

# Harassment, Bullying and Discrimination Procedure

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Application:

Serco Immigration Services - Australia.  
All Managers and employees are responsible for ensuring  
that this procedure is upheld.

## Summary

Serco aims to ensure that its workplaces and learning environments are free from any form of harassment, discrimination and bullying.

Harassment, bullying and discrimination in the workplace is not appropriate in any circumstance. Employees have a responsibility to respect the rights of fellow employees, including the right to work in an environment free of harassment, bullying and discrimination.

Serco provides a Complaint process to employees who wish to lodge a complaint.

All workplaces within Serco ASPAC operate procedures designed to maintain a working environment that discourages any form of harassment, bullying or discrimination.

## 1 Introduction

Every employee of Serco has a right to work in an environment free of harassment, bullying and discrimination which supports productivity and self-development. Equally, all employees have a responsibility to ensure that at all times their behaviour is courteous, professional and respectful, and takes into account their colleagues sensitiveness.

Immigration Services encourages a workplace culture based on Serco's Governing Principles and to prevent harassment, bullying and discrimination. This procedure includes the process available to employees who encounter harassment/bullying or discrimination in the workplace and is designed to resolve complaints; however, employees have the right to make a formal complaint under the relevant state or federal legislation.

'All employees' is defined as employees, contractors, consultants, temporary/work experience employees.

## 2 Commencement of Procedure

This procedure commences 1 May 2011 and replaces all other Serco Australia Pty Ltd policies and procedures relating to these matters.

## 3 Objective

Serco aims to ensure its workplace is one in which employees are valued and that all employees are able to work in an environment where they are treated with courtesy and respect. Harassment/bullying or discrimination in the workplace is unacceptable and not appropriate in any circumstance. Employees have a responsibility to respect the rights of fellow employees, including the right to work in an environment free of harassment/bullying/discrimination.

This procedure is not limited to the workplace or work hours, and extends to all work related functions. For example work lunches, conferences, client functions and work parties.

## 4 Aims

Immigration Services aims to ensure that:

- 4.1 Procedures are aligned with State and Federal legislation and follow best practice;
- 4.2 Employees receive induction and regular training on harassment/bullying and discrimination to ensure that individual rights and responsibilities are understood;
- 4.3 Reports of any form of harassment/bullying/discrimination will be investigated thoroughly, confidentially and expeditiously to achieve early resolution;
- 4.4 No outcomes will be determined until a thorough investigation of all relevant facts has been carried out;
- 4.5 Disciplinary action will be taken dependent on the investigation outcomes; and
- 4.6 All reports of alleged harassment/bullying/discrimination will be treated seriously, impartially, sensitively and confidentially

## 5 Relevant Definitions

Equal Employment Opportunity (EEO) laws strictly prohibit discrimination, bullying, harassment, sexual harassment, victimisation and vilification.

### 5.1 Discrimination

Discrimination in employment occurs when a person is treated less favourably in their employment because of a ground of discrimination. Grounds of discrimination are set by law (Federal, State and Territory) and include those identified in the list set out below:

- Age
- Gender
- Race
- Colour
- National/ethnic origin
- Religious belief/activity
- Medical record
- Criminal record/spent convictions
- Descent
- Nationality
- Marital status
- Sexual preference
- Being a parent
- Political belief/activity
- Disability
- Physical features (VIC only)
- State of being childless
- De-facto
- Family responsibilities
- Pregnancy
- Breastfeeding
- Trade union activity/non activity
- Transsexuality/transgender
- Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)

### 5.2 Bullying

Bullying is any repeated, unreasonable behaviour directed towards an individual or group that creates a risk to personal health and safety. Unreasonable behaviour is behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

Examples of harassment/bullying include, but are not limited to:

- Racially offensive jokes
- Swearing or shouting
- Intimidating behaviour
- Unwelcome comments about religion or sexual preference

Reasonable managerial actions such as disciplinary action, work directions and orders, and allocation of work in compliance with business needs and systems do not constitute bullying.

### 5.3 Harassment

Harassment is any uninvited or unwelcome behaviour that involves verbal, written, visual or physical affronts against another person. Harassment can involve unwelcome and offensive behaviour that relates to grounds listed in clause 5.1.

### 5.4 Sexual Harassment

Sexual Harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual

harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person.

Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other employees can also be unlawful.

Examples of sexual harassment include, but are not limited to:

- Physical contact such as pinching, touching, grabbing, kissing or hugging
- Staring or leering at a person or at parts of their body
- Sexual jokes or comments
- Requests for sexual favours
- Persistent requests to go out, where they are refused
- Sexually explicit conversations
- Displays of offensive material such as posters, screen savers, internet material, etc
- Accessing or downloading sexually explicit material from the internet
- Suggestive comments about a person's body or appearance
- Sending rude or offensive emails, attachments or text messages

## 5.5 Victimisation

Victimisation is where a person is retaliated against or subjected to detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of harassment/bullying/discrimination. Victimisation of any employee associated with a complaint procedure will be treated with the utmost seriousness;

## 5.6 Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws.

## 5.7 Internet and Email Usage

Employees must not access, store or send information or images that may harass or discriminate against another person. Employees must be aware the use of Company equipment may be monitored to ensure compliance with Serco ASPAC Code of Conduct. Where required email messages identifying sender and receiver may be printed and used as evidence in legal proceedings.

# 6 Requirements

All Managers are responsible for ensuring that employees are aware of the Complaint procedure, related policies and Serco's behavioural expectations.

### Manager responsibilities:

- Ensure all employees are aware of the Harassment, Bullying & Discrimination procedure
- Promote and encourage a workplace free of harassment/bullying and discrimination
- Notify/discuss complaint with local Human Resources for entry to National Complaint Log

- Follow-up on any harassment/bullying/discrimination problems
- Make fair and non-discriminatory decisions
- Endeavour to make sure that neither the work environment, nor the work processes make it easy for harassment/bullying/discrimination to occur
- Act immediately to witnessing any harassment/bullying/discrimination following the instructions from the Complaint process outlined in clause 7
- Encourage and promote a workplace free of harassment/bullying and discrimination
- Become familiar with this process, particularly Manager's responsibilities

Employee responsibilities:

- Ensure that their own behavior is not able to be construed as harassment/bullying or discriminatory
- Ensure they do not aid, abet or encourage other employees to engage in harassment/bullying or discrimination
- Be mindful of words and tone used to communicate, and intimidating or aggressive body language
- If an employee becomes aware that someone is being harassed, they should offer support by; advising them of their rights under this policy, refusing to participate in the harassment/bullying/discrimination, and where appropriate, be prepared to act as a witness should a complaint be lodged
- Maintain confidentiality if they are involved in the complaint process
- Mischievous or unfounded claims of harassment/bullying will not be tolerated and depending on the circumstances may result in disciplinary action being taken against the complainant

## 7 Complaint Process

- 7.1 Employees who believe they are being subjected to harassment, bullying or discriminating behaviour should, in the first instance, inform the harasser their behavior is unwelcome
- 7.2 If an employee is uncomfortable with a direct approach or after the employee has informed the alleged harasser their behavior is unwelcome and the behavior continues, the employee is encouraged to contact their Manager/Supervisor or local Human Resources department;
- 7.3 The Manager/HR will discuss with the employee a preferred course of action, dependent on circumstances, from the following:
- Manager/HR speaks to other party (1 on 1)
  - Informal resolution meeting conducted (both parties)
  - Request for Investigation
- 7.4 Should a meeting fail to achieve resolution, or circumstances of the complaint require the employee lodges Request for Investigation with local Human Resources
- 7.5 An Investigator will be appointed (*this may be a Manager within Immigration Services/Human Resources Manager or an External Investigator*)

- 7.6 The Investigator will conduct interviews with both parties and any witnesses (*all information supplied in relation to the complaint during the investigation will remain confidential as far as possible. It may be necessary to speak with other employees or persons in order to determine what happened, to afford fairness to those against whom the complaint has been made*)
- 7.7 An investigation aims to determine: the legitimacy of the allegation, the merit of the complaint and the appropriate action to be taken. When completed the Investigator will discuss their findings with the relevant senior Human Resources Manager (Regional HR or National HR) and agree outcomes.
- 7.8 Both parties to the Complaint will be informed by the Investigator of the findings in 1-1 meeting. Depending on outcomes and circumstances, disciplinary action may include counselling, warning, demotion, suspension or dismissal.
- 7.9 The person making the complaint will be given a letter on conclusion of the process confirming the matter has been dealt with and is now closed;
- 7.10 Either party to the Investigation may appeal to the Human Resources Director, Immigration Services against how the matter was handled

## 8 Principal Legislation

Federal Laws:

- Fair Work Act 2009
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Equal Opportunity for Women in the Workplace Act 1999
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975

State/Territory Laws:

- Anti-Discrimination Acts (State/Territory specific)
- Equal Opportunity Acts (State/Territory specific)
- Racial and Religious Tolerance Act 2001 (VIC)
- Spent Convictions Act 1988 (SA)
- Discrimination Act 1991 (ACT)

## 9 Procedural Documents and Related Topics

- Informal Resolution Meeting agenda
- Request for Investigation form
- Whistle-blowing Policy
- Serco's Governing Principles
- Additional guidance and details of relevant legislation is available from Human Resource Managers

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*Serco reserves the right to vary, replace or terminate this policy from time to time.*