

DOB ENTERPRISES PTY LTD

DOB Equal Employment and Anti-  
Discrimination Policy  
IMS-516-00-POL

## Revision History

Date	Rev	Modified By	Changes Made, Review History	Reviewed by	Approved by
19.02.19	0	Sunette Opperman	Creation	S Rupert	S Rupert



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UNCONTROLLED WHEN PRINTED OR DOWNLOADED

DOB aims to provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment and vilification.

DOB aims to ensure that when employment decisions are made, they are based on merit, not on attributes or characteristics that an individual may possess. DOB also tries to create a work environment which promotes good working relationships.

This Policy applies to employees, agents and contractors (including temporary contractors) of DOB, collectively referred to in this Policy as 'workplace participants'.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and client functions. Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

### EEO LAWS

Under EEO laws, discrimination, vilification, sexual harassment, bullying, exclusion and victimisation are unlawful and strictly prohibited.

### DISCRIMINATION

Direct discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the Federal, State and Territory anti-discrimination laws and include sex, race, age etc. A full list of the grounds of discrimination which operate federally and in the State and/or Territories in which workplace participants undertake their work for DOB may be relevant and are listed below:

- Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
- Religious belief, affiliation, conviction or activity
- Sex
- Marital status, domestic status, relationship status
- Pregnancy (including potential pregnancy)
- Homosexuality, transsexuality, sexuality, sexual preference/orientation, lawful sexual activity, gender identity
- Carers' responsibilities, family responsibilities, carer or parental status, being childless
- Disability/impairment, including physical, mental and intellectual disability
- Breastfeeding
- Age (including compulsory retirement)
- Physical features
- Profession, trade, occupation or calling
- Industrial/trade union membership, non-membership or activity
- Political belief, opinion, affiliation, conviction or activity
- Employer association membership, non-membership or activity
- Irrelevant criminal record
- Employment activity
- Irrelevant medical record
- HIV/AIDS
- Defence service
- Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)
- Religious appearance or dress
- Gender history
- Spent convictions (pending industry of application)



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Please note that this list is not exhaustive and may vary depending on the jurisdictions in which DOB operates and provides services.

### INDIRECT DISCRIMINATION

Indirect discrimination may occur when an employer imposes a policy, requirement or condition which applies to everyone equally but it in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (ie a prohibited ground of discrimination).

Discrimination also includes the situation where a workplace participant harasses another person based on a ground of discrimination. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.

### VILIFICATION

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

### 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.

Please refer to DOB Sexual Harassment Policy for more information in relation to sexual harassment.

### BULLYING

Bullying is repeated, unreasonable and inappropriate behaviour directed towards an individual or group, which creates a risk to health and safety.

Forms of bullying can be, but are not limited to: exclusion, condescension, mobbing, serial bullying, cyberbullying.

Please refer to the DOB Workplace Bullying Policy for more information in relation to workplace bullying.

### EXCLUSION

Exclusion is a form of bullying. Acts such as excluding a co-worker from social events, office chit-chat or social groups can be considered bullying. Extreme behaviour that can be classified as social ostracism and includes behaviour such as avoiding eye contact, conversations or just outright ignoring a person.

### VICTIMISATION

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint, or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment.

### RIGHTS AND RESPONSIBILITIES

All workplace participants must:

- understand and comply with this Policy;
- ensure they do not engage in any unlawful conduct towards other workplace participants, customers/clients or others with whom they come into contact through work;
- ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;

- follow the DOB Grievance, Feedback and Complaints Procedure and Policy if they experience any unlawful conduct;
- report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy; and
- maintain confidentiality if they are involved in the complaint procedure.

Workplace participants should be aware that they can be held legally responsible for their unlawful conduct.

Workplace participants, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

#### GENDER EQUALITY IN THE WORKPLACE

DOB aims to fulfil its obligations under the Gender Equality Act, by developing and implementing a workplace program which will attempt to eliminate discrimination and contributing to gender equality in employment and in the workplace.

The aim of DOB's actions are to:

- promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace;
- support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters;
- promote, amongst employees, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities);
- foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace;
- improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace.

These actions are about attempting to achieve the potential of all workplace participants. It has direct benefits throughout the organisation. These benefits include increased productivity, increased morale, reduced absenteeism, and higher retention rates of employees. For these reasons, actions in this area have been incorporated into DOB's strategic plan.

#### BREACH OF THIS POLICY

All workplace participants are always required to comply with this Policy. If a workplace participant breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment and further legal action. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with DOB terminated or not renewed.

If a person makes an unfounded complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

#### COMPLAINT HANDLING

If a workplace participant feels that they have been subjected to any form of unlawful conduct contrary to EEO laws or this Policy, they should not ignore it. DOB has a DOB Grievance, Feedback and Complaints Procedure and Policy for dealing with these issues. The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The manner in which a complaint will be handled is solely at the discretion of DOB's Complaint Officer.



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## EXAMPLES OF THE WAYS IN WHICH A COMPLAINT CAN BE DEALT WITH

### Confront the issue

If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

This is not a compulsory step. If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the workplace participant should report the issue to a DOB IMS Representative.

If a workplace participant is unsure about how to handle a situation and is also unsure if they want to make a complaint they should contact an EEO Contact Officer for support and guidance. The EEO Contact Officers aim to assist people uncertain about their rights. EEO Contact Officers are listed at the end of this EEO Policy.

### REPORT THE ISSUE

A workplace participant should report the issue to a IMS Representative. The IMS Representative(s) in the workplace participant's workplace is/are Managing Director.

The IMS Representative will aim to deal with the workplace participant's complaint in accordance with this Policy. There are two complaint procedures that can be used: informal and formal (detailed further below). The type of complaint procedure used will be determined by the nature of the complaint that is made.

### INFORMAL COMPLAINT PROCEDURE

Under the informal complaint procedure there is a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- the IMS Representative discussing the issue with the person against whom the complaint is made; and/or
- the IMS Representative facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

### Formal complaint procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by an IMS Representative or a person from outside DOB, appointed by DOB.

An investigation generally involves, collecting information about the complaint and then making a finding based on the available information as to whether the alleged behaviour occurred. Once a finding is made, the IMS Representative or the external investigator will make recommendations about resolving the complaint.

If DOB considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be required not to report for work during the period of an investigation. DOB may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.



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## CONFIDENTIALITY

The IMS Representative will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workplace participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has potentially occurred, DOB will endeavour to take appropriate action in relation to the complaint.

All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Spreading rumours or gossip may expose workplace participants to a defamation claim. Workplace participants may discuss the complaint with a designated support person or representative (who is not a workplace participant employed or engaged by DOB). However, the support person or representative must also maintain confidentiality.

## POSSIBLE OUTCOMES

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected workplace participant and DOB.

Agents and contractors (including temporary contractors) who are found to have engaged in unlawful conduct and/or breached this Policy may have their contracts with DOB terminated or not renewed.

DOB may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:

- training to assist in addressing the problems underpinning the complaint;
- monitoring to ensure that there are no further problems;
- implementing a new policy;
- requiring an apology or an undertaking that certain behaviour stop; and/or
- changing work arrangements.

## WHAT TO DO IF YOU ARE NOT SATISFIED WITH THE OUTCOME

### Review

If any of the parties are not satisfied with the way the complaint was handled or the outcome of the complaint process, they can contact the Managing Director. The complaint handling process and/or the outcome may then be reviewed by the Managing Director. If a review is undertaken, the Managing Director's decision in relation to the review will be final.

DOB's goal is to resolve issues in-house wherever possible. Workplace participants can seek the assistance of an outside agency if they feel that their complaint has not been adequately addressed.

## UNFOUNDED COMPLAINTS

If a person makes an unfounded complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.



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