

Bullying & Harassment Policy & Procedure



1. PURPOSE

The Synaco Group is fully committed to promoting a positive and harmonious working environment where everyone is treated with respect and dignity and where no one feels threatened or intimidated because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race (including colour, nationality, ethnic or national origin), religion or belief, sex, or sexual orientation. All employees of Synaco Group have the right to be treated with dignity and respect and to work in an environment free from harassment and bullying.

The purpose of this policy is to ensure that everyone has the right to a working environment free from discrimination, harassment and bullying, to provide guidance where appropriate to resolve any issues should they occur and prevent recurrence.

Any form of discrimination, harassment or bullying is unacceptable and will not be tolerated as this can lead to an inappropriate working environment and can affect the health, confidence, morale and performance of those working within it. The Company will not condone any form of work place bullying or indeed bullying which takes place outside the Company but which has a bearing on the working relationship. Bullying is defined as 'any unsolicited or unwelcome act that humiliates, intimidates or undermines the individual concerned'.

2. SCOPE

This procedure applies to all employees at host employer sites and all employees of the Synaco Group of companies which includes Synaco Global Recruitment, Synaco Resources Pty Ltd and at all locations.

3. RESPONSIBILITIES

- 3.1 It is the responsibility of the Company Director to ensure that all personnel are made aware of this policy and procedure.
- 3.2 Implementation of this policy is the responsibility of all employees in order to assist in the eradication of harassment and bullying from the work place.

4. PRINCIPLES

The company's approach to bullying and harassment is underpinned by the following principles:

A commitment to promoting a positive and harmonious working environment where everyone is treated with respect and dignity. In line with this, the Company will not tolerate any forms of unacceptable behaviour:

- Where it is unwanted, unreasonable and offensive to the recipient
- Where it is used as the basis for an employment decision

- Where it creates an inappropriate working environment

In all these cases it is the impact of the behaviour which is relevant and not the motive or intent behind it.

Employer's Responsibilities

The Synaco Group will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of harassment. This policy and procedure will be communicated effectively to all employees, and will ensure that all employees are aware of their own responsibilities. Appropriate information will be provided, including training on induction and management courses.

Managers will receive appropriate training so that they can perform their roles sensitively and effectively. In addition, those playing an official role in any formal complaints procedures will receive the appropriate training.

Employees' Responsibilities

All employees have a responsibility to ensure a working environment in which the dignity of employees is respected and therefore ensure that their behaviour to colleagues and customers does not cause offence and could not in any way be considered to be harassment.

Employees should discourage any form of harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are, or considering making a complaint. They should alert a manager to any incident of harassment to enable the company to effectively deal with the matter.

5. LEGAL & ETHICAL FRAMEWORK

The Company aims to ensure that all employees are treated with dignity at work through providing a workplace which is free from harassment or bullying by ensuring that it has effective and fair policies and procedures in place, under the terms of:

Privacy Act 1988
Australian Human Rights Commission Act 1986
Age Discrimination Act 2004
Disability Discrimination Act 1992
Racial Discrimination Act 1975
Sex Discrimination Act 1984
Equal Opportunity Act 2010

6. RELATED DOCUMENTS

100-0002 – Disciplinary Policy & Procedure
100-0010A – Incident Report Form – Bullying & Harassment

7. PROCEDURE

Managers have a duty to implement this policy and to make every effort to ensure that harassment does not occur, particularly in work areas for which they are responsible. Managers have responsibility for any incidents of harassment of which they are aware or ought to be aware. If harassment does occur, they must effectively deal with the situation.

A complaint must be lodged as soon as is possible practical and no later than three months from the date of the alleged harassment or bullying.

Manager's responsibilities are to:

- Explain the company's policy to their staff and take steps to promote awareness of the procedure for dealing with complaints. Ensure that each member of staff has been given a copy;
- Be responsive and supportive to any member of staff who makes an allegation of harassment, provide clear advice on the procedure to be adopted, maintain confidentiality and seek to ensure that there is no further problem of harassment or victimisation after a complaint has been resolved;
- Set a good example by treating all staff and customers with dignity and respect;
- Be alert to unacceptable behaviour and take appropriate action;
- Ensure that staff are aware of how to raise harassment problems.

7.1 Procedure to deal with harassment

7.1.1 Informal Stage

This stage is appropriate where the employee simply wants the behaviour to stop, where the harassment is not serious or where it has not been repeated.

Employees can seek to resolve matters informally by:

- Approaching the alleged harasser directly, making it clear to the person(s) harassing the employee that the behaviour in question is offensive, is not welcome and should be stopped.
- Approaching the alleged harasser with the support of a colleague or a trade union representative.
- Approaching the alleged harasser with the support of a Team Leader/Manager or designated adviser.

If it is too difficult or embarrassing to do this personally, employees may request for a Team Leader, manager or designated adviser to approach the alleged harasser on their behalf.

Where an employee seeks the support of a team leader, he/she will be sensitively informed that their role at the informal stage can only be one of support or assistance.

The employee will be advised that:

- A formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure;
- A written record of the action taken will be made to assist with any formal proceedings which may arise if the behaviour does not stop. Failure to maintain such a record will not invalidate proceedings at the formal stage.
- All reported incidents of harassment will be monitored, and in the event of any patterns emerging, management may wish to initiate its own formal investigation and take remedial action where this proves to be necessary. Additionally, there may be situations where the seriousness of a complaint warrants formal proceedings.

7.1.2 Formal Stage

The formal complaints procedure is appropriate if the harassment or bullying is serious, if the person making the complaint prefers this, or if the harassment continues after the informal procedures have been used.

It should be raised through the formal complaints procedure as follows:

A senior member of management (the manager) should be given the responsibility for proceedings at the formal stage. Individuals may raise complaints with this manager or, if appropriate, another member of management or individual designated for this purpose. Where possible, employees raising a complaint will have access to, in the first instance, someone of their own religion, gender or race, or who is aware of disability (or sexual orientation) issues, if they so choose.

Managers carrying out investigations at the formal stage should not be connected in any way with the allegation which has been made.

The Company Director or other representative appointed by the Company Director, will assist throughout the procedure. He/she will attend all meetings and maintain a written record of all proceedings, including the investigation and any outcome. The manager conducting the investigation will check all records to ensure accuracy.

7.2 **Investigation under the formal procedure**

7.2.1 Raising A Complaint

Complaints should be raised as soon as possible following an act of alleged harassment so that the matter can be dealt with swiftly and decisively.

While it is preferable that a complaint should be made in writing to the manager (or any other manager as appropriate), using the Incident Report Form (100-0010A) this will not preclude the investigation of a complaint made verbally.

The manager will acknowledge receipt of the complaint and arrange to meet the complainant within a reasonable time period.

Alternatively, some matters may be so sensitive that an employee feels unable to discuss them with their manager. In this eventuality, the employee should seek assistance from the Company Director who will be able to advise on the appropriate course of action.

7.2.2 Initial Meeting With The Complainant

The manager will meet the complainant to:

- Clarify and formally record the nature of the complaint and confirm that it is being handled under the formal procedure.
- Ensure that the complainant is aware of the next stage of the procedure.
- Advise that the complainant has the right to be accompanied and/or represented at the investigatory meeting by a trade union representative or work colleague.
The complainant will have the right to be accompanied and/or represented at this meeting by a trade union representative, work colleague or designated adviser.

7.2.3 Avoiding Contact Between Complainant and Alleged Harasser

The issue of avoiding contact between the complainant and the alleged harasser must be considered before action is taken to inform the alleged harasser or bully of the complaint. The manager will take appropriate action concerning avoiding contact following discussion with the complainant; both parties should also be advised that there should be no communication between them, directly or indirectly, in relation to the complaint.

Where a case of serious harassment has been alleged, consideration will be given to precautionary suspension on full pay of the alleged harasser to enable the investigation to proceed. An individual who is going to be suspended must be formally advised of this at a meeting with the manager concerned. The individual will have the right to be accompanied by and/or represented at this meeting by a trade union representative or work colleague as appropriate.

7.2.4 Informing The Alleged Harasser

The manager will meet with the alleged harasser and:

- Outline the nature of the complaint.
- Confirm that it is being handled under the formal procedure.
- Ensure that the individual is aware of the next stages of the procedure.
- Advise that the alleged harasser has the right to be accompanied and/or represented at the next stage of the procedure by a trade union representative or work colleague.

Following this meeting, the manager will write to the alleged harasser outlining the nature of the complaint and setting a date for a formal meeting to be held within a reasonable time period of the complaint being received.

7.2.5 The Investigation Should Include At Least The Following:

Whilst the manager and the Company Director, or other representative, will seek to resolve the matter as quickly as possible, the meetings with all involved need not necessarily follow immediately after each other. Every effort will be made to have held all necessary meetings within a reasonable time period after the date the complaint was received. Where this is not practicable, the complainant and the alleged harasser will be so advised.

The purpose of these meetings is to establish the facts. All those giving information to the manager and the Company Director, or other representative, do so privately and not in the presence of any other person involved in or present during the alleged incident. A record of all meetings will be kept. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any statutory requirements.

7.2.6 Meeting With Person Alleging Harassment

The manager and the Company Director, or other representative, will meet with the person alleging harassment and consider both what they have to say and any other related matter. The person alleging harassment will have the right to be accompanied and/or represented by his/her trade union representative or work colleague as appropriate.

7.2.7 Meeting With Alleged Harasser

The manager and Company Director, or other representative, will meet the alleged harasser and hear what he/she has to say about the alleged incident(s) and any other related matter. The alleged harasser will have the right to be accompanied and/or represented by his/her trade union representative or work colleague as appropriate. A representative will not be allowed to represent both parties.

7.2.8 Meeting With Anyone Who Can Assist With The Investigation

The Manager and Company Director, or other representative, will meet anyone who can assist with the investigation. This may include team leaders and co-workers and may also include anyone who observed the complainant's demeanour immediately before and after the alleged incident(s), or any colleague with whom the complainant discussed the alleged incident(s). Each individual will be asked to outline what happened.

The manager or Company Director, or other representative, will meet the managers/team leaders of both the complainant and alleged harasser to establish if there has been any history of previous conflict between them and/or with other parties. The level of investigation will reflect the needs of the fact finding mission.

The manager or Company Director, or other representative, may then wish to have further meeting to clarify or gain additional information, via discussion or personnel records.

7.2.9 Consideration of Information

Having obtained all the information possible, the manager will consider whether the organisation's disciplinary procedure should be invoked or some other action taken.

7.2.10 Reporting the Facts

The manager undertaking the investigation should prepare a written report outlining the facts, indicating his/her findings, and whether the disciplinary procedure should be invoked or other action taken. Where the manager has not got the authority to take the necessary action, this report will be forwarded to the appropriate level of management.

7.2.11 Decision on Disciplinary Action

The manager (or other appropriate level of management as outlined above) will then decide either:

- (a) To initiate the organisation's agreed disciplinary procedure against any party as appropriate; and/or
 - (b) To take further action or to take any other appropriate management action: e.g. the provision of training or counselling.
 - (c) The Synaco Group's grievance procedure will apply to a complaint of harassment or bullying that has been formally raised under the Bullying and Harassment policy. The Synaco Group's grievance procedure provides that the employer must notify the complainant of their right to appeal against the decision if they are not satisfied with it.
- Managers who do not deal with any known cases of harassment or bullying as soon as they are aware of its occurrence could be subject to the disciplinary process themselves, as failure to promptly deal with it is seen by Synaco as condoning the behaviour.

Definition of Terms

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| Harassment | "Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual" |
| Protected Characteristics: | <ul style="list-style-type: none">• Age• Disability• Marital Status• Physical features/appearance• Race (including colour, nationality, ethnicity and ethnic origin)• Pregnancy• Religious belief• Sex• Sexual orientation• Parental or Carer status• Gender identity |

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| Forms of behaviour that can constitute harassment: | <ul style="list-style-type: none">- Physical conduct ranging from touching o serious assault.- Verbal and written harassment through jokes, racist remarks, offensive language, gossip and slander, sectarian songs, threats, letters, etc.- Visual displays or posters, graffiti, obscene gestures, flags, bunting or emblems, or any other offensive material.- Isolation or non-cooperation at work; exclusion from social activities.- Coercion, including pressure for sexual favours, pressure to participate in political/religious groups. |
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