

Workplace Bullying, Harassment & Discrimination Policy & Procedure

Overview

TRP Recruitment are committed to ensuring that both On-Hired & Permanent Employees are working in an environment where people are treated with mutual respect. Workplace Discrimination and Harassment policy has been designed for the mutual benefit of TRP Recruitment and its employees and seeks to comply with legislation of Federal and State Governments regarding any unacceptable workplace conduct. The policy has also been designed to support and work with any corresponding policy, and workplace health and safety procedures adopted by any host employer.

This policy applies to:

- all staff, including: managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers
- how TRP Recruitment provides services to clients and how it interacts with other members of the public
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- on-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their TRP Recruitment duties
- Staff treatment of other staff, of clients, and of other members of the public encountered in the course of their TRP Recruitment duties.

Policy

TRP Recruitment is committed to:

- Ensuring all TRP Recruitment staff, whether permanent or on-hire, treat others with dignity, courtesy and respect;
- Effectively implementing our Workplace Discrimination and Harassment Policy so we can attract and retain talented staff and create a positive environment for staff;
- The well-being of its employees, and enabling its employees to perform their work in a manner which is both productive, and does not jeopardise their own safety or the safety of others.

All staff are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and sexual harassment
- 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, disability, religious beliefs or culture.

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All staff must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, 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.

Breach of Policy

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

- 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).

Staff (including managers) found to have engaged in such conduct will be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

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. For example, a worker is humiliated or harassed because of their age or race.

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 redundancy is decided based on people who have had a worker’s compensation claim rather than on merit.

Bullying

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

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

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

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.

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. It 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 and it can be a single incident – it doesn’t have to be repeated.

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Victimisation

Victimisation 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 victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

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.

Gossip

It is unacceptable for and staff working for or on-hired by TRP Recruitment to talk with other staff members, clients or suppliers about any complaint of 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 and may lead to formal discipline.

What is not Bullying?

Reasonable management actions carried out in a fair way are not bullying. It is reasonable for management to take actions to allocate and manage the work within a workgroup. This may include:

- Setting performance goals, KPI's and deadlines
- Allocating work
- Rostering and allocating work hours
- Transferring a worker from one area of work to another
- Deciding not select a worker for a promotion
- Informing a worker about unsatisfactory work performance
- Informing a worker about inappropriate behaviour
- Implementing organisational changes
- Performance management processes including feedback sessions
- Ending a Casual Assignment due to lack of work & downsizing

Procedure

What can I do if I believe I am being Bullied, discriminated against or Harassed?

TRP Recruitment strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by consulting the appropriate TRP Recruitment Consultant or Representative in the first instance, and the management of the Host Employer in the second instance. It is very important that you do not ignore the circumstances where you feel like you are being bullied as ignoring the behaviour could be wrongly interpreted as approval by the person causing the bullying/harassment.

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Confidentiality

Anyone involved in a complaint of bullying, or its investigation, must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution, or have a 'need to know'. In particular, it is important that staff who either make a complaint, or may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.

TRP & Management's Responsibility

If an employee makes an allegation of bullying/harassment or disclination to TRP's attention we must not:

- Ignore the complaint or tell the person making the complaint to work it out themselves.
- Make a judgement about whether the complaint is true or not.
- Say that the employee should put up with the bullying.
- Talk to anyone about the issue except those involved in the investigation and resolution of the complaint.
- Prejudge the merits of the complaint.

We must:

- Behave consistently with the Workplace Bullying Policy & resolve the complaint as quickly as possible.
- Be sympathetic, sensitive and serious; the complaint is obviously serious to the person making it.
- Enquire into the matter within 24 hours, and attempt to resolve it as soon as possible.
- Take preventative measures in the workplace

TRP'S Steps of Action

Once the complaint has been made the following steps will occur;

- Within the 24-hour timeframe of the complaint being made, the TRP Representative in conjunction with the WHS Representative will document the complaint using the TRP Incident/Accident/Hazard Notification form in person with the employee.
- The complaint will be treated in the strictest confidence by TRP recruitment and handled with the utmost integrity and respect of the person making the complaint.
- If the complaint is of a serious nature and could potentially impact any individuals or harm any individuals on the worksite further, TRP will make the decision to remove one or both parties.
- If the complaint is made against an employee of the Host Employer, the Host Employer will be contacted by the TRP Representative, given a copy of the Incident Report and discuss with the Host Employer what their next steps are according to their Workplace Bullying & Harassment Policy & Procedure. The employee will in turn be advised of the Host Employers next Steps.
- If the complaint is made against an employee of TRP Recruitment, the employee will be given a copy of this Policy and Procedure so that they understand what to expect during the TRP investigation, what the possible outcomes may be and be advised who will be investigating the complaint.

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- The Investigation will be made by an impartial person, usually the TRP WHS Representative, however in the event that this is not an impartial person to the investigation, another suitably qualified person will be nominated.
- The investigation will gather all facts including statements from both parties, witnesses and documentation to support the allegations. During the investigation at all times the complainant will be consulted and their best interests will be maintained as a priority.
- Counselling will be offered to the complainant in the form of EAP

Outcome

If the investigation results in a substantiated complaint of bullying, harassment or discrimination, then the outcomes could be as follows:

- An apology may be required from the respondent
- TRP may make changes to the work practises
- Disciplinary action may be undertaken or the person may be removed permanently from site
- Training may be required
- Any other action that is deemed fair & reasonable

The investigation may result in a situation where there is insufficient evidence or information to form a resolution, and if this is the case all parties will be advised of such. Outside mediation may be a consideration in resolving a complaint if the investigation has been deemed inadequate by the person making the complainant.

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