

Workplace Discrimination, Harassment, Bullying, Victimization & Equal Opportunity

Policy and Procedure

1. STATEMENT

Bindaree Food Group (BFG) is committed to providing a safe and inclusive workplace free of all forms of discrimination, harassment, bullying, victimisation and vilification where staff are treated with dignity, courtesy and respect. All team members have the right to work in an environment free from discrimination and harassment. Further, BFG aims to ensure that when employment decisions are made they are based on merit, not on attributes or characteristics that an individual may possess.

In order to honour this commitment we are dedicated to working together to ensure the following:

- That team members are educated and provided resources to inform them of the content of this policy and supporting documents;
- When employment decisions are made they are based on merit, not on attributes or characteristics that an individual may possess;
- That the Company meets its legislative obligations and shall take all reasonable, practicable steps to provide and maintain a working environment free from these behaviours;
- Have in place a best practice grievance resolution process assisting team members to raise their concerns and ensuring all complaints are treated confidentially, seriously and empathetically. No workplace participant shall be penalised or disadvantaged as a result of raising any genuine concerns or complaint;
- Carrying out fair and thorough investigations to genuine complaints;
- A zero tolerance towards discrimination, harassment, bullying, victimisation and vilification in the workplace by holding people accountable for breaches of this policy and supporting documents; and
- Carrying out regular reporting to the Executive regarding complaints, investigations and outcomes.

2. PURPOSE

The purpose of this procedure is to:

- ensure we have robust and objective processes to aid the management of risks associated with discrimination, harassment, bullying, victimisation and equal opportunity;
- ensure we meet our commitment to the care of our people as described in our Workplace Discrimination, Harassment, Bullying, Victimization & Equal Opportunity Policy;
- ensure we comply with relevant legislation and best practice;
- ensure our team members are aware of the procedure and the standards expected of them and the consequences for breaching this policy and procedure.

3. SCOPE

This Policy:

- Applies to all team members, contractors, consultants and agents, collectively referred to in this Policy as 'team members'.

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2	3 April 2023	Andrew McDonald	Chief Executive Officer



All team members are required to comply with all Company policies including the Bindaree Food Group Code of Conduct but these do not form part of your employment contract.

Outside of work behaviour

While all team members have a right to their privacy, inappropriate conduct occurring outside the workplace and negatively impacting on BFG may result in disciplinary action or a requirement that the conduct cease.

Examples of such conduct include, but are not limited to conduct that:

- gives rise to a material risk of damage to BFG’s interests;
- brings BFG into disrepute;
- is incompatible with the team member’s duty of good faith with BFG, and/or;
- damages the relationship between BFG and the team member, or other team members.

If a team member’s conduct involves a potential breach of any Australian law, BFG may notify the Police or other relevant Government authority.

4. SUPPORTING INFORMATION AND PROCEDURES

4.1 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

- **Directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example, a worker is harassed and humiliated because of their race, or, a worker is refused promotion because they are ‘too old’

- **Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

For example, redundancy is decided based on people who have had a Worker’s Compensation claim rather than on merit.

Protected personal characteristics under Federal and State discrimination law includes:

- A disability, disease or injury, including work-related injury;
- Parental status or status as a carer for example, because they are responsible for caring for children or other family members;
- Race, colour, descent, national origin, or ethnic background;
- Age, whether young or old, or because of age in general;
- Sex;
- Appearance;

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- Industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- Religion;
- Pregnancy and breastfeeding;
- Sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual;
- Marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;
- Political opinion;
- Social origin;
- Medical record;
- An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

4.2 Bullying

Bullying is repeated and unreasonable behaviour directed towards a workplace participant or a group of team members that creates a risk to their health and safety.

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination and can be harassment.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people or unfair work practices.

Behaviours that may constitute bullying include:

- Sarcasm and other forms of demeaning language;
- Threats, abuse or shouting;
- Coercion;
- Isolation;
- Inappropriate blaming;
- Ganging up;
- Constant unconstructive criticism;
- Deliberately withholding information or equipment that a person needs to do their job or access their entitlements;
- Unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is unacceptable in BFG and is also against safety legislation.

4.3 Sexual Harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written.

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Sexual harassment can include:

- Comments about a person’s private life or the way they look;
- Sexually suggestive behaviour, such as leering or staring;
- Brushing up against someone, touching, fondling or hugging;
- Sexually suggestive comments or jokes;
- Displaying offensive screen savers, photos, calendars or objects;
- Repeated unwanted requests to go out;
- Requests for sex;
- Sexually explicit posts on social networking sites;
- Insults or taunts of a sexual nature;
- Intrusive questions or statements about a person’s private life;
- Sending sexually explicit emails or text messages;
- Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites;
- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work or is an out of work behaviour.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn’t have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and Managers to respond quickly and appropriately.

BFG recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people’s limits.

4.4 Victimization

Victimization is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint or refused to do something because it would be discrimination, sexual harassment or victimization. Victimization is against the law.

It is also victimization to threaten, mistreat someone (for example a complainant or witness) or otherwise make a person feel uncomfortable who may be involved in the investigation of an equal opportunity concern or complaint.

BFG has a zero-tolerance approach to victimization.

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4.5 Vilification

Vilification is a public act that could incite hatred, serious contempt or ridicule towards a group of people who have a particular characteristic. It is against the law to vilify people on the basis of race, homosexuality, transgender status and HIV/AIDS status.

Public acts include:

- communications that can be seen or heard by the public (this includes print, radio, video or online)
- signs, flags or clothing that could be seen by the public
- distributing and sharing information to the public.

BFG does not tolerate vilification.

4.6 Merit

All recruitment and job selection decisions at BFG will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions or to in any other way seek information about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

4.7 Confidentiality

It is unacceptable for team members at BFG to talk with other team members, clients or suppliers about any complaint of bullying, discrimination or harassment. Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a Manager) is a serious breach of this policy.

The Complaints Officer will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other team members in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has potentially occurred, BFG will endeavour to take appropriate action in relation to the complaint.

All team members involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Spreading rumours or gossip may expose team members to a defamation claim. Team members may discuss the complaint with a designated support person or representative (who is not a workplace participant employed or engaged by BFG). However, the support person or representative must also maintain confidentiality.

5. COMPLAINT HANDLING

BFG strongly encourages any team member who believes they have been discriminated against, bullied, sexually harassed, victimised or vilified to take appropriate action by speaking with their Manager initially (where appropriate) or contacting the People and Culture Team for further assistance as soon as is reasonably practicable. Refer to our Workplace Grievance Policy for further information.

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6. BREACHES OF THIS POLICY

BFG considers any breach of this policy to be a serious matter and may lead to disciplinary consequences up to and including termination of employment.

7. RESPONSIBILITIES

Team members rights and responsibilities

All team members are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- work free from bullying, discrimination, harassment, victimisation and vilification;
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised;
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities or disabilities.

All team members must:

- follow the standards of behaviour outlined in this policy;
- offer support to people who experience bullying, discrimination, harassment, victimisation and vilification, including providing information about how to make a complaint;
- avoid gossip and respect the confidentiality of complaint resolution procedures;
- treat everyone with dignity, courtesy and respect.

Additional responsibilities of Managers and Supervisors

Managers and Supervisors must also:

- model appropriate standards of behaviour;
- take steps to educate and make team members 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 team members resolve complaints informally;
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation;
- ensure team members who raise an issue or make a complaint are not victimised;
- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made;
- give serious consideration to requests for flexible work arrangements.

8. SUPPORTING DOCUMENTS

There may be other relevant legislation and internal Company documents that may apply to this policy from time to time.

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Team members, especially Managers and Supervisors, are encouraged to read this policy in conjunction with other relevant BFG policies and documents, including:

- Code of Conduct
- Employee Handbook
- Grievance Policy
- Disciplinary Policy

Relevant legislation

Discrimination, bullying and sexual harassment are unacceptable at BFG and are unlawful under the following legislation:

- *Fair Work Act 2009 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Age Discrimination Act 2004 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth).*
- *Work Health and Safety Act 2011 (Cth)*
- *Workplace Gender Equality Act 2012 (Cth)*
- *All state Equal Opportunity Legislation*
- *Any other relevant legislation*

9. VARIATIONS

BFG reserves the right to vary, replace or terminate this policy from time to time.

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