

**AJ &MH WALTER PTY LTD as Trustee for the AJ  
& MH Walter Family Trust trading as:**

# **ANDREW WALTER CONSTRUCTIONS**

## **ANTI-DISCRIMINATION AND HARASSMENT POLICY**

**DECEMBER 2009**

## 1) PURPOSE

Andrew Walter Constructions is an Equal Opportunity Employer. It will continue to manage the enterprise with a positive awareness of the spirit and intent of the Equal Opportunity and Anti-Discrimination laws.

We do not tolerate any form of discrimination or harassment. All employees have the right to work in an environment free of discrimination and harassment.

We are committed to maintaining a discrimination and harassment free work environment.

## 2) DEFINITIONS

- Discrimination occurs when someone is treated unfavorably because of one of his or her personal characteristics.
- Harassment occurs when someone is persistently annoyed, bothered, disturbed, plagued, or tormented either physically or verbally.
- Discrimination/ Harassment may involve offensive comments but is not confined to 'jokes' or comments about another workers racial or ethnic background, sex, sexual preference, age, disability or physical appearance.
- Discrimination / Harassment may also include: displaying pictures or posters which are offensive or derogatory, expressing negative stereotypes of particular groups, judging someone on their beliefs, origins, appearance, sex rather than their work performance, or undermining a persons authority or work performance because you dislike one or some of their personal characteristics.

### Sexual Harassment Is Unlawful

Sexual harassment is a legally recognised form of sexual discrimination. It can be a breach of the employer's common law duty to take reasonable care for the health and safety of workers.

What is sexual harassment?

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature, which makes a person feel humiliated, intimidated or offended.

Acts of sexual harassment can take many different forms, including but not confined to:

- Physical contacts such as kissing, patting, pinching, touching, hugging, grabbing, and embracing.
- Sexual propositions
- Attempts at sexual intercourse
- Sexual intercourse under threats of loss of employment
- Unwelcome remarks or insinuations about a persons sex or private life
- Suggestive comments about a persons appearance or body
- Sexually explicit conversations
- Demands that certain sexually suggestive clothing be worn
- Proposals of marriage
- Personally offensive verbal comments
- Sexual or smutty jokes
- Inferences of sexual morality i.e. prude, tart, slut
- Repeated comments or teasing about a persons alleged sexual activities or private life
- Tales of sexual performance
- Offensive telephone calls
- Gender-based insults or taunting

- Being followed home from work or repeated requests for dates or drinks particularly after prior refusal
- Declaration of love
- Offensive hand or body gestures
- Offensive, or humiliating or intimidating displays of sexually graphic material including posters, pictures, cartoons, graffiti or messages left on boards, desks or lockers

Sexual harassment is not just unlawful whilst at work. Behaviour that constitutes sexual harassment is illegal during any work-related function and will be subject to disciplinary action.

#### WHAT IS NOT SEXUAL HARASSMENT

- Sexual harassment is not consensual sexual behaviour between two people who are attracted to each other.
- It is not flirting, sexual horseplay, sexual games, sexual innuendoes, general compliments, or touching, hugging or patting in which both parties consent.

Please note that while these matters may not equate to sexual harassment in a technical sense such behaviour may still be inappropriate in the workplace.

### 3. POLICY

Andrew Walter Constructions will do all that is reasonable to prevent discrimination and harassment from occurring at the workplace or work related environment.

All employees are treated on their merits without regard to race, age, sex, marital status, colour, nationality, descent, ethnic or ethno-religious background, sexual preference, disability or political conviction.

Employees are valued according to how well they perform their duties, and their ability and enthusiasm to maintain Andrew Walter Constructions standards of service.

We aim to:

- Create a work environment that is free from discrimination/ harassment
- Treat any complaint regarding discrimination/ harassment sympathetically
- Investigate complaints of discrimination/ harassment thoroughly and confidentially
- Implement training and raise the awareness of the benefits of discrimination/ harassment free workplaces
- Guarantee protection from victimisation and reprisals for making complaints
- Promote appropriate standards of conduct at all times

### 4. PROCEDURES

#### **What do you do if you're discriminated against or harassed.**

Choose the course of action you feel most comfortable with:

- A. Don't delay telling the offender of your objection to their behaviour and that you don't want it repeated.
- B. Record what took place, who was involved, where the incident(s) occurred, witnesses, and other observations.

- C. If your actions in (A) are not successful or you feel uncomfortable confronting the alleged harasser contact one of the nominated company contact officers attached at the back of this document.

Andrew Walter Constructions is committed to providing an environment, which is safe for its employees. You will not be disadvantaged in your employment conditions or opportunities as a result of lodging a complaint.

## **5. RESPONSIBILITIES**

Discrimination and harassment undermines proper working relationships and may cause low morale, absenteeism, and resignations. All employees at all levels are responsible for adherence to the policy.

The law requires that the employer does all that is reasonable to prevent discrimination and harassment from occurring at the workplace or work related environment.

Contact officers and management have the responsibility to:

- Monitor the working environment to ensure that acceptable standards are being observed
- Behave in a manner consistent with the policy
- Treat all complaints seriously and take action as soon as is possible
- Provide support to complaints
- Provide information and advise on available options
- Receive complaints
- Help resolve issues
- Maintain adherence to the policy and procedures
- Undertake relevant training as required by the company
- Ensure that all employees are treated equitably and are not subject to discrimination
- Ensure that people, who make complaints, or witnesses, are not victimised in any way

All staff have a responsibility to:

- Comply with the policy
- Offer support to victims by directing them to the most appropriate channel for help
- Maintaining confidentiality of all matters relating to a complaint
- Avoid spreading rumours

Under federal and state anti-discrimination laws, discrimination in employment is against the law.

## **6. REMEDIES AND PENALTIES FOR BREACH OF THIS POLICY**

As part of the resolution of any dispute regarding discrimination and harassment we will seek where possible to resolve it in the least adversarial way as possible.

We will take the victims wishes into consideration in dispute resolution.

We accept that in some cases the parties may wish to meet and discuss the dispute an attempt to resolve the matter. We will accommodate this in a professional and non-judgmental manner.

Anyone who harasses or victimises a person who makes a complaint under this policy will face disciplinary action.

Any reports of discrimination or harassment will be treated seriously and investigated promptly, confidentially and impartially. Any person who without authorisation from the Managing Director passes on confidential information regarding an investigation under this policy will face disciplinary action.

Disciplinary action will be taken against anyone who discriminates against, or harasses another person in the workplace or work related environment.

## **7. DISCIPLINARY ACTION**

Disciplinary action is an employer remedy. It may be used to correct and/or punish unwanted behaviour.

Disciplinary action includes a number of options. These include a warning (verbal or written), transfer, counseling, requiring an apology, demotion, termination of employment or instant dismissal.

The severity of the behaviour and the wishes of the victim will determine which of option the employer chooses to invoke.

Serious breaches of this policy may result in your employment being terminated instantly or summarily. This means that you will not be given any warnings or a chance to correct your behaviour.

### **WHERE CAN I GET HELP**

The following people are your contact officers. Please do not hesitate to call, write or approach:

- 1) Managing Director
- 2) General Manager
- 3) Project Manager
- 4) Manager Human Resources



General Manager

December 2009