

**EQUAL OPPORTUNITY,**  
**DISCRIMINATION,**  
**HARASSMENT AND BULLYING**

**POLICY**

**INTRODUCTION**

Acutel Consulting is an equal opportunity organisation and is committed to ensuring that our own work environment and the work environment in which our independent contractors may work from time to time is free from discrimination, harassment and bullying and is conducive to good workplace relations.

Discrimination, harassment and bullying in the workplace decreases productivity, increases absenteeism, and is also and most importantly against the law.

Our aim therefore is to ensure as far as practicable that all organisations and individuals with whom we conduct business comply with their obligations and duties pursuant to legislation in relation to EEO, discrimination, workplace harassment or bullying.



## WHAT IS DISCRIMINATION?

There are two (2) types of discrimination.

**Direct Discrimination** means to treat someone with an attribute less favourably than a person without the attribute in the same or similar circumstances. The attributes covered include, for example, age, breastfeeding, parental or carer status, impairment, gender identity, sexual orientation, pregnancy, race and religion.

Discrimination of this type also involves engaging in conduct that incites hatred against, or contempt for, a person on the ground of, for example, race or religion.

**Indirect Discrimination** occurs when a requirement, condition or practice is imposed and a person with an attribute can not comply with the requirement whereas those without that attribute can comply and the requirement to comply is not reasonable in the circumstances.

Discrimination can apply on grounds such as age, race, sexual orientation, gender, marital status, pregnancy, breastfeeding, disability, religious belief, parental status, family responsibility, political belief, irrelevant criminal record or irrelevant medical record.

Discrimination is UNLAWFUL under the *Anti Discrimination Act 1998 (Tas.)*, and the following Commonwealth Acts: *Racial Discrimination Act 1975 (Cth.)*, *Disability Discrimination Act 1992 (Cth.)*, *Age Discrimination Act 2004 (Cth.)*, *Human Rights and Equal Opportunity Act 1986 (Cth.)* and *Sex Discrimination Act 1984 (Cth.)*.

## WHAT IS WORKPLACE HARASSMENT?

The most common form of workplace harassment is sexual harassment. Sexual harassment is a behaviour of a sexual nature that is unwelcome and has the effect of offending, intimidating or humiliating the person being harassed. Sexual harassment most often happens against women, but men can also be subjected to sexual harassment.

Workplace harassment can also be based on other grounds including race, disability, age, pregnancy, marital status, or sexual preference for example.

Harassment in the workplace can create an unpleasant or even hostile working environment. Harassment makes work difficult for everyone, not only the person being harassed but also others witnessing the harassment. In addition, the harasser is not concentrating on his or her work when he/she engages in behaviour of this type.

Workplace harassment usually consists of a pattern of unwelcome behaviour, however, it can consist of just one act where this is of a serious nature. Also, there is no requirement that the harasser intends to offend or harm in order for it to be unlawful. Under law, all that is required is that a reasonable person in the position of the person being harassed would be offended, humiliated, or intimidated by the behaviour in question.

The primary element of sexual harassment is that it is unwelcome behaviour.

Examples of unlawful harassment include:

- suggestive comments about a person's body or appearance
- physical contact such as kissing, patting, pinching, touching, hugging, grabbing, and embracing
- leering or staring at a person or parts of their body
- demands that revealing clothing be worn
- inferences of sexual morality, eg. calling someone a 'slut' or 'tart'
- tales of sexual performance
- sexual propositions
- persistent, unwelcome proposals of marriage
- gender based insults or taunting
- sexist or racist jokes
- pornographic or nude posters in the workplace
- homophobic material displayed in the workplace
- any homophobic abuse
- verbal or written abuse directed at a transgender person
- touching a person in a sexual way
- sexual assault, which is also a criminal offence
- "flashing" which is also a criminal offence
- obscene telephone calls
- asking questions about a person's sex life
- unwanted confidences about a person's sex life or lack thereof
- persistent requests for dates when these are rejected
- requests for sex where these are unwelcome
- making jokes at the expense of a person with a disability
- verbal abuse or derogatory comments based on race, ethnicity or religion

Workplace harassment, in all forms, is against the law.

## **WHAT IS BULLYING?**

Bullying includes physical and psychological abuse. Violent behaviour is a highly objectionable form of bullying. However, it can manifest itself in more subtle ways that can impact on the health and wellbeing of the victims of bullying.

Bullying in the workplace is harmful to both the victims and to workplace culture.

## **WHAT ARE THE EFFECTS OF DISCRIMINATION, WORKPLACE HARASSMENT & BULLYING?**

Different people will be affected in different ways. People can feel embarrassed, intimidated, angry, humiliated, anxious or afraid. It can also lead to: -

- ill health
- absenteeism
- stress & depression
- low morale
- reduced productivity

## **POLICY STATEMENT**

Acutel Consulting actively seeks to refrain from entering into agreements with independent contractors and from providing services to clients/principals who: -

- engage in behaviour or conduct which offends, humiliates, intimidates, insults or ridicules another by discriminating against, harassing or bullying any client or employee, agent or servant of a client who one comes into contact with in the course of work
- engage in behaviour or conduct of any type inciting hatred or which causes, induces or aids another person to engage in discrimination, harassment or bullying
- publish or display any sign or notice of a sexual or otherwise inappropriate nature
- victimise anyone involved in a complaint or investigation

In the event that it comes to the attention of Acutel Consulting that any individual with whom we have a principal-independent contractor agreement is engaging in a discriminatory, harassing or bullying behaviour while working for a client/principal, Acutel Consulting reserves the right to terminate that agreement.

In the event that it comes to the attention of Acutel Consulting that a director, manager, employee, servant or agent of any client/principal to whom we provide services engages in a discriminatory, harassing or bullying behaviour towards any individual with whom Acutel Consulting has an independent contractor relationship and such behaviour is not addressed to the satisfaction of Acutel Consulting, we reserve the right to terminate provision of services to that client/principal.

#### **INDEPENDENT CONTRACTORS:**

##### **WHAT IF I AM SUFFERING DISCRIMINATION, HARASSMENT OR BULLYING?**

If you experience discrimination, harassment or bullying we recommend that you raise the issue with your immediate supervisor.

If your concerns are not resolved to your satisfaction please do not hesitate to raise the matter with Acutel's Consulting's Managing Consultant, Mr Scott Bailey. The Anti Discrimination Commission may also be able to assist you with any queries.

#### **CLIENTS/PRINCIPALS:**

##### **WHAT IF A CONTRACTOR IS ENGAGING IN DISCRIMINATION, HARASSMENT OR BULLYING?**

If an Independent Contractor engages in discriminatory, harassing or bullying behaviour while working at your workplace, we recommend that in the first instance you speak with the individual.

We also request that you notify Acutel Consulting's Managing Consultant, Mr Scott Bailey.