

# Equal Employment Opportunity Policy

## Scope

HLG Australia Limited is committed to enabling the work lives of our people to thrive through providing a safe, healthy, respectful, and productive workplace environment. This policy applies to:

- all permanent, fixed-term and casual employees of HLG Australia Limited and its related bodies corporate and entities in relation to their employment with HLG Australia; and
- potential employees, work experience placements, interns, volunteers, clients, contractors and other external parties in relation to their engagement with HLG Australia.

This policy applies to the behaviour of everyone who works at HLG Australia during the course of their work:

- in the workplace, including work outside normal working hours;
- during work activities, including dealing with clients and members of the public; and
- at work-related events, including conferences and functions.

## Objective

HLG Australia firmly believes that discrimination, harassment, vilification, victimisation, bullying and unfair treatment in all of its forms is unacceptable. Our Equal Employment Opportunity (EEO) Policy aims to ensure that this behaviour is eliminated from our workplace. Through minimising conduct, actions or activities which may lead to personal injury, we develop a working environment and culture that is fair and enables our people to make a valuable contribution to their role and the business.

This policy sets out HLG Australia's commitment to the promotion of merit-based, fair and equal employment opportunities and benefits. EEO legislation exists in Australia at both the Federal and State levels. The overriding purpose of such legislation in the employment context is to ensure that employees are not detrimentally affected by irrelevant characteristics in any aspect of their employment.

## Key Roles and Responsibilities

HLG Australia has a legal responsibility to prevent harassment, discrimination, bullying and victimisation in the workplace. Accordingly, everyone who works at HLG Australia is responsible for ensuring that they:

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- adhere to the standards of behaviour in this policy at all times while in the workplace and at work-related functions;
- participate in training on this topic as required;
- treat everyone with dignity, courtesy, and respect through not engaging in conduct which is unwelcome or inappropriate;
- refuse to condone discriminatory or unacceptable behaviour by others, informing management of any suspected behaviour of this kind;
- do not use an unlawful ground or attribute of discrimination to decide whether to provide a service to a client, as well as the type of service and manner of service provision; and
- avoid gossip and respect the confidentiality of complaint resolution procedures.

## All HLG Australia employees have the right to:

- fair and open recruitment and selection procedures based on merit;
- work in an environment free from discrimination, bullying and harassment;
- be treated fairly and equitably in all work-related matters, including access to training and career opportunities; and
- have issues or complaints heard and fairly judged, without being victimised.

## Managers

All managers also have the responsibility to:

- provide a workplace free of discrimination, harassment or bullying;
- role model appropriate standards of behaviour;
- ensure that all team members are aware of their obligations under this policy and the law;
- investigate any complaint of discrimination or harassment promptly, confidentially and impartially;
- assist team members to resolve issues of workplace behaviour informally;
- refer formal complaints, issues or questions that have no precedent or require further clarification to a member of the People & Culture team;
- protect any complainant from victimization;
- ensure that all team members are treated equitably; and

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- ensure that recruitment and promotion decisions are based on merit, and no discriminatory requests for information are made.

## Unacceptable Workplace Conduct

Discrimination, bullying, harassment and vilification are unacceptable at HLG Australia and are unlawful under the following legislation:

- Federal: *Age Discrimination Act 2004* (Cth), *Disability Discrimination Act 1992* (Cth), *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth)
- NSW: *Anti-Discrimination Act 1977* (NSW)
- ACT: *Discrimination Act 1991* (ACT)
- Victoria: *Equal Opportunity Act 1995* (Vic)
- Queensland: *Anti-Discrimination Act 1991* (ACT)
- Western Australia: *Equal Opportunity Act 1995* (WA)
- Tasmania: *Anti-Discrimination Act 1998* (TAS)
- Northern Territory: *Anti-Discrimination Act 1996* (NT)

## Discrimination

Discrimination can be defined as treating (or proposing to treat) someone unfavorably 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 (listed below).  
*For example, an employee is refused a 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.

*For example, the only way to enter a public building is by a set of stairs. This indirectly discriminates against disabled people who use wheelchairs as they would be unable to enter the building.*

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While the laws vary slightly across jurisdictions, there are several Federal and State laws which make discrimination unlawful on a variety of grounds (which we call 'unlawful reasons'):

- sex;
- age;
- marital status;
- pregnancy, potential pregnancy or breastfeeding;
- family responsibilities, parent or carer status;
- sexual orientation, intersex status, transgender status or gender identity;
- race, colour, descent, nationality, national origin or ethnicity;
- physical or psychological illness, impairment or disability (including past, present or future);
- physical features;
- social origin;
- medical record;
- political or religious belief or activity;
- trade union or employer association activity or membership; and
- an association with someone who has, or is assumed to have, one of these characteristics.

It is also against the law to treat someone unfavorably because of the assumption that they have a personal characteristic or may have it at some time in the future. Legal action can be taken against individuals who breach this legislation, as well as against HLG Australia. HLG Australia team members should be mindful that their actions do not constitute discrimination.

In some situations, the legislation may provide exceptions to discrimination. For example, while it is unacceptable to discriminate against a person with a disability, what would otherwise be unlawful discrimination may be justified if the person cannot perform the inherent requirements of their position.

## Harassment

Harassment is a form of unlawful discrimination. Harassment includes sexual harassment and other types of harassment, which the law does not allow (e.g. harassment based on other grounds of discrimination such as race, religion, national origin, gender, sexual orientation, age, physical disability or any other inappropriate or unlawful basis).

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In general, harassment is any form of behaviour that is unwanted, causing feelings of exclusion, fear or humiliation. Harassing behaviour includes, but is not limited to; offensive language, innuendo or gestures, inappropriate jokes, intimidation or threats to cause physical harm.

HLG Australia strictly prohibits harassment in any form, whether physical, verbal or non-verbal.

## Sexual Harassment

Sexual harassment is a specific and severe 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. Sexual harassment includes, but is not limited to:

- pressure or demands for dates or sexual favours;
- unnecessary familiarity;
- unwanted physical contact, including kissing or touching;
- sexual jokes, innuendo;
- gender-based insults or taunting;
- offensive telephone calls, messages, emails or social media posts;
- offensive sexual gestures;
- unwelcome comments or questions about a person's sex life;
- display or circulation of sexual material, including via digital and online channels;
- statements of a sexual nature, either verbal or written and either made to a person or in their presence;
- intrusive questions asked at pre-employment interviews; and
- sexual assault.

Sexual harassment is not behaviour that is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment. It is aimed at unwanted and inappropriate attention. Sexual conduct is unwelcome when it is not invited or solicited by the person on the receiving end of the conduct and that person regards the conduct as undesirable or offensive. 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.

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Sexual harassment and victimisation is unlawful under the *Sex Discrimination Act 1984* as well as anti-discrimination legislation operating in every State and Territory. Unless the company has taken all reasonable steps to prevent an employee from committing acts of sexual harassment or victimisation in connection with his or her employment, the company may be deemed vicariously liable for that conduct. Legal action can be taken against individuals who breach this legislation, as well as against HLG Australia.

HLG Australia employees are advised to carefully consider their actions and ensure that they are not behaving in ways that may be considered sexually harassing by their colleagues. HLG Australia may decide that behaviour breaches this policy even if a complaint has not been raised. For example, viewing sexually explicit images on a computer or smart phone at work may constitute sexual harassment under this policy (as well as a breach of HLG Australia's IT Acceptable Use Policy), even if a complaint has not been made against the offender. This behaviour is still unacceptable at work, even if it is not unlawful, and may result in disciplinary action being taken, including termination of employment.

## Vilification

Vilification is a public act that incites, urges or encourages physical harm or hatred, serious contempt or severe ridicule of a particular group of people based on any grounds covered by EEO legislation. Such activity is unlawful if on the grounds of their ethnicity, religion, sexuality, HIV/AIDS or transgender status. An "act" may include forms of written and spoken communication with the public, actions and gestures observable by the public, distribution of vilificatory material to the public, the wearing or display of the material in public, threatening physical harm towards people or their property or inciting other people to threaten physical harm towards people or property.

HLG Australia employees are advised to carefully consider their actions and ensure that they are not behaving in ways that may be considered as vilifying towards their colleagues.

## Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law (or under this policy), made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. A 'detriment' in employment includes demotion, dismissal, transfer, suspension, loss of a benefit, being ostracised from work or work-related social functions, or being the subject of gossip or innuendo. It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

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Legal action can be taken against individuals who breach this legislation, as well as against HLG Australia. HLG Australia employees are advised to carefully consider their actions and ensure that they are not behaving in ways that may be considered as victimisation by their colleagues. Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

HLG Australia does not permit retaliation against a person just because they propose to, have, or are believed to have made a complaint of unacceptable behaviour under this policy, equal opportunity legislation or work health and safety legislation. HLG Australia also does not permit retaliation against a bystander who intervenes to assist someone who may have been subjected to unacceptable behaviour.

## Bullying

Workplace bullying is repeated, unreasonable behaviour directed towards a person that creates a risk to their health and safety. Unreasonable behaviour is that which victimises, intimidates, humiliates, undermines, offends or threatens the person being bullied, or would reasonably be expected to do so. While a single incident of unreasonable behaviour will not amount to bullying, it may have the potential to escalate into bullying or constitute other unlawful behaviour (e.g. assault). It may also be a breach of work health & safety laws or anti-discrimination legislation.

The behaviour can range from very obvious verbal or physical assault to very subtle psychological abuse. In the workplace these can most readily be seen in terms of:

- displaying or spreading offensive material, including via email, text message or social media;
- belittling, insulting or humiliating comments, spreading malicious rumours;
- threatening the individual's work status;
- coercion or pressure to behave in an inappropriate manner;
- teasing, practical jokes, or 'initiation ceremonies';
- threatening personal standing (e.g. ageist or sexist comments);
- isolating or excluding the individual from information, opportunities, outings, etc.;
- giving impossible jobs, deadlines, overwork and undue pressures;
- aggressive or intimidating conduct, including verbal or physical abuse, yelling offensive language;
- unreasonable refusal of requests for leave, training or other workplace benefits; and
- undermining the individual such as demeaning their standard of work, not giving credit, inappropriate blaming, setting up projects to fail, deliberately withholding information a person needs to do their job, and constant unconstructive criticism.



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The above behaviours may be unlawful and they have the potential to create a workplace which is unpleasant, intimidating and humiliating for the victims of bullying. Such conduct can also have harmful effects on productivity. HLG Australia upholds an anti-violence policy meaning that any form of bullying is not tolerated in the workplace and may be subject to disciplinary action, including termination of employment.

For the purposes of bullying, a worker will be 'at work' both in the physical workplace and any location where the worker is engaged in activities (other than work) that are authorised and permitted by HLG Australia (for example, at an HLG Australia sponsored event or when accessing social media in the workplace). Specifically in the case of bullying on social media, comments made about a worker may amount to bullying if they are accessed by the worker while at work, even if the comments were originally posted when the worker was not at work.

Bullying behaviour does not always involve managers ill-treating their team members. The reverse may apply, or it may involve employees bullying their peers, older employees bullying younger ones (and vice versa), members of one sex bullying members of the other (which may also amount to sexual harassment), or longer-serving employees bullying new ones, such as graduates. It is also possible for employees to be subjected to abusive and sometimes violent behaviour from other parties, such as customers.

Bullying does not include reasonable management actions undertaken in a reasonable way. The following behaviours are not bullying:

- asking an employee to perform reasonable duties in keeping with their job;
- directing and controlling how to work is done;
- maintaining reasonable workplace goals and standards;
- informing an employee about unsatisfactory work performance or inappropriate work behavior;
- performance management processes, constructive feedback, counseling or disciplinary action or procedures; or
- any other reasonable management action.

Examples of reasonable management action may include:

- setting reasonable performance goals, standards, and deadlines;
- rostering and allocating working hours where the requirements are reasonable;
- transferring an employee away from their current role or location for operational reasons;



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- deciding not to promote a worker, where reasonable processes are followed and documented;
- informing an employee about unsatisfactory work performance, where done reasonably and in accordance with HLG Australia's policies and agreements;
- implementing organizational changes or restructuring; or
- termination of employment.

## Resolving Issues

Discrimination, harassment in all its forms and bullying are all behaviours that are contrary to HLG Australia's values and culture. If a team member feels they have been, or are being, subject to these kinds of behaviours, HLG Australia encourages the individual to raise it directly with the person involved. This should help to ensure that the other person is fully aware that their behaviour is unwelcome or unacceptable.

If this does not resolve the individual's concerns, or if they are not comfortable raising it directly with the other person, the employee should advise their manager and/or a member of the People & Culture team as soon as possible (see also the Grievance Handling Policy). Team members may also approach these people to seek confidential guidance on discrimination matters (including harassment). If an individual does not feel able to use these reporting channels, they may raise the concern directly with the Whistleblower Officer (see the Whistleblower Policy).

Proven examples of these behaviours may be subject to disciplinary action, which may include termination of employment. If an employee is found to have raised a malicious or false complaint against another person in order to prejudice that person, the employee may also be subject to appropriate disciplinary action, which may include termination of employment or ending the employee's engagement or relationship with HLG Australia. Individuals may also be the subject of a defamation action by the aggrieved party.

## Bystanders

HLG Australia encourages bystanders to support colleagues who may have been subjected to any of the types of unacceptable behaviour referred to in this policy. A 'bystander' is a person who has witnessed or subsequently learned about potentially unacceptable behaviour at HLG Australia.

Bystanders are a vital part of HLG Australia's strategy to prevent unacceptable behaviour. This is because sometimes people affected by this behaviour might not know the behaviour is unacceptable or may feel uncomfortable about coming forward or speaking up. Research

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shows that this can particularly be the case where:

- the person is new to an organization;
- the conduct is engaged in by someone who is superior to the person; or
- the person feels vulnerable in their role e.g., because of their age or gender.

HLG Australia encourages bystanders to provide support to colleagues who may have been subjected to unacceptable behaviour, including by:

- 'calling' unacceptable behaviour when it is seen in the workplace;
- spotting offending behaviour and asking the colleague if they are OK;
- supporting the colleague by providing them with information about this policy and avenues for raising their concerns; or
- reporting the conduct to a manager or member of the People & Culture team.

To the extent possible, HLG Australia will take steps to preserve a bystander's anonymity. Besides, bystanders are protected by the victimisation provisions of this policy.

## Support Options

HLG Australia staff and personnel are reminded of the **Employee Assistance Program (EAP)**, which provides free access to confidential, professional counselling services.

The following external agencies are available for further information and confidential advice:

- Australian Human Rights Commission
- ACT Human Rights Commission
- Anti-Discrimination Board of New South Wales
- Anti-Discrimination Commission of Queensland
- Equal Opportunity Commission Western Australia
- Northern Territory Anti-Discrimination Commission
- Office of the Anti-Discrimination Commission (Tasmania)
- South Australia Equal Opportunity Commission
- Victorian Equal Opportunity and Human Rights Commission

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## Policy Information

**Responsibility:** Managing Director

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