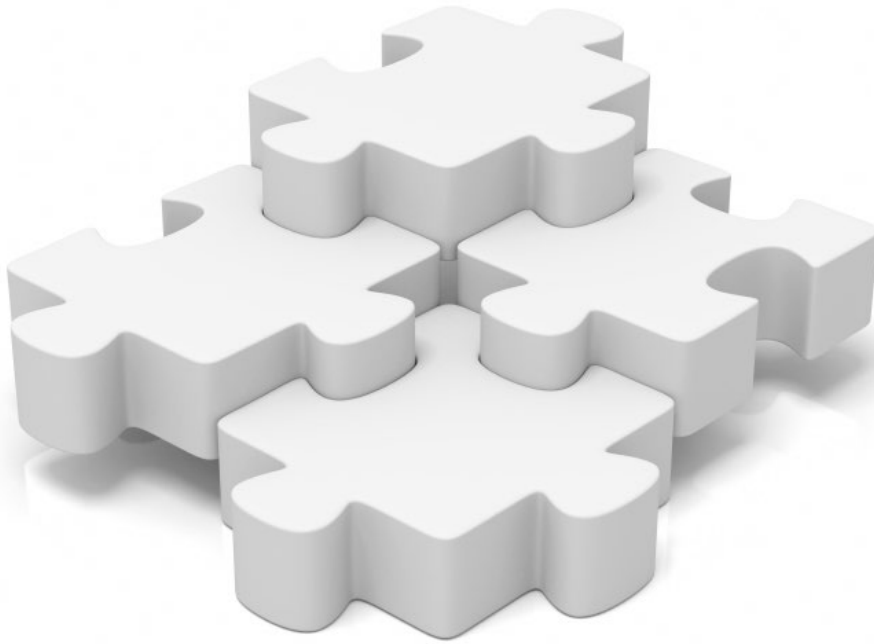


The WorkPac System
**Sexual Harassment
Procedure**



Category:	IER	Procedure Reference No.: CCRO-IER-ALLWP-PRO-036.1	Approved by.: Chief Commercial & Risk Officer
Applies to:	ALLWP	Responsible for Review: GM - Employment Relations	Date of Approval: 4 th September 2023

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1. A MESSAGE FROM THE CEO

I am proud to be part of an organisation that is committed to ensuring all employees are provided with a safe workplace, where everyone feels valued and respected.

WorkPac is committed to protecting and promoting the right of every employee to work in an environment which is free from violence, discrimination and harassment.

In 2022, the Australian Human Rights Commission, in its fifth national survey investigating the prevalence, nature and reporting of sexual harassment in Australian workplaces found that 41% of women and 26% of men experience workplace sexual harassment in the last five years. This survey also found that one in five or 19% of people experienced workplace sexual harassment in the last 12 months but only 18% of alleged incidents were reported.

Sexual harassment has no place in our workplace and WorkPac has zero tolerance for sexual harassment in any form.

This standalone Sexual Harassment Procedure outlines how we will respond to complaints of sexual harassment and demonstrates WorkPac's strong focus on preventing sexual harassment from occurring in our workplaces. It also outlines what we all need to know about the law around sexual harassment, how to identify sexual harassment and how to respond to sexual harassment. This procedure is supported by training sessions that will raise awareness about the prevalence of sexual harassment and what each of us can do to stop it.



Sexual harassment has an enduring impact on its victims. It also negatively affects workplace culture, employee morale and productivity. Every one of us has a responsibility to treat each other with respect, act in a professional manner and build a safe workplace, free from sexual harassment.



*Hamish Griffin
Chief Executive Officer - WorkPac*

2. WHY WE DO IT

WorkPac is committed to promoting workplaces that are free from sexual harassment and understands its positive duty as an employer to take reasonable and proportionate steps to prevent and respond to conduct of this nature. Workplace sexual harassment will not be tolerated under any circumstances and WorkPac will take disciplinary action in relation to breaches of this procedure.

The purpose of this procedure is to:

- Provide employees with the knowledge and understanding of the drivers, impacts, and behaviour that constitutes workplace sexual harassment;
- Create workplaces which are free from sexual harassment and where all employees are treated with dignity, courtesy and respect;
- Implement awareness raising strategies to ensure that all employees know their rights and responsibilities. Among other things, this may include training, providing copies of the procedure to employees and discussions at meetings;
- Provide a comprehensive procedure for proactively addressing sexual harassment and dealing with complaints of such conduct if they occur;
- Treat all complaints of sexual harassment in a sensitive, fair, timely and discreet manner;
- Prevent victimisation or reprisals; and
- Promote appropriate standards of conduct at all times.

3. APPLICATION AND SCOPE

The terms of this procedure apply to all employees of WorkPac, including internal employees and Field Team Members ('FTMs'), as well as contractors (including visitors) either visiting or undertaking work in workplaces controlled by WorkPac.

This procedure covers:

- Conduct in the workplace (including both WorkPac controlled workplaces and workplaces controlled by third parties, for example, client sites) and in situations where work is performed away from the workplace;
- Conduct in areas outside the workplace that have a connection to employment including but not limited to accommodation provided by the employer, when travelling to and from work, amenities, carpark, and other common areas;
- Conduct in the provision of services to clients of WorkPac;
- All aspects of the employment relationship from recruitment, throughout the period of an employee's employment (i.e. in the access an employee has to training, promotion, remuneration benefits) through to the end of an employee's employment with WorkPac;
- Communication connected with employment through email, text messaging, other online forums and social media;
- Situations directly connected with employment such as work-related travel, business meetings, and social events such as Christmas or end of year functions;
- During private functions at private residences if there has been sexual harassment in the workplace and the conduct continues in a private setting; and
- Conduct outside of working hours where the employee's conduct has an adverse impact on the organisation, the employment relationship or the workplace.

4. RELEVANT LEGISLATION

WorkPac and all its employees are subject to the relevant legislation which applies to sexual harassment in the workplace (as amended from time to time).

Sexual harassment is against the law and legal action for sexual harassment can be taken against individuals. WorkPac may also be held vicariously liable for the behaviour of employees who engage in sexual harassment.

5. SEXUAL HARASSMENT

WorkPac will not tolerate sexual harassment in the workplace.

Any employee found to have sexually harassed another workplace participant (including an employee or contractor of a client) may be the subject of disciplinary action which may result in termination of employment. Appropriate action will also be taken where a participant in a workplace controlled by WorkPac but who is not a WorkPac employee is found to have sexually harassed another participant in the workplace.

5.1 What is Sexual Harassment?

Sexual harassment is any unwelcome or unwanted conduct of a sexual nature where a reasonable person would have anticipated that the person harassed would feel offended, humiliated or intimidated.

Remember that behaviour may be unwelcome even where it is not explicitly rejected. It should not be assumed that behaviour is consensual simply because the individual has not complained about it.

In relation to allegations of sexual harassment, the intention of the alleged harasser is irrelevant. What is important is whether a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the behaviour. Employees may not always realise that the behaviour constitutes sexual harassment, but they **must** recognise that what is acceptable to one person may not be acceptable to another.

Behaviour based on mutual attraction, friendship and respect that is invited, consensual or reciprocated will not constitute sexual harassment.

5.2 Examples of Sexual Harassment

Sexual harassment can involve one or more incidents, and behaviour constituting sexual harassment may be physical, verbal and non-verbal. Examples of behaviour which may constitute sexual harassment include but are not limited to:

Physical Conduct

- Unwelcome or unnecessary physical contact including deliberately brushing up against a person, patting, pinching, stroking, kissing, tickling, hugging, fondling, or inappropriate touching; or
- Behaviour that may also be considered to be a criminal offence, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Verbal Conduct

- Unwelcome questions or comments about a person's sex life, appearance or attire;
- Sexual or suggestive comments, stories and jokes;
- Sexual advances;
- Sexually explicit conversation or telephone calls;
- Sexual demands, requests for sex or unwanted social invitations or requests to go out on dates;
- Insults or taunts of a sexual nature or based on the sex of the worker;

- The use of job-related threats or rewards to solicit sexual favours; or
- Condescending or paternalistic remarks.

Non-Verbal Conduct

- Whistling, staring or leering;
- Accessing sexually explicit internet sites;
- Sending emails or messages containing inappropriate advances or sexually explicit content;
- Displaying offensive objects, calendars, posters, magazines or screen savers;
- Suggestive comments or jokes;
- Offensive and suggestive body language;
- Inappropriate content sent or posted via a social media site; including inappropriate advances or content of a sexual nature; or
- Electronically storing, distributing or displaying sexually explicit pictures or videos.

6. RESPONSIBILITIES

6.1 Responsibilities of all Employees

It is the responsibility of all employees to:

- Understand this procedure and to seek further information if unclear;
- Understand what constitutes an act of sexual harassment;
- Not engage in any behaviour that may be perceived as sexual harassment against other workplace participants (including employees, contractors, candidates, customers, suppliers);
- Comply with the requirements of this procedure;
- Treat all workplace participants fairly and with respect;
- Report any incidents of sexual harassment that they experience or see happening around them to an appropriate manager;
- Ensure they do not victimise any person involved in a complaint of sexual harassment; and
- Ensure that, if involved in complaints, confidentiality is maintained.

6.2 Responsibilities of Managers

In addition to the individual responsibilities set out above, it is the responsibility of managers to:

- Promote and develop a work environment that is free from hostility, harassment and discrimination on the ground of sex;
- When recruiting or making decisions about promotion or re-deployment, apply non-discriminatory screening and interviewing processes;
- Model appropriate behaviour;
- Ensure that all employees who report to them are aware of this procedure and the organisation's expectations that they behave respectfully and tolerantly;
- Know WorkPac's procedures for the resolution of complaints;
- Treat all complaints seriously and follow appropriate procedures for investigating complaints of sexual harassment and discrimination;
- Refer complaints to another appropriate person if there is a conflict of interest;

- Monitor the work environment and take immediate action to deal with any behaviour which breaches the organisation's policies;
- Ensure victimisation does not occur; and
- Take suitable disciplinary action against any person found to have breached this procedure.

6.3 Responsibilities of the CEO, the Board and the Executive Committee

In addition to the individual responsibilities set out above, it is the responsibility of the Chief Executive Officer (CEO), the Board and the Executive Committee to:

- Understand and are committed to the rights and entitlements of all employees to attend work and perform their duties, without fear of being sexually harassed in any form;
- Take all reasonable steps to eliminate sexual harassment;
- Ensure all employees and volunteers are regularly made aware of their obligations in relation to providing a workplace free from sexual harassment;
- Provide an environment which discourages sexual harassment and set an example by their own behaviour;
- Ensure that this procedure is regularly reviewed and updated (if required) to drive continuous improvement in eliminating sexual harassment in the workplace;
- Treat all complaints seriously and confidentially; and
- Take immediate and appropriate corrective action if they become aware of any offensive action or illegal behaviour.

7. PROCEDURE FOR HANDLING SEXUAL HARASSMENT ISSUES

7.1 Method of Handling Complaints and Concerns

The following procedure is designed to help address any concerns raised by employees about incidents of sexual harassment in the workplace.

The handling of any such issues will be:

- **Confidential.** Only the people directly involved in making or investigating a complaint will have access to information about the complaint. Other employees (i.e. witnesses) or managers may be involved but only on a need to know basis. Any documents prepared as part of the resolution process are confidential.
- **Impartial.** Both sides will have a chance to tell their side of the story. No assumptions will be made, and no action will be taken until all relevant information has been collected and considered.
- **Free of repercussions.** No action will be taken against anyone for making a complaint or helping someone make a complaint provided the complaint is made in good faith. WorkPac will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint or is involved in a complaint.
- **Timely.** All complaints will be dealt with as quickly as possible in the circumstances.

7.2 Complaint Resolution Procedure

This following procedure sets out the complaint resolution options where employees are subject to alleged sexual harassment.

Note: the terms *informal* and *formal* are not a reflection of how serious a concern is but relate to how formal (or informal) the *process* is.

▪ Informal Resolution

• Speak to the Other Person

If the complainant feels safe and comfortable to do so, the matter may be able to be resolved directly with the other party involved by letting the person responsible for the alleged behaviour know that the behaviour is perceived to be offensive and not acceptable to them.

While not an excuse for the behaviour, an employee may not realise the effect their behaviour is having on others, and giving this feedback can give them an opportunity to change their behaviour. **This is not an appropriate approach where very serious unacceptable behaviour has occurred or where there is a potential risk to health, safety or welfare.**

If any employee takes this approach, they should consider:

- Acting as early as possible;
- Having the conversation in private;
- Speaking to the person calmly and in a non-confrontational way;
- Explaining how the behaviour makes them feel;
- Focussing on the unwanted behaviour rather than the person;
- Being open to feedback or explanations.

The complainant or the other individual may seek information or support from their manager at this stage.

• Speak to a Manager

If the incident is unable to be resolved directly between those involved, or the complainant would feel more comfortable escalating the issue in the first instance, then the matter should be referred to a manager for assistance to try to resolve this issue.

Where appropriate, the Manager will try to resolve the issue informally (i.e. by talking to both parties separately or together or arrange a mediation if appropriate in the circumstances).

The Manager should seek support from WorkPac Employment Relations Team in relation to this process.

Employees should be aware that if serious unacceptable behaviour is raised with a manager, the manager might need to raise this with the other person, conduct an investigation, or raise the matter with WorkPac Employment Relations Team, even if the employee does not want them to. This is because the safety and wellbeing of its employees is WorkPac's upmost priority, and WorkPac has a duty of care to take all reasonable steps to ensure that unacceptable behaviour does not continue or happen to others.

▪ Formal Resolution

If an informal resolution is not appropriate or has not been successful, a more formal approach will be necessary. This will include an investigation in most cases.

At this stage, an employee may formally raise their complaint in the following manner:

- Referral to the WorkPac Employment Relations Team. This can be done by the complainant themselves, a manager, or a witness; or
- Lodging a report with Stopleveline - WorkPac whistleblower hotline (Please refer to Schedule 1). Stopleveline will provide the report and any associated material to WorkPac Employment Relations Team for investigation

Note: Nothing in this procedure precludes an employee, manager or witness from immediately formalising a complaint by referring the matter to their manager or WorkPac Employment Relations Team.

7.3 Formal Resolution Process – Investigation

The formal process is an investigation of a complaint with a key objective of establishing whether the complaint is substantiated or not.

Whether a complaint is substantiated or not is determined on a balance of probabilities after all evidence has been considered. That is, is it more probable than not that the conduct complained of did or did not occur and if it did occur, does it constitute a breach of this procedure. Irrespective of whether the complaint is substantiated or unsubstantiated, the outcome of the investigation will be formally recorded.

Any investigation must be conducted in line with WorkPac's *Managing Performance and Misconduct Procedure - FTMs*, or *Managing Performance and Misconduct Procedure - Internal Employees*.

Note: There may be circumstances where WorkPac is obliged to investigate or take other action in relation to a complaint, particularly where serious allegations are made. This may be the case even if an individual does not want to make a formal complaint.

7.4 Working Arrangements During an Investigation

During a complaint resolution process, working arrangements may be altered to protect the safety and wellbeing of those involved in the complaint process, to prevent victimisation and to protect the integrity of the investigation process.

7.5 Resolution

Action taken to resolve a complaint is dependent on the circumstances involved.

A range of actions could be taken to resolve a complaint. These include (but are not limited to):

- Seeking an undertaking that the behaviour will cease;
- Formal counselling of the respondent to the complaint;
- Mediation;
- Disciplinary action, i.e. transfer, formal warning, termination of employment;
- Awareness raising/training session;
- Dismissing the complaint; and
- Encouraging a workplace participant to report a matter to the police if appropriate.

7.6 Misuse of the Complaint Process

If, after investigation, an employee is found to have:

- Made a false or frivolous complaint; or
- Deliberately supplied false or misleading information in relation to a complaint or its investigation;

the employee may face disciplinary action which may include termination of employment.

7.7 External Resources

In investigating sexual harassment complaints, it may be necessary for WorkPac to utilise resources from outside the organisation to help resolve the situation. These may include:

- Use of an independent investigator; or
- Use of an independent mediator (where both parties agree to mediation).

Any decision to involve outside assistance will be communicated to the parties involved where appropriate and relevant.

Further information and assistance in resolving complaints on sexual harassment may also be provided by the external contacts set out in Schedule 1.

8. EMPLOYEE ASSISTANCE

WorkPac encourages employees to seek assistance where they believe that personal problems may adversely affect their work performance, health, and well-being.

Employees may choose to access services available via WorkPac's Employee Assistance Program (EAP).

Further information about the EAP, is available from Gryphon Psychology on 1800 056 076 or <https://gryphonpsych.com.au/>.

9. DOCUMENTS THAT RELATE TO THIS PROCEDURE

- Sexual Harassment Policy
- Employee Assistance Program
- Managing Performance and Misconduct Procedure - FTMs
- Managing Performance and Misconduct Procedure - Internal Employees
- Whistleblower Policy and Procedure

SCHEDULE 1: RELEVANT EXTERNAL AGENCIES

WorkPac Stopline

WorkPac has outsourced the provisions of a confidential hotline to Stopline. Stopline provides multiple reporting channels for whistleblowers or disclosers, providing protections, anonymity, and confidentiality throughout the process. WorkPac employee reports of wrongdoing to Stopline will be raised with WorkPac Employment Relations Team for appropriate action.

The WorkPac Stopline can be contacted through the below channels. Please provide full details of your report to Stopline including the location of the incident/s, dates and times, full names of the person the report is regarding, and any witnesses.

By **Telephone** (no caller line ID): 1300 30 34 50

By **Confidential Email**: makeareport@stopline.com.au

By **Mail**:
WorkPac
C/o Stopline
PO Box 403
Diamond Creek Victoria 3089

By **Website** or **SmartPhone**: [WorkPac Stopline Online Disclosure](#)
or via the below QR code



Other Important Contacts

If you do not feel comfortable reporting an incident through the WorkPac Stopline, or should you wish to receive the protections under the *Whistleblower Policy and Procedure*, the following list identifies alternate contact points:

WorkPac Employment Relations Team- Internal Employees WorkPacIR@WorkPac.com

WorkPac Employment Relations Team - FTMs WorkPacER@WorkPac.com

WorkPac Internal Disclosure Hotline Disclosure@WorkPac.com

Whistleblower Committee Members:
General Counsel
Chief Commercial and Risk Officer

EQUAL EMPLOYMENT OPPORTUNITY AND DISCRIMINATION AGENCIES

The following agencies provide information and promote awareness of discrimination and equal opportunity issues.

Complaints can be made to these agencies on issues of discrimination, harassment, victimisation and vilification:

Commonwealth: Australian Human Rights Commission <http://www.humanrights.gov.au>

New South Wales: Anti-Discrimination Board of NSW <http://lawlink.nsw.gov.au/adb>

Victoria Victorian Equal Opportunity and Human Rights Commission www.humanrightscommission.vic.gov.au

Queensland: Anti-Discrimination Commission Queensland www.adcq.qld.gov.au

South Australia: Equal Opportunity Commission www.eoc.sa.gov.au

Western Australia: Equal Opportunity Commission www.eoc.wa.gov.au

Tasmania: Office of the Anti-Discrimination Commissioner www.antidiscrimination.tas.gov.au

Australian Capital Territory: ACT Human Rights Commission www.hrc.act.gov.au

Northern Territory: Northern Territory Anti-Discrimination Commission www.nt.gov.au/justice/adc

FAIR WORK OMBUDSMAN

The Fair Work Ombudsman has the power to investigate complaints by employees about breaches of the general protections provisions which include workplace discrimination and adverse action for exercising a workplace right such as making a complaint of discrimination, harassment or bullying. www.fairwork.org.au

FAIR WORK COMMISSION

A worker who reasonably believes that they have been sexually harassed at work can apply to the Commission for an order to stop the sexual harassment.

WORK HEALTH AND SAFETY

Sexual harassment can be considered a work health and safety (WHS) issue. WHS legislation varies and is administered separately by the relevant government body in each state or territory.

Contact details for the state and territory bodies responsible for administering WHS legislation are set out below:

New South Wales: WorkCover NSW www.workcover.nsw.gov.au

Victoria: WorkSafe Victoria www.worksafe.vic.gov.au

Queensland: Workplace Health and Safety Queensland www.worksafe.qld.gov.au

South Australia: SafeWork SA www.safework.sa.gov.au

Western Australia: WorkSafe WA www.commerce.wa.gov.au/WorkSafe

Tasmania: Workplace Standards Tasmania www.wst.tas.gov.au

Australian Capital Territory: WorkSafe ACT www.worksafe.act.gov.au

Northern Territory: NT WorkSafe www.worksafe.nt.gov.au