

# Policy

## Anti-Discrimination, Bullying and Harassment Policy

### Purpose

Urban Utilities is committed to creating work environments which are free from bullying, discrimination and sexual harassment, to enable employment equity and compliance with legislative requirements in relation to managing the engagement and activities of Urban Utilities Workers, and to provide a workplace that supports and protects the health, safety and well-being of all Workers.

Urban Utilities believes that all Workers should be treated equitably. All Urban Utilities' Workers are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- work free from bullying, discrimination, and sexual harassment;
- have the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- have all issues, enquiries and complaints addressed appropriately in accordance with relevant processes.

### Applicability of the Policy

This is an operational policy. Policies are reasonable and lawful instructions issued by Urban Utilities that must be complied with by all employees. This policy does not in any way form part of any employee's contract of employment and does not impose any contractual obligations on Urban Utilities.

### Scope

This policy applies to all Urban Utilities Workers in all their work-related interactions with each other, and with customers, clients, other businesses and the general public.

This policy applies to Workers whilst at work, at work-related functions (including social functions and celebrations), when using media including social media when a link can be made between the worker and Urban Utilities, when using company resources and, whilst on trips and attending conferences.

Under this policy, Workers are defined as all Employees, Board members, contractors, subcontractors and employees of contractors and subcontractors, employees of labour hire companies, apprentices or trainees. For the purposes of applying this policy, a Worker also includes vocational students, work experience students and volunteers.

### Related Legislation

- *Anti-Discrimination Act 1991 (Qld)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Age Discrimination Act 2004 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Fair Work Act 2009 (Cth)*

- *Human Rights Act 2019 (Qld)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Work Health and Safety Act 2011 (Qld)*

## Policy Statement

Urban Utilities believes that all Workers should be able to work in an environment free from discrimination, victimisation, sexual harassment, vilification and workplace bullying. Urban Utilities consider these behaviours unacceptable and they will not be tolerated. Workers are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- work free from discrimination, sexual harassment and bullying;
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- have all issues, enquiries and complaints addressed appropriately in accordance with relevant processes

## Discrimination

Under the *Anti-Discrimination Act 1991* (Qld), it is unlawful to discriminate on the basis of the following attributes:

- sex or gender identity;
- relationship status (including being married, single, divorced, separated, de facto or in a same sex relationship);
- pregnancy, breastfeeding, parental status (including being or not being a parent, guardian, foster parent, adoptive parent, or step-parent);
- age (whether young or old);
- race (including colour, descent or ancestry, nationality or ethnic origin);
- impairment (including biological, functional, learning, physical, sensory, mobility cognitive, psychological, psychiatric impairment or the presence of an organism capable of causing disease);
- religious belief or activity;
- political belief or activity;
- trade union activity;
- lawful sexual activity as a sex worker;
- sexuality;
- family responsibilities (including the responsibility to care for and support a dependent child or immediate family member); and/or
- association with, or relation to, a person identified on the basis of any of the above attributes.

### Behaviours that constitute Discrimination in Employment

Discrimination in employment occurs when someone is treated less favourably because of their personal characteristics such as gender, age, disability, political beliefs, trade union membership, sexual preference, marital status, parental status, pregnancy, race or religion. It may involve:

- Offensive jokes or comments about an employee's racial or ethnic background, gender, sexual preference, age disability or physical appearance;
- Judging an employee on their personal characteristics, rather than their work performance;
- Using stereotypes or assumptions for decision-making about an employee's career path;
- Undermining a person's authority or work performance because of a dislike of their personal characteristics.

It is not discriminatory to make a fair and reasonable decision on the basis of merit or facts, nor is it discriminatory to appoint, or fail to appoint, a person who has an attribute to a role if there is a solid and specific business reason to do so.

### Other behaviours which are also considered against the law

- Seeking unnecessary information on which discrimination might be based; eg. Asking a person's age or marital status at an interview if there is no role inherent requirement to do so.
- Victimization because a person made a complaint, agreed to be a witness or has had a complaint made against them.
- Sexual harassment is prohibited under both state and federal legislation.
- Vilification on the basis of a person's race, religion, gender identity or sexuality.
- Discriminating on the basis of criminal record, medical record or social origin.

### Behaviours that constitute Direct discrimination

Direct discrimination occurs when a person treats, or intends to treat, another person less favourably because of an attribute(s):

- Making offensive 'jokes' about another worker's racial or ethnic background, sex, sexuality, age or impairment.
- Expressing negative stereotypes about particular groups or using stereotypes as a basis for decisions about work eg. 'Women with young children shouldn't work' or older workers cannot learn new skills'.
- Using selection processes based on irrelevant attributes such as age, race or impairment rather than on skills really needed for the job.

### Behaviours that constitute Indirect discrimination

Indirect discrimination occurs when an unreasonable rule, requirement or practice applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able, to comply with the rule because they have an attribute. It is irrelevant that the disadvantage was not intended. For example:

- Requiring everyone to be available for all shifts might be unfair to a person with responsibilities to care for children or an elderly parent.
- Only hiring persons who have never had a back injury or a worker's compensation claim might rule out an employee whose health has returned and can do the job well.

Not considering the provision of some reasonable adjustments would disadvantage a person with impairment who may be able to perform the essential parts of the job in a different way.

### Vicarious Liability

In terms of this policy, the *Queensland Anti-Discrimination Act 1991* provides for vicarious liability to apply to any culpable person who discriminates against, victimizes, sexually harasses, vilifies or asks for unnecessary information from another individual. Vicarious liability will also apply to Urban Utilities unless it can demonstrate that it has taken reasonable steps to prevent the discrimination.

### Workplace Bullying

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers, that a reasonable person, having considered the circumstances, would see as being unreasonable. Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

Examples of bullying behaviour, whether intentional or unintentional, may include but are not limited to the following:

- abusive, insulting or offensive language or comments;
- unjustified criticism or complaints;
- deliberately excluding someone from workplace activities;
- withholding information that is vital for effective work performance;
- setting unreasonable timelines or constantly changing deadlines;
- denying access to information, leadership, consultation or resources to the detriment of the worker;
- spreading misinformation or malicious rumours; and
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

### What is not workplace bullying?

Examples of behaviours that may be found not to constitute workplace bullying; can include but not limited to the following:

- a single incident of unreasonable behaviour, however, should it be repeated or escalate the behaviour should not be ignored;
- reasonable management action, in connection with a worker's employment, is not considered workplace bullying if it is carried out in a lawful and reasonable way, taking the particular circumstances into account; and
- workplace conflict – differences of opinion and disagreements, if discussed in non-confrontational manner.

Reasonable management action taken in a reasonable and lawful way by leaders in guiding and leading the work of others is not considered to be workplace bullying. Examples of reasonable management action include but are not limited to the following:

- setting realistic and achievable performance goals, standards and deadlines;
- fair and appropriate rostering and allocation of working hours;
- transferring a worker to another area or role for operational reasons;
- deciding not to select a worker for promotion where a fair and transparent process is followed;
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way;
- informing a worker about unreasonable behaviour in an objective and confidential way;
- implementing organizational changes or restructuring; and
- taking disciplinary action, including suspending or terminating employment where appropriate or justified in the circumstances.

### Vilification

Is a public act capable of inciting hatred towards, serious contempt for, or ridicule of, a person or group of persons, on the ground of the race, religion, sexuality or gender identity of the person or group. Vilification is also unlawful and will not be tolerated.

### Victimisation

Is the act or process of signalling someone by punishing or threatening them because they have made, intend to make, or have helped someone else make a complaint, have refused to breach the Anti-Discrimination Act, have provided information about a complaint, or have agreed to be a witness or party to an investigation of an allegation.

## Sexual Harassment

Sexual harassment is unlawful conduct which offends, humiliates or intimidates another person; in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct. Sexual harassment may include, but is not limited to, the following:

- making an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person;
- uninvited touching or fondling;
- uninvited kissing or embraces;
- sexually explicit conversation;
- offensive phone calls, letters, e-mail messages, screen saver or texts;
- stalking [criminal offence]
- demands that revealing clothes are to be worn;
- sexual assault [criminal offence]
- obscene telephone calls [criminal offence]
- sexual jokes or innuendos;
- unwelcome comments about a person's sex life or physical appearance;
- sexual propositions or continual requests for dates;
- displays of sexually graphic material or pornography including posters, pin ups, cartoons, graffiti or messages left on notice boards, desks or any other public area;
- 'flashing' or sexual gestures [criminal offence]
- sex-based insults, taunts, teasing or name-calling;
- staring or leering at a person or at parts of their body; and
- engages in any other unwelcome conduct of a sexual nature such as massaging a person without invitation or deliberately brushing up against them.

Unlike bullying, a single incident can lead to an allegation of sexual harassment. Failing to object to inappropriate behaviour in the workplace at the time does not necessarily constitute consent of the behaviour. Mutual attraction or friendship between two people is not sexual harassment, however it is still important to respect personal and professional boundaries.

## Accountabilities and Responsibilities

Urban Utilities expects Workers to:

- follow the standards of behaviour in this policy;
- behave in a responsible and professional manner;
- treat others in the workplace with dignity, courtesy and respect;
- listen and respond appropriately to the views and concerns of others;
- avoid gossip and respect the confidentiality of the complaint resolution process; and
- be fair and honest in their dealings with others.

In addition, Urban Utilities expects Leaders to:

- model acceptable standards of behaviour;
- take steps to educate and make Workers aware of their obligations under this policy and the law;
- intervene quickly and appropriately when they become aware of inappropriate behaviour;
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- help Workers resolve complaints informally;
- refer formal complaints about breaches of this policy through the appropriate internal channel for investigation
- ensure staff who raise an issue or make a complaint are not victimised; and
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made.

It is the responsibility of all Workers to be familiar with this policy, to comply with it by not engaging in discriminatory or harassing behaviours covered by the legislation applicable to this policy. All Workers are required to undertake anti-discrimination training as part of their induction program at Urban Utilities and at other times during their employment/engagement to ensure their understanding of and compliance with this policy.

## Workplace Contact Officers (WCOs)

Workplace Contact Officers (WCOs) have a role in assisting Employees who believe that they have experienced discrimination, sexual harassment or workplace bullying. The role of a WCO is to advise the Employee of the informal or formal options available for the Employee to take in order to address their complaint. Their role is not to provide legal or human resources advice. Conversations with WCOs are confidential, unless the WCO identifies that the concern raised by an Employee poses a risk to health and safety. A list of WCOs can be found on Urban Utilities' intranet and WH&S Noticeboards.

## How do I make a complaint?

Urban Utilities recognises the importance of having effective and trusted processes in place for all Workers to access, and which provides confidence to Workers that all issues, enquiries and complaints will be addressed appropriately.

Urban Utilities has an established Workplace Complaints Procedure to deal with complaints according to the requirements of the Commonwealth and State Acts governing equal opportunity, harassment and discrimination. Complaints occur from time to time and Urban Utilities is committed to effective resolution in a positive atmosphere. The Workplace Complaints Procedure is designed to give Workers and Urban Utilities a fair and objective system to raise and review serious issues and complaints without bias. The knowledge that any concerns will be taken seriously and handled fairly will help build trust and contribute towards a constructive culture. A thorough process will help to protect Workers from arbitrary decisions made by management.

If a Worker believes they have been the victim of, or have witnessed, discrimination, victimisation, sexual harassment, vilification or workplace bullying behaviours outlined in this policy, there are a number of avenues for the individual/s to raise the matter, and have it addressed and resolved appropriately. These include bringing the matter to the attention of their Leader, Employee Relations/Human Resources, or referring the matter to the Workplace Complaints Procedure to be addressed and/or resolved .

All Workers who make a complaint of discrimination, sexual harassment, or any alleged behaviour in breach of this policy, have a right to do so with the knowledge and confidence the matter will be dealt with appropriately, and the Worker will be free from any victimisation as a result of having made the complaint. This applies to all Workers who also agree to be a witness in a complaint, or who have a complaint made against them.

## How will Urban Utilities respond to complaints?

In accordance with Urban Utilities' Workplace Complaints Procedure, all complaints of discrimination, victimisation, sexual harassment, vilification and bullying will be treated seriously. Further, all complaints will be handled confidentially and impartially, investigated promptly, and recommendations implemented appropriately. Urban Utilities will reinforce the importance of the matter being treated sensitively and confidentially throughout the relevant process and beyond the conclusion of the matter.

## Consequences of inappropriate behaviour

Urban Utilities takes any breaches of this policy very seriously. Disciplinary action, up to and including termination of employment, may be taken against any Employee found to have breached this policy. Urban Utilities may address any issues regarding breaches of this policy by a contractor or subcontractor, directly with the contractor.

Breaches of confidentiality or of the behavioural expectations outlined in this policy may also result in disciplinary action following investigation.

If Urban Utilities finds that an allegation has been lodged maliciously, vexatiously or it is lacking in substance, the Employee making the complaint may be subject to disciplinary action following investigation.

It is the responsibility of all Workers to be familiar with the policy, to comply with it and to prevent inappropriate behaviour occurring in the first instance.



### What happens if a complaint cannot be substantiated?

If Urban Utilities finds that discrimination, victimisation, sexual harassment, vilification and/or workplace bullying has not occurred or an allegation cannot be substantiated, Urban Utilities may still take appropriate action to address any workplace issues.

### Definitions

The following terms have a defined meaning:

<b>Employee</b>	Employee means any person directly engaged by Urban Utilities on a full-time, part-time, casual or temporary basis.
<b>Leader</b>	Means all includes Executives, Managers, Supervisors and Team Leaders.
<b>Worker</b>	Means all Employees, Board members, contractors, subcontractors and employees of contractors and subcontractors, employees of labour hire companies, apprentices or trainees. For the purposes of this policy, a worker also includes vocational students, work experience students and volunteers

### Related Documents

- REF135 Code of Conduct
- POL33 Workplace Health and Safety
- PRO711 Workplace Complaints Procedure
- POL84 Urban Disclosures Policy
- POL78 Fraud and Corruption Policy

### Review Date

This policy will be reviewed every two years or in accordance with changes to relevant legislation or business objectives.

### Authorising Officer

Chief Executive Officer  
Urban Utilities