environment free from inappropriate behaviour. This policy is intended to provide managers and workers with information to help the Rusher Rogers achieve its policy objectives by outlining expectations of behaviour and procedures for dealing with complaints.
- 1.2. We expect all workers to behave in a professional manner and to treat each other with dignity and respect when they are at work. We encourage all workers who experience inappropriate behaviour such as discrimination, bullying, harassment or violence to report it. When inappropriate behaviour is reported, it will be seen as a serious matter and will be investigated in a timely manner.

2. Scope

- 2.1. The EEO, Discrimination, Bullying, Harassment and Violence Policy are applicable to all employees, contractors, volunteers, interns, temps and consultants ("**Workers**").
- 2.2. Workers must comply with this policy at all times during work, on assignment or when representing or acting on behalf of Rusher Rogers at work related events and social functions.

3. Policy

- 3.1. Rusher Rogers support the principle of equal employment opportunity and to providing a productive workplace in which Workers, potential Workers, customers and clients can work free of unlawful discrimination, bullying, harassment and violence.
- 3.2. Behaviour that is inconsistent with this policy will not be tolerated and may result in disciplinary action up to and including termination of a Worker's employment or temp assignment or engagement.
- 3.3. Where a Worker is working for clients of Rusher Rogers ("**Host Client**"), they must comply with the Host Clients policies relating to discrimination, bullying, harassment and violence. Behaviour that is inconsistent with a Host Clients policy will not be tolerated and may result in disciplinary action which may include termination of assignment and/or termination of employment with Rusher Rogers



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4. Equal Employment Opportunity

- 4.1. It is the policy of Rusher Rogers that all persons in the workplace be treated on the basis of merit and according to their skills and abilities. This shall include, but is not limited to, matters involving:
 - a) recruitment, selection, transfers, promotions, performance reviews, training and development, supervision and management of staff, counselling, disciplinary procedures and termination of employment; and
 - b) remuneration practises and benefits.
- 4.2. A Worker's gender, marital status, pregnancy, parental or family responsibilities, race, age, physical or mental disability, sexual orientation, transgender, political or religious beliefs, social origin, trade union activity or inactivity, or physical appearance will not form the basis of employment or engagement decisions.

5. Discrimination and Harassment

- 5.1. Rusher Rogers believes that all workers have a right to work in a productive environment in which discriminatory conduct or harassment of others is not tolerated.
- 5.2. Through reasonable management, Rusher Rogers will endeavour to prevent discrimination and harassment from occurring in the workplace.
- 5.3. All forms of harassment and unlawful discrimination will not be tolerated and depending on the severity, can lead to disciplinary action including termination of employment or assignment or engagement.

What is Unlawful Discrimination?

- 5.4. Unlawful discrimination may occur when a Worker is treated less favourably than others because of that Worker's individual characteristics or because that person belongs to a particular group of people. Everyone should feel comfortable in the workplace and individual differences should be respected.
- 5.5. Discrimination does not have to be intentional to be unlawful. As such, two types of discrimination can occur in the workplace:
 - a) **Direct Discrimination**- this occurs when an individual treats another person less favourably for an unlawful reason.
 - b) **Indirect Discrimination**- this occurs when a policy or practise appears neutral but in fact results in an individual or group being treated less favourably.



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- 5.6. Employment decisions may be unlawful if they are made on the basis of a person's:
- a) gender (including marital status, pregnancy or potential pregnancy or transgender status);
 - b) race (including colour, nationality, ethnic or ethno-religious origin);
 - c) sexuality (including sexual orientation);
 - d) age;
 - e) marital Status;
 - f) family or carer's responsibilities;
 - g) religion
 - h) political opinion;
 - i) criminal records;
 - j) disability; or
 - k) Trade Union activity or non-activity.

Examples of Unlawful Discrimination

5.7. The following examples may constitute unlawful discrimination in the workplace:

- a) a pregnant employee being pressured to resign prior to taking any maternity leave; or
- b) making the decision not to hire an employee on the basis of the person's ethnicity.

5.8. It is illegal to discriminate on the basis that a person is perceived to have one of the above attributes, even if they do not actually have that attribute. For example, it is illegal to discriminate against a person because you think that the person has a disability, even if they do not in fact have the disability.

What is Harassment?

5.9. Harassment is any unwelcome or uninvited behaviour that offends, humiliates or intimidates another person, whether or not that effect is intended.

5.10. Harassment may occur as a single act, or as a series of incidents, persistent innuendoes or threats. It can take many forms- it may be silent or loud, subtle or openly hostile, private or public.

5.11. Harassment may take the form of general bullying, or be specifically aimed at people with particular individual attributes and characteristics. This latter type of harassment may amount to unlawful discrimination.

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6. Sexual Harassment

- 6.1. Sexual harassment in the workplace generally includes any unwelcome conduct of a sexual nature which a reasonable person would find offensive. It may be physical, verbal or written.
- 6.2. Certain conduct that may be tolerated in social situations could constitute sexual harassment in the workplace when it is unwelcome. The Company regards sexual harassment as a serious issue and endeavours to treat any complaints in a sensitive, fair and confidential manner.

Examples of Sexual Harassment

- 6.3. The following examples may constitute sexual harassment when they are offensive to a Worker, regardless of any innocent intent on the part of the offender:
 - a) the public display of pornography, including on the Internet;
 - b) continued use of jokes containing sexual innuendo;
 - c) intrusive enquiries into another Worker's private life, their sexuality or physical appearance;
 - d) persistent requests from a colleague to go for a drink where such requests have been consistently declined;
 - e) persistent staring or leering at a person or parts of their body;
 - f) sexually offensive telephone calls;
 - g) requests for, or expectations of, sexual activity under threat, or in exchange for favours or promises of preferential treatment;
 - h) deliberate or unnecessary physical contact, such as patting, pinching, fondling, deliberate brushing up against another body, or attempts at kissing;
 - i) public displays of nudity - commonly referred to as flashing; or
 - j) sexual violence at the most extreme, sexual assault and forced attempts at sexual intercourse

7. Victimisation

- 7.1. Victimisation occurs when a person victimises another person who lodges a discrimination or harassment complaint or takes certain related actions.
- 7.2. 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.
- 7.3. Disciplinary action will be taken against a Worker 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



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Worker.

8. Bullying

- 8.1. A Worker is bullied at work if a person or group repeatedly act unreasonably towards them or a group of Workers and the behaviour creates a risk to their health and safety.
- 8.2. Bullying may involve physical or verbal abuse, aggression or intimidation, but it may also be more subtle or indirect and include:
 - a) putting new staff through “initiation rituals”;
 - b) verbal abuse, threats, sarcasm or other forms of demeaning or intimidating language or communication;
 - c) constant negative criticism;
 - d) threatening to take unjustified action against a person unless they comply with unreasonable requests;
 - e) placing unreasonable work demands on people;
 - f) Deliberately isolating staff members.

What is not bullying

- 8.3. 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.
- 8.4. Reasonable management of workers carried out in a reasonable manner is not bullying. Managers have the right, and should, manage their staff. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling staff. According to Safe Work Australia, examples of reasonable management action include:
 - a) setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience;
 - b) allocating work to a worker in a transparent way;
 - c) fairly rostering and allocating working hours;
 - d) transferring a worker for legitimate and explained operational reasons;
 - e) deciding not to select a worker for promotion, following a fair and documented process;
 - f) informing a worker about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or



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- agreements;
- g) informing a worker about inappropriate behaviour in an objective and confidential way;
- h) implementing organisational changes or restructuring, and
- i) performance management processes.

9. Violence

- 9.1. A worker may be exposed to work-related violence as a victim or witness to a violent incident.
- 9.2. 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.
- 9.3. The term 'work-related violence' covers a broad range of actions and behaviours that can create a risk to workers' health and safety, such as:
- j) verbal threats;
 - k) threatening someone with a weapon;
 - l) throwing objects;
 - m) pushing, shoving and hitting;
 - n) spitting and biting;
 - o) 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 Worker found to have been violent to another person within the workplace, the Worker may be subject to disciplinary action including termination of a Worker's employment or engagement.

10. Responsibilities

- 10.1. Rusher Rogers has a duty of care to its Workers to take reasonable steps to prevent unlawful harassment, bullying and discrimination.
- 10.2. Managers and supervisors have a responsibility to:
- p) comply with this policy;
 - q) monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
 - r) model appropriate behaviour;
 - s) ensure that all employment, advancement and training decisions are consistent with this policy;
 - t) seek appropriate advice and assistance when dealing with formal or



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informal complaints.

10.3. All Workers have a responsibility to:

- a) comply with this policy;
- b) co-operate with the Company in the event of an investigation;
- c) when appropriate, deal with sensitive information in a confidential manner.

11. What if you have a Complaint

11.1. Workers who become aware of a breach or suspected breach of this policy are encouraged to discuss this matter with his or her Manager on a confidential basis or if working on a Host Client assignment a worker is encouraged to have a confidential conversation with the Rusher Rogers Consultant.

11.2. A Worker who believes they are the victim of discrimination, bullying, harassment or violence may deal with the matter:

- a) **Informally** - by confronting the person with whom they are aggrieved (if the worker feels safe to do so); and/or
- b) **Formally** – Through their employer (Rusher Rogers)

11.3. Should the Worker elect to raise a formal grievance, Rusher Rogers may carry out an investigation. Alternatively, Rusher Rogers may take whatever action it deems necessary to attempt to resolve the Worker's grievance.

11.4. If after an investigation by Rusher Rogers, a Worker's complaint or statement is found to be false and malicious, disciplinary action may be taken against the Worker up to and including termination of the Worker's employment or assignment or engagement.

11.5. If a Worker's complaint is substantiated, Rusher Rogers may take disciplinary action against the perpetrator. Depending upon the seriousness of the breach of this policy, such action may include termination of a Worker's employment or assignment or engagement.

12. Breach of this Policy

12.1. Any Worker who is found to have breached this policy may be subject to disciplinary action, up to and including the termination of employment or assignment or engagement.