

HARASSMENT & SEXUAL HARASSMENT POLICY

The Marnong Estate is committed to maintaining a positive and safe working environment on all its project sites and offices that is free from all forms of harassment and vilification.

Harassment, sexual harassment, and racial vilification can have significant and long-lasting impacts on an individual. Any form of behaviour that harasses or racially vilifies another person is unacceptable. We will not tolerate anyone intimidating, humiliating, objectifying or racially abusing others in our workplace.

This policy applies to all employees, contractors, public visitors, clients, and anyone whom employees meet at the workplace. For the purposes of this policy, the workplace includes work related events or company functions or activities that take place outside of work.

Harassment

Harassment is any behaviour that is unwelcome or unwanted and that humiliates, offends or intimidates another person. Harassment also includes bullying, direct insults, malicious gossip and victimisation. It may be verbal, written, visual, electronic or physical and may consist of a single incident or a repeating pattern of events.

Some examples of what could be considered as harassment:

- If it is reasonable for a person to feel offended, humiliated or intimidated then the behaviour may constitute harassment.
- Starting or spreading rumours about a person's personal life
- Ridiculing someone in front of others
- Singling someone out to perform demeaning tasks unrelated to their role
- Commenting in a derogatory way on a person's ethnic heritage or religious beliefs

Sexual Harassment

Sexual harassment is unlawful under the Federal Sex Discrimination Act 1984.

The Respect at Work Amendment Act has defined sexual harassment under the FW Act as:

- an unwelcome sexual advance
- an unwelcome request for sexual favours
- other unwelcome conduct of a sexual nature in relation to another person.

To be sexual harassment, it has to be reasonable to expect that there is a possibility that the person being harassed would be offended, humiliated or intimidated by the behaviour.

Sexual harassment impacts on well-being of an individual. Many do not consider behaviours like flirting or sexual comments to be sexual harassment, but if something you do makes your colleagues uncomfortable, or makes them feel unsafe, you must stop.

A person can potentially sexually harass someone when they:

- Are engaged in staring and leering
- Insinuate, propose or demand sexual favours of any kind.
- Invade another person's personal space (e.g. inappropriate touching.)
- Stalk, intimidate, coerce, or threaten another person to get them to engage in sexual acts.
- Send or display sexually explicit objects or messages.
- Comment on someone's looks, dress, sexuality or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
- Make obscene or suggestive comments, jokes or gestures that humiliate or offend someone

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The most extreme form of sexual harassment is sexual assault. This is a serious crime that will be managed under criminal law.

The Respect at Work Amendment Act clarifies that sexual harassment in connection with employment can be a valid reason for dismissal.

Racial Vilification

The [*Racial and Religious Tolerance Act 2001*](#) makes it unlawful to vilify a person or group of people because of their race or religion. Vilification is behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of a person or group of people because of their race or religion.

Behaviour that could be vilification includes:

- speaking about a person's race or religion in a way that could make other people hate or ridicule them
- publishing claims that a racial or religious group is involved in serious crimes without any proof
- repeated and serious spoken or physical abuse about the race or religion of another person
- encouraging violence against people who belong to a particular race or religion, or damaging their property
- encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, or using websites or email.

How to address Harassment/Sexual Harassment or Vilification

Any employee who believes that he or she has been harassed or vilified in any form should raise their complaint in one of the following ways:

- **Direct approach:** If you are comfortable, you can raise the matter directly with the other party, particularly where you think they may not realise they are behaving in a harassing manner. This may swiftly resolve an issue and can be effective in managing minor harassment situations (e.g. inappropriate jokes between colleagues.) Avoid using this approach where it relates to external parties and stakeholders, this will need to be escalated to your Manager or HR.
- **Raise with your Manager:** Your Manager is an appropriate escalation point unless the person you are raising the complaint about is your manager, in which case you should raise your complaint directly with HR. If customers, stakeholders or team members are involved in your complaint, you may reach out to your manager who in turn will contact HR.
- **Raise with Senior Management:** You can reach out to Senior Management in any case of harassment or vilification. In cases of serious harassment (e.g. sexual advances), or if your manager is involved in your complaint, for your welfare and safety, please contact Human Resources as soon as possible.
- **Raise with Human Resources:** You can reach out to Human Resources in any case of harassment, sexual harassment or vilification.

Employee Assistance Program Support

If you require further support, professional counselling is available via our Employee Assistance Program (EAP) on 1300 135 600. This is a confidential service available to you and your immediate family members.

Complaint Investigation

Concerns raised will be addressed in line with the Marnong Estate Complaint Resolution Policy.

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Confidentiality

Any claim raised in relation to a form of harassment will be treated confidentially, sensitively and respectfully. All parties to a complaint are required to maintain confidentiality in relation to the concern or the complaint with outcomes communicated either verbally or in writing only to relevant parties (complainants & respondents) and only to the extent necessary.

Some matters may be referred to external authorities as required by law.

Victimization

A person must not victimise or subject another person to detrimental action as a consequence of raising a complaint or being involved in the resolution of a complaint under this policy.

Serious Misconduct and Dismissal

Employees found to have engaged in any form of harassment/vilification will be subject to disciplinary action up to and including termination of employment.

Any breach of either the confidentiality or non-victimization requirements in this policy will be treated seriously by Marnong Estate and may result in disciplinary action.

Further Cross References may be made to the following Marnong Estate Policies

Equal Employment Opportunity Policy,
Complaint Resolution Policy,
Workplace Bullying Policy,
Diversity & Inclusion Policy
and Health and Safety Policy.

External References:

OHS Act and WHS Act.



Dino Strano
Managing Director

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