



Equal Opportunity & Non-discrimination Policy

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PURPOSE OF POLICY

The purpose of the Diversity and Inclusion policy is to provide guidelines and expectations regarding our standards of professional behaviour and fairness in our workplace at any of our locations globally. In conjunction with our business values (The Hansen Way) this policy outlines our zero-tolerance policy on undesirable behaviour including discrimination, harassment, bullying and other forms of workplace violence or unfair treatment. This document also provides information on how to report transgressions of this nature and how they should be dealt with. As a company we aspire to be inclusive of all people, harnessing our differences to promote creativity, innovation and resilience.

1. OVERVIEW

As an employer, Hansen has a moral and legal responsibility to ensure its workplace is free of:

- discrimination;
- sexual harassment; and
- workplace bullying.

The chief aims of this Equal Opportunity Policy are to ensure that all staff:

- are able to identify the different types of discrimination, sexual harassment and workplace bullying;
- are aware of their own responsibilities under this policy; and
- understand how they might remedy or deal with any complaints they have under this policy.

This policy shall comprise of the following main parts:

- definition, examples and effects of discrimination, sexual harassment and workplace bullying;
- operation of the policy; and
- complaint process.

2. DEFINITIONS AND EXAMPLES OF DISCRIMINATION

2.1. WHAT IS DISCRIMINATION?

Direct discrimination means to treat someone with an attribute in a less favourable manner than a person without the attribute in the same or similar circumstances. The attributes covered are:

- 'race, age, breastfeeding, parental or carer status, impairment, gender identity, sex, sexual orientation, industrial activity, marital status, physical features, political

belief/activity, pregnancy, religious belief or activity, lawful sexual activity or personal association with someone who has one or more of these attributes.'

2.1.1. EXAMPLES OF DIRECT DISCRIMINATION

The following examples should not be considered exhaustive:

- Overlooking an employee for promotion because of their religious beliefs
- Inciting racial hatred or serious contempt of a person on the grounds of gender, race and/or religion
- Not considering a qualified applicant for a reception position if he/she is not pretty enough

2.1.2. INDIRECT DISCRIMINATION

Indirect Discrimination occurs when a requirement, condition or practice is imposed and a person with an attribute cannot comply with the requirement, whereas others can, and the requirement, condition or practice is not reasonable.

2.1.3. EXAMPLES OF INDIRECT DISCRIMINATION

The following examples should not be considered exhaustive:

- Excluding an employee from a managerial decision by organising a major company event on a Jewish holiday
- Adversely affecting the productivity of a wheelchair-bound employee by failing to provide a ramp at work

3. DEFINITIONS AND EXAMPLES OF SEXUAL HARASSMENT

3.1. WHAT IS SEXUAL HARASSMENT?

Sexual harassment covers a range of unwelcome, uninvited, non-reciprocated behaviour or comments of a sexual nature. Sexual harassment can be deliberate or unintentional.

3.2. EXAMPLES OF SEXUAL HARASSMENT

The following examples should not be considered exhaustive:

- Sexual comments, advances or propositions
- Lewd jokes or innuendo
- Spreading rumours about the personal life of an employee
- Repeated questions about personal life
- Sharing sexually explicit or suggestive information about personal life
- Repeated unwelcome invitations
- Offensive or obscene language
- Obscene telephone calls, unsolicited letters, faxes or emails

3.3. EXAMPLES OF NON-VERBAL SEXUAL HARASSMENT

- Leering, for example staring at another person's "body"
- Putting offensive material on notice boards, computer screen savers, etc
- Wolf whistling
- Semi-nude, suggestive or pornographic posters or screen savers, photos, pictures or social media posts
- Displaying sexist cartoons or literature
- Demoting, failing to promote, or transferring someone because they refuse requests for sexual favours

- Following someone home from work
- Standing very close to someone or unnecessarily leaning over them
- Crude hand or body gestures

3.4. EXAMPLES OF PHYSICAL SEXUAL HARASSMENT

- Unwelcome physical contact such as kissing, hugging, pinching, patting, touching, or brushing up against a person
- Indecent or sexual assault or attempted assault
- Unzipping a person's attire

4. DEFINITION & EXAMPLES OF WORKPLACE BULLYING AND OCCUPATIONAL VIOLENCE

4.1 DEFINITION OF WORKPLACE BULLYING

Workplace bullying is repeated, unreasonable behaviour directed towards an employee, or group of employees, that creates a risk to health and safety. Bullying can be deliberate or unintentional.

4.1.1. WHAT IS UNREASONABLE BEHAVIOUR?

Behaviour that a reasonable person, having regard to all the circumstances would expect to victimize, humiliate, undermine, threaten or intimidate another person.

4.1.2. WHAT IS BEHAVIOUR?

Behaviour includes the actions of individuals or a group and may involve the use of a system of work (or type of communication or action in general) as a means of victimizing, humiliating, undermining or threatening another person.

4.1.3. EXAMPLES OF BULLYING

The following examples are not exhaustive:

- Verbal abuse, threats, sarcasm, and other forms of demands, offensive language or communication
- Isolating, excluding or ostracizing employees
- Destructive criticism and/or nit-picking
- Assigning meaningless tasks unrelated to the job
- Deliberately withholding information that a person needs to adequately exercise his/her role
- Unreasonably overloading a person with work and allowing insufficient time for completion
- Giving employees impossible assignments and then criticizing the employee for their work
- Psychological harassment
- Spreading gossip or rumours

4.2. WHAT IS OCCUPATIONAL VIOLENCE?

Occupational violence is any incident where an employee is physically attacked or threatened in the workplace.

Occupational violence can occur without the attacker forming any intent.

4.2.1. WHAT IS A THREAT?

A statement or behaviour that causes a person to believe he/she is in danger of being physically attacked.

4.2.2. WHAT IS A PHYSICAL ATTACK?

The direct or indirect application of force by a person to the body or to clothing or equipment worn by another person where the application creates a risk to health and anxiety.

4.2.3. EXAMPLES OF OCCUPATIONAL VIOLENCE

The following examples are not exhaustive:

- Striking, kicking, scratching, biting, spitting or any other type of direct physical contact
- Throwing or attacking another person with objects
- Pushing, shuffling, grabbing another person
- Any form of indecent physical contact
- Threatening a co-worker by saying that if she makes another mistake, she will be
- 'Slapped around'
- An employee makes a threatening gesture to another employee by raising their fist

4.3. EFFECTS OF DISCRIMINATION, SEXUAL HARASSMENT AND WORKPLACE BULLYING

4.3.1. EFFECTS ON INDIVIDUALS

Discrimination, sexual harassment, workplace bullying, and occupational violence can have extreme effects on individuals, including (but not limited to) the following:

- severe psychological distress, sleep disturbances, general anxiety;
- loss of self-confidence and self-esteem;
- physical symptoms, e.g., headaches, stomach aches or injuries; and
- decreased ability to work effectively.

4.3.2. EFFECTS ON AN ORGANISATION

- low staff morale;
- lower workplace productivity/efficiency;
- resignations and high staff turnover;
- absenteeism;
- costs associated with counselling workers and defending legal actions; and
- increased Work Cover premiums.

4.4. APPLICATION OF POLICY

The Equal Opportunity and Bullying Policy (and its prohibition of discrimination, sexual harassment, workplace bullying and occupational violence) extends not only to all of Hansen's staff members, but also to anyone that its staff members may come into contact with during the course of their employment. **This includes clients, contractors and service providers.**

4.5. VICARIOUS LIABILITY

Hansen acknowledges, pursuant to legislation, that it may be vicariously liable for conduct of its staff that breach this policy, unless it takes reasonable precautions to prevent any employee or agent contravening the relevant legislation.

In taking reasonable precautions, Hansen is committed to:

- being active in attempting to prevent discrimination, sexual harassment, workplace bullying and occupational violence;
- having a policy, procedures and staff professional development relating to discrimination, sexual harassment, workplace bullying and occupational violence;
- adequately addressing complaints of discrimination, sexual harassment, workplace bullying and occupational violence; and
- instituting disciplinary action if either discrimination, sexual harassment, occupational violence or workplace bullying has occurred or is continuing.

4.6. RESPONSIBILITY OF ALL STAFF

All staff have range of responsibilities in ensuring compliance with this Policy. Such responsibilities include:

- behaving in accordance with this Policy;
- being aware of and identifying discrimination, sexual harassment, workplace bullying and occupational violence and utilising the policy's complaint mechanisms to prevent any further instances;

- where discrimination, sexual harassment, workplace bullying and occupational violence is witnessed, speaking with the alleged perpetrator and objecting to their behaviour (if one feels capable) or notifying senior staff members;
- offering to act as a witness to another person subjected to discrimination, sexual harassment, workplace bullying and occupational violence;
- keeping a record or diary of incidences noting what happened, when they occurred and the names of witnesses;
- not victimizing anyone involved in a complaint;
- not knowingly making a vexatious or false complaint;
- supporting and encouraging any employees who are witnessed being subjected to discrimination, sexual harassment, workplace bullying and occupational violence; and
- keeping confidential any incident of discrimination, sexual harassment, workplace bullying, and occupational violence witnessed (excluding reporting any incident to management and providing counselling to the individual involved).

4.7. MANAGERIAL RESPONSIBILITIES

Persons at managerial level who have responsibility within the workplace have additional responsibilities in ensuring compliance with this Policy.

Such responsibilities include:

- ensuring that all staff are aware of and understand the standards of conduct expected of them in this Policy; taking active measures to promote a work environment which supports this Policy;
- promptly taking any corrective action to deal with behaviour that may contradict this Policy, for example:
- counselling employees who may have suffered from a breach of this policy;
- or correcting staff who perpetually make sexist or bullying remarks.
- initiating disciplinary action if the extent of the offensive conduct warrants it (only with the consent of the complainant);
- developing, nurturing and maintaining a culture of non-acceptance of breaches of this Policy;
- responding promptly, sensitively, and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred; and
- referring the matter to a manager should the employee feel they require assistance.

4.8 COMPLAINT PROCESS

The process for resolving complaints involves three stages:

- Notification;
- Conciliation; and
- Investigation and adjudication.

Stages 1 and 2 are non-formal processes designed to resolve disputes. They do not involve a determination of fault or wrongdoing.

Depending on the circumstances of the complaint, participation in the second phase (conciliation) may not be possible or limited.

Hansen may elect to engage external service providers at any stage during the complaint process to provide assistance or conduct the process.

4.7.1. STAGE 1 – NOTIFICATION

Notice of complaint

Notification of a breach of this Policy should be made to the employee's Executive Manager, HR or another Manager. It is the employee's discretion on the individual they chose to raise the concern or grievance to. In consideration of the fact that not all offices have HR, and the complaint could involve your manager or a situation involving your manager the additional two representatives have been provided.

When notified of an alleged breach of this Policy, the manager or HR representative will:

- explain their role;
- invite the person (the complainant) to outline the events surrounding their allegations;
- advise them of their rights under relevant legislation and this policy;
- explain the process for resolution of the complaint, the confidential nature of the investigation and the allegations;
- assist the complainant in applying the alleged events to the parameters of this Policy;
- advise the complainant, where appropriate, that they may be able to lodge a complaint under local State Worker's Compensation laws;

- provide appropriate support and referral information with regards to counselling services.
- Notification of alleged perpetrator of the inappropriate conduct (the 'respondent')

The manager or HR representative will then notify the respondent that a complaint has been made. This notification will entail:

- the manager or HR explaining their role;
- setting out the allegations that have been made (with the consent of the complainant);
- inviting the respondent to outline their interpretation of the events;
- clarifying the respondent's obligations under the policy;
- if appropriate, attempting to resolve the situation without recourse to any complaint procedures;
- advising the respondent, where appropriate, that a complaint may be made in the relevant State or Federal Equal Opportunity Commission or other Court;
- explaining the need for the complaint to be kept confidential;
- providing copies of any relevant guidelines; and
- providing appropriate support or referral information regarding counselling.

4.7.2. STAGE 2- CONCILIATION

- The conciliation involves the manager or HR acting as a neutral third party who facilitates the negotiation of a satisfactory resolution.
- The manager or HR will request both parties to reduce their positions to writing prior to the conciliation.
- The manager or HR will prepare correspondence to both parties outlining all topics covered in their discussions to date, inviting them to attend the conciliation at a specified time and stipulating that the conciliation is to occur 'without prejudice'. □ The conciliation is to be an informal 'round table' conference during which each party has an opportunity to outline their interpretation of events.
- After both parties have outlined their position, the manager will usually separate the parties and speak to both personally in order to facilitate resolution.
- Any agreement that is made should be reduced to writing and signed by both parties.

4.7.3. STAGE 3– INVESTIGATION AND DETERMINATION

- Both parties should be given the opportunity to supplement their written statements should the complaint proceed to this stage.

- The manager or HR shall be entitled to hold further meetings with both parties and make further enquiries with any relevant persons.
- The manager or HR shall prepare a brief written determination of their findings and issue a copy to both parties.
- Investigations and determinations of complaints are to take place as promptly as possible, with procedures to be put in place during this period in order to ensure that no further breaches of this Policy occur.

4.7.4. OUTCOMES

A finding under this Policy may result in the following outcomes:

- apology;
- counselling;
- written warnings;
- dismissal of the complaint; and
- termination of employment.

The outcomes can be implemented against the respondent or, in the case of a vexatious or knowingly false claim, against the complainant.

If a complaint is found to be unsubstantiated, no further action will be taken, but appropriate procedures will be put in place to ensure no further breaches of the Policy occur.

5. REPORTING PATHWAY

To raise a complaint or concern please see the process flow below.

The process flow intentionally provides alternative routes for reporting issues or concerns. For example, on the first level, the complainant could

- approach their Manager, HR or another local Manager to discuss an issue or concern
- move to the level above their immediate reporting line as represented in this process flow (e.g. Head of HR, Executive Leader or Legal Counsel), if they feel that due to ethical considerations reporting at that level would be inappropriate
- report it to the level above the initial level they reported it to if they feel that their complaint or concern is not appropriately resolved (e.g. re-raise it at level 2 if level 1 did not resolve the issue).

No transgressing employee, regardless of position in the organisation's hierarchy, is exempt from the reporting process and any concern or complaint raised will be dealt with confidentially and without retribution.

Reporting Pathway:

