

1. Standard Statement

SPC is committed to creating a workplace that is safe, respectful, and inclusive, recognising that all employees have a right and obligation to work in an environment free from all forms of discrimination, harassment and bullying. This standard sets out the conditions and types of behaviours and conduct which are not tolerated at SPC and the process for raising concerns.

2. Scope

In this Standard, "SPC" includes all entities in the SPC group of companies.

This policy covers permanent full time, part time employees, casual, fixed term, contractors, independent contractors and temporary workers while performing their role or duties at or on behalf of SPC.

This standard interacts with other SPC policies not limited to but including the SPC Employee Code of Conduct, Disciplinary Policy and Procedure, Whistle-blower protection policy and the Health, Safety and Wellbeing Policy.

3. Duty of care

Duty of care is the obligation to look after your own safety and the safety of others. It is a shared responsibility between SPC, employees, contractors, and visitors.

4. Definitions

Harassment

Harassment is any type of behaviour directed towards another person that has the potential to offend, embarrass or intimidate. The behaviour becomes harassment when:

- One of the parties involved does not welcome the attention from the other. The intention behind the behaviour is irrelevant.
- The person considers to be offensive, intimidating, humiliating, or threatening
- A reasonable person would consider it to be offensive, humiliating, intimidating, or threatening

Federal and state legislation have specific provisions relating to certain types of harassment. These include, sexual harassment, harassment of a person with a disability, racial harassment, or vilification.

Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, spoken or written.

You do not need to have intended to offend, humiliate, or intimidate for this conduct to be against the law. The person on the receiving end of the offensive conduct does not have to have objected to the behaviour or said "no" to the behaviour for it to be considered harassment, as the law recognises that sometimes power imbalances may make it impossible to object or say "no".

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 other 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 (someone looking you up and down);
- Standing too close to someone or brushing them 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 behavior 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. This includes emails, screensavers or PC wallpaper;
- Repeated sexual invitations when the person invited has refused similar invitations before; and
- Intrusive questions or remarks about a person’s sexual activities or private life.

Even when you are away from work with customers, at company sponsored events, or at other functions away from company premises, bothering someone with letters, telephone calls or other forms of contact may be considered sexual harassment.

Harassment of a person with a disability

The words “disability” and “impairment” have very wide meanings. They do not relate only to persons who have an obvious disability such as blindness and may include such impairments or physical injuries sustained during and outside the workplace. Harassment of persons with a disability or impairment is unlawful. Harassment includes making comments about a person’s disability, isolating a person because they are disabled, or not including them in office functions because of their disability.

Racial harassment

Racial harassment is where an individual is treated less favourably or is disadvantaged on the grounds of race, racial characteristics, or place of origin. It also includes isolating a person because of their race, racial characteristics, or place of origin.

Vilification

Vilification is any act that happens publicly and could incite others to hate, have serious contempt for, or severely ridicule a persons or group of people because they are (or are thought to be) of a certain race or religion.

Bullying

Workplace Bullying is any behaviour where a person or group of people repeatedly act unreasonably towards others, and where the behaviour creates a risk to health and safety.

Bullying may involve behaving aggressively, teasing, or practical jokes, pressuring someone to behave inappropriately, excluding someone from work-related events, or unreasonable work demands. Instances of bullying can cause physical and psychological distress to others and can include behaviour that intimidates, offends, degrades, or humiliates an employee, possibly in front of colleagues, clients, or customers.

Behaviour will only be defined as bullying if a ‘reasonable person’ observing the situation would consider it to be bullying. The reasonable person is defined as an objective third party.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

Examples of workplace bullying could include but not limited to:

- Abusive, insulting or offensive language;

- Behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling and screaming.
- Teasing or regularly making someone the brunt of practical jokes.
- displaying material that is degrading or offending.
- Spreading gossip, rumours and innuendo of a malicious nature.
- Loud and aggressive attacks or more subtle intimidation such as constant criticism of a trivial nature
- Isolation from colleagues
- Refusing to delegate or withholding of vital information required for performance on the job
- Removing responsibility, or imposing menial tasks

What is not bullying?

A single incident of unreasonable behaviour is not workplace bullying; however, it may be repeated or escalate and so should not be ignored.

Discrimination

Unlawful discrimination is any type of behaviour that targets an individual or group and treats them differently because of reasons such as race, gender, sexuality, pregnancy, marital status, disability, age, or their association with others. The behaviour can be verbal, non-verbal, physical, or visual. It can be an isolated incident or repetitive in nature. It can be intentional or unintentional.

Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law.

Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

What is not considered unlawful discrimination?

Treating someone differently is not necessarily unlawful discrimination. Some different treatment such as general performance management may not be an unlawful discrimination issue.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment, or victimisation. It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

5. Poor performance and misconduct

SPC reserves the right to act on patterns or instances of poor performance or conduct that is inconsistent with our values, code of conduct, poses commercial risk, a reputational risk or a health and safety risk to their fellow staff. Under, but not exclusively in these circumstance SPC will address staff in accordance with the relevant provisions of the EBA, contracts of employment and the SPC Poor Performance and Misconduct policy.

6. Respect during recruitment and selection

All recruitment and job selection decisions at SPC will be based on competencies required for the current position or likely career path and those perceived to be held by the candidate. It is unacceptable and, in some cases, unlawful to ask job candidates questions, or to in any other way

seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

7. Responsibilities and accountabilities

All Employees:

- Comply with this standard
- Do not ignore harassment, discrimination and bullying, thinking it will go away even if it has not occurred directly to you, you still have an obligation to report this.
- Offer support to anyone who is being bullied, harassed or discriminated against and let them know where they can get help and advice; and
- Provide information when required during the course of an investigation and maintain complete confidentiality if you are required to provide information during an investigation of a complaint

Managers and Supervisors:

- Ensure all employees understand that bullying, harassment and unlawful discrimination is not tolerated at SPC
- Monitor behaviours and employee conduct within the workplace to ensure employees are adhering to the acceptable standards of behaviour
- Model and lead appropriate behaviours themselves
- Promote this standard and reinforce positive workplace behaviours and interactions wherever possible throughout the workplace and work area.
- Treat all complaints seriously and each complaint is managed and dealt with as quickly as practicable.

Workplace Respect Contact Officer:

- A Workplace Respect Contact Officer can provide support as a first point of contact to employees who have questions, need advice or have a problem understanding any aspect of bullying and harassment.
- Understand the relevant laws / legal framework and appropriate grievance procedures or corrective action that should be implemented to address potential bullying and harassment concerns.
- Provide advice as to company policy, legislation and provide options, both formally and informally, to resolve the issue
- Distribute information and help raise awareness of company standard and procedure in this area.

8. Complaint resolution process

The SPC Grievance Policy and Procedure outlines the steps (formal and informal) to effectively and equitably resolve a complaint or grievance.

SPC strongly encourages any employee who believes they have been discriminated against, bullied, sexually harassed, or victimised to take appropriate action.

Employees and employee representatives are obliged to keep any and all matters related to a complaint, as well as the complaint confidential, whether the resolutions be informal or formal.

Whistle Blower protection policy

The Whistle Blower protection policy outlines SPC's commitment to an ethical workplace free of harassment, bullying, corruption and illegal activities. SPC has in place a Whistle blower hotline which is an independent external service available for any employee, supplier or customer to anonymously

report suspected or actual wrongdoing with concerns to SPC. All reports will be followed up in a timely manner and protections provided to whistle blowers.

9. Social media

Comments on social networking sites are no longer regarded as private comments due to their accessibility by an uncontrollable number of people regardless of the level of privacy and security provided. Because you are legally responsible for your internet postings, you may be subject to liability if your posts are found defamatory, harassing, or in violation of this policy or any other applicable law. Please refer to the SPC Social Media policy for further details.

10. Discipline

An Employee who is found to be in breach of this standard or the relevant law will be subject to disciplinary action which may include termination of employment.

11. False (frivolous or vexatious) complaints

Where, there is reasonable evidence that an employee knowingly made allegations that are untrue, malicious or in bad faith to cause harm or hardship to the other employee(s) and they have knowingly or maliciously provided false evidence during an investigation, they will be subject to disciplinary action which may include termination of employment.

12. Confidentiality

Confidentiality will be maintained by all parties in respect of the investigation, management, and outcome of all complaints. Discussions, information, and records related to complaints will remain factual and confidential and will be kept securely by Human Resources.

13. Support avenues

Employee Assistance Program

The Employee Assistance Program (EAP) is a confidential counselling support service that can help employees and their immediate family members to solve a wide range of problems and challenges in your lives, at no cost to employees. Information on the EAP service is available to all employees via Human Resources.

Workplace Respect Contact Officers

A Workplace Respect Contact Officer is a trained employee who can support employees who experience, or are concerned about, bullying, discrimination or harassment in the workplace by listening to an employee's concerns and providing options for action and/or escalation.

Mental Health First Aid representatives

MHFA representatives are trained SPC employees who can provide initial informal support to employees in the workplace with respect to mental health and wellbeing concerns.

14. Training and education

Adherence to this standard is a requirement of all SPC People. Employees must ensure they are aware of their responsibilities with respect to this standard. This may include:

Attending training:

- All employees must complete the SPC 'Expect Respect' training and awareness program
- People Leaders complete additional training and understand their role with respect to managing concerns.

15. Interaction with other policies and entitlements

Employees are encouraged to familiarise themselves with the following policies and standards which provide further information and support resources.

Reference Documents
Employee Code of Conduct
Health Safety and Wellbeing policy
Disciplinary Policy and Procedure
SPC's Grievance Policy and Procedure
Whistle-blower Protection policy
Social Media Policy
EAP information sheet
Supplier Code of Conduct