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### Purpose

Everyone has the right to work in an environment which is free from harassment and bullying. Both Sheep Producers Australia (SPA) Directors, Management, Employees and Contractors must ensure that workplace harassment and bullying does not occur.

### Policy

Workplace harassment and bullying (in any form and including sexual harassment) is unacceptable behaviour which will not be tolerated under any circumstances. Individuals must be able to work in an environment free of intimidation, harassment, or bullying. This environment also applies to our clients and visitors to the workplace.

Workplace harassment is against the law in any workplace context including conferences, work-related social functions including work or business Christmas parties, business, or field trips. Whilst the effects of workplace harassment and bullying are essentially the same, what constitutes workplace harassment is defined by legislation.

This policy:

- Explains SPA's underlying principle towards Equal Employment Opportunity, discrimination, harassment, and bullying
- Defines discrimination, harassment (including sexual harassment) and bullying
- Outlines employees and managers roles within SPA
- Explains what an employee should do if they have been discriminated, harassed, or bullied (compliant procedure).

### Application of Policy

Harassment and bullying are behaviour that makes someone experiencing that behaviour feel:

- Offended
- Humiliated
- Intimidated, or
- Frightened.

### **What is Equal Employment Opportunity?**

Equal Employment Opportunity (EEO) is based on the merit principle. This means that employment and promotions are based on open competition and on an individual's merit. The merit principle aims to ensure that:

- Individuals have an equal opportunity to compete for a position.
- Individuals are judged fairly and without bias, favouritism, or discrimination.
- The most suitable person for the position is chosen.
- When assessing a person for a position, only those aspects that are relevant to their ability to perform in employment are considered.

All selection and employment decisions (including remuneration and performance reviews) shall be based on sound criteria which are related to performance of work in the position.

These criteria include:

- knowledge
- demonstrated skills
- previous experience
- qualifications
- assessed competencies

Equal opportunity in employment and diversity also means that:

Based on merit, all employees have equal access to training and development opportunities and are actively encouraged to participate in relevant activities and remuneration decisions are based on the requirements for the role.

### **Harassment Defined**

#### **Verbal harassment includes but not limited to:**

- questions, speculation, remarks, or rumours about a person's intimate private life;
- comments about a person's appearance;
- imitating someone's accent;
- insults, name-calling, bullying, taunting, or making fun of someone;
- statements of an unwelcome (sexual) nature;
- offensive comments or jokes;
- using language that is inappropriate for the workplace;
- obscene or nuisance telephone calls or messages, and sexual propositions or requests for sex, which may include using a position of authority or power to obtain sexual favours.

#### **Non-verbal harassment includes but not limited to:**

- sexually-related material such as posters, calendars, screensavers, and internet sites (note – these are banned from display on Company premises)
- wolf-whistling, leering, gestures, suggestive looks;
- statements in writing or mailed (including electronically) which offend, including distributing offensive material via internal mail / e-mail;

- unwelcome practical jokes, and mimicking someone because of a disability or another physical characteristic.

**Physical harassment includes but not limited to:**

- invading someone's personal space, from unnecessarily leaning over someone to stalking;
- unnecessary physical contact (patting, touching, hugging, kissing);
- new employee 'initiations';
- indecent exposure;
- physical abuse or assault; and
- molestation and sexual assault (note – some forms of harassment such as stalking, abuse, molestation, and assault may also be deemed criminal acts and could be the subject of police proceedings and/or civil actions)

**Sexual harassment is any form of sexual attention that is unwelcome. It may be:**

- unwelcome touching or other physical contact
- remarks with sexual connotations
- smutty jokes
- requests for sexual favours
- the display of offensive or potentially offensive material
- the circulation of offensive or potentially offensive material by email, or
- other behaviour that creates a sexually uncomfortable working environment.

Sexual harassment has nothing to do with mutual attraction. Friendships and relationships are a private matter between employees. However continual invitations to a fellow employee, once rejected, will be considered harassment.

- Sexual harassment can be a single incident depending on the circumstance. Some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated.
- There is no onus on the person being harassed to say he/she finds the conduct objectionable. Therefore, all employees are responsible for their own behaviour and if you think the behaviour may offend, then do not do it! Be aware that many people may find it difficult to speak up now of harassment, and no adverse comment at that time cannot be construed as acceptance of the behaviour.

**Workplace Violence**

Any act of violence or threat of violence is unacceptable. SPA will take immediate action to identify risks and prevent violent acts or the threat of violent acts, both on and offsite, that affect the personal safety and well-being of any Workplace Party, and members of the public who may access the workplace.

Violence that occurs outside of normal workplace, but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

All employees are responsible for immediately notifying any management and/or HR of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Threats or assaults that are of a severe nature should be reported to the local police immediately.

### **Domestic Violence**

Domestic violence may occur in the workplace and/or it may expose you or other workers to physical injury that may occur in the workplace. For that reason, it is a health and safety consideration of SPA. If you are experiencing domestic violence that would likely expose you or other workers to physical injury in the workplace, we will take every reasonable precaution to protect you and your co-workers in these circumstances.

Additionally, anyone with knowledge of a domestic abuse concern regarding an employee should advise management and/or HR. While some disclosure of personal information could be necessary, disclosure will be limited to what is reasonably necessary to protect the employee from physical injury. We appreciate the sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

### **Bullying Defined**

There are many ways that someone can be bullied including:

#### **Verbal – includes but not limited to:**

- name calling or put downs,
- yelling and/or screaming,
- using offensive language,
- threats, teasing, including sexual harassment and innuendo;
- it might also be extended to written form through email, text (sms) or other electronic means.

#### **Physical – note physical abuse may also constitute the crime of assault and battery, and includes but not limited to:**

- being punched, tripped, kicked or other physical assault,
- having your belongings stolen or damaged,
- sexual abuse.

#### **Social – includes but not limited to:**

- being left out or ignored,
- having rumours spread about you,
- being assigned meaningless tasks unrelated to the job, or
- being given an impossible job,
- having your rosters/ hours of work deliberately changed with no direct business need that will inconvenience you,
- undermining work performance by deliberately withholding vital information for effective work performance.

Psychological - you are given dirty looks or stalked, often less obvious or direct than other forms of bullying but can make you feel intimidated or manipulated.

People are often bullied because of a perceived difference. The difference can be related to culture, sex, sexuality, physical or mental ability or disability, religion, body size and physical appearance, age, cultural or economic background or being new to a group such as in a work place, to a country, to a social group, or

being new to a team. If someone is bullied for one of these reasons, then the bullying can also constitute unlawful discrimination.

Some forms of bullying, as with harassment, may also be deemed criminal acts and could be the subject of police proceedings and/or civil actions.

### **Obligations on SPA Directors, Employees, Contractors**

- You are not legally obligated to take steps to prevent harassment or bullying occurring to you.
- However, in the event of an incident, if you feel comfortable talking about it with the offender, you are encouraged to have taken reasonable steps to prevent offensive behaviour from occurring or re-occurring before making a complaint. There may be cases where the offender may not be aware that their behaviour is offensive, humiliating or bullying.
- Reasonable steps may include:
  - Complaining about or objecting to the behaviour to the offender;
  - Explaining to the offender why the behaviour is unacceptable and/or why it is offensive.
- Offensive or bullying behaviour by anyone with whom you have contact as an employee of SPA [including peers, managers, subordinates, clients, suppliers, contractors] should be reported or discussed as soon as possible after the event, preferably with your Chair, Manager, or supervisor.
- You must not make claims that are false or malicious. A complaint or investigation should not be influenced by hidden motives, such as damaging a person's reputation. For example, you should not make a harassment or bullying complaint about a manager in revenge for missing out on a promotion, or because you are receiving counselling due to performance concerns. Individuals who make such claims may find that, in a court of law, costs are awarded against them, or may be subject to internal discipline procedures including loss of employment.
- If an individual is requested to cease behaviour or remove materials that another individual finds offensive, they have an obligation to respect the request and comply with it.
- Any individual who is witness to, or hears about, an incident, must refrain from discussing the allegations outside the complaint or investigation process. Failure to do so may compromise the rights of individuals within the process and lead to victimisation, which is illegal. Individuals who spread rumours or gossip may expose themselves to a defamation action.

### **Obligation of SPA Managers**

Legislation prohibits harassment and bullying in the workplace. SPA and its managers are generally responsible for the acts of their employees in the course of their work. This is referred to as vicarious liability. By law, an obligation is placed on SPA and our managers to take reasonable steps to prevent harassment and bullying in the workplace.

Managers / Supervisors will take reasonable steps to ensure that we work in harassment and bullying free work environment.

### **Examples of reasonable steps may include:**

- Adopting and discussing the Anti-bullying and Harassment policy with all employees;
- Providing guidance to employees on the Anti-bullying and Harassment policy and acceptable work conduct;
- Increasing the awareness of diversity amongst employees to reduce the incidence of harassment, bullying and victimisation;
- Modelling appropriate behaviour;
- Monitoring the workplace to ensure that harassment and bullying does not occur;

- Taking early corrective action when unacceptable behaviour is observed or reported;
- Treating all incidents seriously and taking immediate action to resolve issues;
- Assuming primary responsibility for dealing with (and resolving where possible) incidents and complaints.

It should be noted that reasonable management conduct carried out in a reasonable manner does not constitute bullying, such as performance management and/or implementation of disciplinary procedures in relation to employee to misconduct.

### **Not taking reasonable steps**

Directors, Managers, and supervisors who do not take reasonable steps to ensure that their areas are free from harassment and bullying may be disciplined, and by law, may be held personally liable for the illegal actions of their employees.

What to do if you believe YOU are experiencing harassment or bullying?

SPA is committed to providing an environment which is safe for its employees. You will not be disadvantaged in your employment conditions or opportunities because of lodging a genuine complaint

If you feel you are being or have been subject to harassment or bullying of any kind you are encouraged to immediately either speak to your Manager, or supervisor or Human Resources Manager. You will be able to discuss your situation confidentially and obtain advice on the steps available to you to resolve the situation and/or lodge a formal complaint.

If you choose to lodge a complaint, confidentiality is always essential to protect both the person making the complaint and the person accused. SPA will ensure that all formal complaints of harassment or bullying are investigated promptly and confidentially. If you do make a complaint you should not discuss the issues concerning the complaint with anyone other than the person with whom you have lodged your complaint.

Disciplinary action, including official warnings, suspension, demotion, transfer to another area or termination of employment, will be taken against any employee who breaches this policy or victimizes or retaliates against a person who has complained.

Disciplinary action, as detailed above, will also be taken against any employee, who after a detailed investigation is shown to have deliberately made a false and/or misleading complaint of harassment, discrimination, or bullying.

If you cannot talk to your immediate Manager or want to talk with someone else if you feel that you are being bullied, harassed, sexually harassed, observe incidences of bullying or harassment, or if you feel you are being discriminated against by another person please contact the CEO.

### **Consequences of breach**

Failure to act in accordance with this policy can result in disciplinary action, up to and including termination of employment for just cause. For any questions about the content of this policy, please contact the CEO.