

Anti Harassment & Workplace Bullying

Overview:

You are entitled by law to a workplace free of any form of harassment. If you believe you are being harassed or bullied, we have policies and procedures in place to address the problem quickly and fairly.

Procedure:

Harassment or bullying is not acceptable work behaviour. You and your colleagues are entitled to work in an environment in which you feel comfortable and safe; and where differences are respected. Octopus Hospitality also has a legal responsibility to take all reasonable steps to prevent harassment or bullying while you are at work. This can include harassment or bullying by the company's clients or visitors to the workplace, as well as by other staff members or managers at client sites.

Company policy is that:

- Harassment or bullying is not tolerated
- You are encouraged to complain about harassment or bullying to your supervisor at site or other managers at Head Office
- All harassment or bullying complaints are treated seriously, sympathetically, quickly and privately
- Action is taken to make sure that harassment or bullying stops
- When you make a complaint or assist in inquiries you will not be victimised in any way because of the complaint
- Complaints are investigated with procedural fairness

All Managers and Supervisors at the Octopus Hospitality will do their best to prevent harassment or bullying and any form of discrimination happening in their team or at a client site. If a manager encourages or ignores any harassment or bullying or discrimination that is happening in his or her team, they may be disciplined, or in serious cases dismissed. Staff can be disciplined or in serious cases dismissed for proven harassment or bullying.

What is Harassment?

All States and Territories have their own anti-discrimination or equal opportunity laws – all of which cover harassment. The Commonwealth Sex Discrimination Act also makes sexual harassment unlawful.

It is an offence to harass people during the course of their work because of any of the grounds specified in the Equal Opportunity Act 2010:

- race
- colour
- gender
- sexual preference
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy
- religion
- political opinion
- national extraction
- social origin.

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In general, while the person committing the harassment may be legally liable if the case ever gets as far as court, the law states that if the employer (via its management) has not acted appropriately to prevent and/or stop harassment, the employer will also be liable.

A complaint does not have to be in writing to justify action being taken, nor does a person being harassed need to have asked the harasser to stop.

Harassment is any form of unwelcome, unsolicited and unreciprocated behaviour that puts someone down, offends them, humiliates or intimidates them.

Harassment does not have to be a series of incidents or an ongoing pattern of behaviour. Just one act can be enough. For harassment to be unlawful it must be related to the specific grounds covered by the legislation or other anti-discrimination law.

Harassment can take many forms. What is important is how the behaviour affects the person it is directed towards. People's reactions differ, and it is the way that a person perceives the behaviour that is important, even when there is no intention to harass or offend and even if others see the activity as trivial or inoffensive.

For example, depending on the circumstances, any of the following behaviours could be unlawful harassment:

- Making jokes
- Material which is displayed publicly, circulated, e mailed or put in someone's workspace or belongings
- Verbal abuse or comments that put down or stereotype a group of people or an individual
- Offensive gestures
- Isolating or segregating a person or group of people
- Unwelcome invitations, requests or intimidation (either direct or indirect or explicitly)
- Allocating demeaning work

What is Sexual Harassment?

Sexual harassment is behaviour of a sexual nature that is unwelcome, unsolicited and unreciprocated.

Sexual harassment is unlawful between workplace participants, which covers other employees, contract workers, commission agents or members of a partnership or when providing goods and services to our clients.

Sexual harassment can include the following behaviours:

- Suggestive behaviour such as leering
- Unnecessary familiarity such as deliberately brushing up against a person
- Making sexual jokes or offensive telephone calls, or sending offensive electronic mail messages, or displaying offensive photographs
- Sexual propositioning or continually requesting dates
- Physical contact such as fondling or touching
- Intrusive questions about sexual activity
- Sexual assault (which is also a crime under the Crimes Act)

What is Bullying?

Bullying is behaviour that could cause physical injury, stress or intimidation

Bullying can include the following behaviours:

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- Verbal - such as name calling or put downs, threats, teasing, including sexual harassment and innuendo (it might also be extended to written form through email or text).
- Physical - being punched, tripped, kicked or having your belongings stolen or damaged. It might also include sexual abuse.
- Social - being left out, ignored or having rumours spread about you
- Psychological - you are given dirty looks or stalked, often less obvious or direct than other forms of bullying or making you feel intimidated or manipulated.

Making a Complaint

The complaints procedure is:

- **Completely confidential** - Only the people directly involved in making or investigating a complaint will have access to information about the complaint.
- **Impartial** - No assumptions will be made and no action will be taken until all relevant information has been collected and considered.
- **Free from repercussions** - No action will be taken against anyone for making a valid, truthful complaint or helping someone to make a valid, truthful complaint. Management will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint. However, disciplinary action may ensue against any employees who make deliberately false and/or malicious complaints.
- **Timely** - All complaints will be dealt with as quickly as possible.

The Steps for the complaints procedure are as follows. This procedure must be used to resolve any complaint.

Step 1

Approach a Supervisor on site or Octopus Head Office who can provide information about the range of choices available to the employee with the complaint. Complainants may, if they wish to, take a complaint, query or request for information directly to the CEO if they have legitimate concerns about taking their issue to their manager or if they feel the complaint is not being considered at a site level.

Step 2

If judged possible by the complaint, try and sort out the problem or concern directly with the person involved informally. This step is not compulsory, but is strongly recommended as a desirable course of action by Octopus Hospitality, to ensure that minor issues are resolved informally between the parties, where possible. If you feel you have offended someone, genuinely apologise. Likewise, if you feel someone has offended you, tell them. Often people are unaware that what they have said or done are offensive and generally, if told, are regretful of their actions.

Step 3

If this does not work, or if the problem or concern cannot be sorted out informally, or if the complainant does not wish to attempt an informal resolution, a formal complaint may be lodged by the employee with the Supervisor or Manager at the site or a representative at Head Office. Details of the complaint must be formally recorded including full details of the alleged incident(s), time and place and/or circumstances. If the complaint is escalated to Head Office, the Octopus Hospitality representative will then refer these details to the CEO. Where a complaint comes directly or indirectly to the CEO, he may appoint an external expert to conduct the investigation.

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Step 4

A full examination of complaints will be conducted by Octopus Hospitality appointed investigator, in conjunction with the relevant representative, where appropriate, and may include the following;

- Interview with the complainant in relation to the substance of the complaint – this may be site based.
- Depending on who is the complainant, and if this is a site based issue, an interview with the alleged offender to provide an explanation concerning the alleged matters, and
- Further investigation of the matter including taking evidence or witness statements from other parties including parties nominated by the complainant and alleged offender.

Step 5

On completing their examination of the matter, the appointed investigator in consultation with the Octopus representative, where appropriate, will make a recommendation to the CEO for a final decision.

Step 6

The decision of the CEO will be actioned, and the complainant and alleged offender advised of the outcomes.

Outcomes may include;

- Counselling
- Disciplinary action
- An apology
- Termination of Casual Contract
- Further training in EEO or other matters.

Employees are expected to utilise the complaints procedure. If an employee is dissatisfied with any procedural aspects of how his/her complaint has been handled, or is dissatisfied with the outcomes of an investigation, he/she has redress to the Equal Opportunity Commission.

Maintenance of all documentation associated with complaints and investigations of discrimination or harassment will be carried out strictly in accordance with the relevant privacy legislation.

If you believe you are being harassed, the Octopus Hospitality encourages you to tell your Supervisor at site and your representative at Head Office so that the problem can be resolved quickly and fairly.

The Octopus Hospitality Contact Officers for anti-discrimination and harassment hold the position of: -

- CEO
- GM – Human Resources
- Sales Manager
- Client Support Coordinator

Further information can be found at <https://www.humanrightscommission.vic.gov.au/>