

## 1. SUMMARY

This document seeks to provide high level guidance and Bartsch Builders expectations relating to discrimination, bullying and harassment related events.

## 2. DEFINITIONS

**Workplace bullying** is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

- **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. A single incident of unreasonable behaviour is not considered to be workplace bullying however it may have the potential to escalate and should not be ignored.

**Harassment** is behaviour that targets an individual or group due to their identity, race, culture or ethnic origin, religion, physical characteristics, gender, sexual orientation, marital, parenting or economic status, age, ability or disability and that offends, humiliates, intimidates or creates a hostile environment. Harassment may be an ongoing pattern of behaviour, or it may be a single act. It may be directed randomly or towards the same person(s). It may be intentional or unintentional - words or actions that offend and distress one person may be genuinely regarded by the person doing them as minor or harmless.

**Direct discrimination** is treating a person unfairly because of particular personal characteristics or because they belong to a certain group. **Indirect discrimination** is treatment that appears to be equal but is unfair on some people because of their age, sex, chosen gender, race, disability, sexuality, marital or domestic partnership status, pregnancy or caring responsibilities. It is unlawful only if unreasonable.

## 3. OBJECTIVES

To provide a workplace free from bullying, harassment and discrimination.

## 4. RESPONSIBILITIES

POSITION	RESPONSIBILITY
Office Manager	Ensure this procedure is maintained to reflect Bartsch Builders expectations Ensure this procedure is communicated to employee (where relevant)
Supervisors / Leading Hands	Assist the Director in maintaining and communicating the procedure Ensure tasks \ activities \ operations are completed in compliance with this procedure
Employees	Comply with the procedure and or any reasonable request by management unless it is unsafe to do so. Communicate any suggestion, errors, omissions associated with this procedure to management

## 5. PROCEDURE \ PROCESS

Bartsch Builders will comply with the following procedure when dealing with complaints of discrimination, bullying and/or harassment:

### First Instance

- If a person believes they have been subject to discrimination, bullying and/or harassment (the complainant), they should raise the issue directly with the person they believe to be subjecting them to discrimination, bullying and/or harassment (the respondent);
- If the matter is resolved, no further action is required;
- If the matter is not resolved, the complainant should report the matter to their Manager/Supervisor for informal resolution.

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## Informal Resolution

- Upon receiving a complaint of discrimination, bullying and/or harassment the complainant's Manager/Supervisor will discuss the matter with the complainant and try to reach a resolution with the respondent;
- If the matter is resolved no further action is required;
- If the matter is unresolved the complainant is referred to formal resolution.

## Formal Resolution

- If the complainant decides to take up formal resolution, they must provide a written complaint to their Manager/Supervisor. If their Manager/Supervisor is the respondent, then the written complaint should be made to the Office Manager or if not available, the Director instead.
- Following the receipt of a written complaint, Bartsch Builders will undertake a formal investigation. This will include taking statements from the complainant, any witnesses and the respondent.
- After completion of the investigation, Bartsch Builders will make one of the following findings in relation to the complaint:
  - The complaint is unfounded, in which case the complainant and respondent will be informed of this decision and the grounds upon which it was made. If the complaint is found to be made with malicious intent Bartsch Builders may initiate disciplinary action in line with the circumstances of the individual case, up to and including possible termination of employment.
  - There is insufficient or inconclusive evidence found to support the complaint, in which case, Bartsch Builders will advise the complainant and respondent of the decision and of any actions to be taken which may include:
    - Maintenance of a temporary confidential file of records in relation to the complaint;
    - Monitoring processes relating to the issue for a defined period;
    - Development and implementation of workers educative programs.
  - The complaint is deemed to have substance, in which case, Bartsch Builders will advise the complainant and respondent of the decision and of any actions to be taken which may include:
    - Requiring the respondent to provide an apology to the complainant (either verbally or in writing);
    - Requiring the respondent to attend formal counselling or courses conducted by external agencies;
    - Relocating the respondent to another work location;
    - Initiating disciplinary action against the respondent including dismissing them from their employment;
    - Amending policies or procedures which are identified as fostering bullying, discrimination or harassment;
    - Provide professional development for workers.

## External Complaint

If the complainant is not satisfied with the findings of the formal complaint, or wishes to obtain further information regarding discrimination, bullying and/or harassment, a complaint or inquiry may be made to an external organisation including:

- For unlawful discrimination or sexual harassment at Commonwealth level, the Human Rights and Equal Opportunity Commission ([www.hreoc.gov.au](http://www.hreoc.gov.au));
- For unlawful discrimination or sexual harassment at State level, the Equal Opportunity Commission ([www.eoc.sa.gov.au](http://www.eoc.sa.gov.au));
- For bullying and harassment, at Commonwealth and State level, the Fair Work Commission (<http://www.fwc.gov.au/>);

In respect of the above complaints procedure [Company Name] acknowledges the following:

- Parties to the complaint may be supported by a representative of their choosing;
- Prior to the commencement of any discussions all parties will be cautioned to maintain strict confidentiality;
- All meetings, discussions and actions taken will be recorded and maintained as confidential;
- The complainant has the right to refer their complaint to an external body at any time;
- All discussions will be suspended if any legal action is initiated by any party to the complaint.

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