

# Workplace Behaviour Policy and Procedure

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## 1. Purpose

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The purpose of the policy is to:

- create a working environment which is free from unlawful discrimination, harassment, sexual harassment, bullying, vilification and victimisation and where all workplace participants are treated with dignity, courtesy and respect;
- implement awareness raising strategies to ensure that all workplace participants know their rights and responsibilities. Among other things, this may include training, providing copies of the policy to employees and discussion at meetings;
- ensure workplace participants are treated fairly on the basis of merit and not on the basis of irrelevant personal characteristics such as their age, sex, race or disability;
- provide a comprehensive procedure for dealing with complaints of harassment, sexual harassment, discrimination, vilification, victimisation and/or bullying if they occur;
- explain the procedure to follow if there is a suspected breach of this policy and encourage reporting of suspected breaches;
- treat all complaints in a sensitive, fair, timely and discreet manner;
- prevent victimisation or reprisals; and
- promote appropriate standards of conduct at all times.

## 2. Related policies and procedures

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This policy is to be read in conjunction with our related policies and procedures, including:

- Information Technology Policy;
- Social Media Policy;
- Secondary Employment Policy;
- OH&S Policy;
- Critical Incident Policy and Procedures;
- Privacy policy

## 3. Scope

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This policy applies to everyone who works at Leo Cussen including employees, potential employees, volunteers and contractors, regardless of whether or not they work full-time, part-time or as casuals. It also applies to Leo Cussen's clients. The general term used to describe these people is 'workplace participants'.

Similar guidelines, in the form of the 'Leo Cussen Graduate Workplace Conduct Policy' apply to graduates undertaking the Practical Training Courses.

## 4. Policy

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Leo Cussen Centre for Law (Leo Cussen) is committed to promoting a working environment that is free from unlawful discrimination, harassment, sexual harassment, bullying, vilification, victimisation and adverse action. Behaviour of this kind will not be tolerated under any circumstances and appropriate action will be taken against any employee who breaches this policy.

To ensure that the organisation can meet this commitment, it requires all workplace participants to treat each other with respect and courtesy in the workplace and refrain from unlawful behaviour.

## 5. Responsibilities

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This policy covers:

- conduct in the workplace and in situations where work is performed away from the workplace;
- conduct in the provision of goods and services to clients;
- all aspects of the employment relationship from recruitment, throughout the period of an employee's employment (e.g. in the access an employee has to training, promotion, remuneration benefits) to termination;
- communication through email, text messaging and social media;
- situations directly connected with employment such as work-related travel, business meetings, and social events such as end of year functions; and
- conduct outside of working hours that could bring Leo Cussen into disrepute or cause embarrassment or harm to others who participate in the workplace.

## 6. Relevant Legislation

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Leo Cussen and all workforce participants are subject to the relevant legislation applying to discrimination, harassment, sexual harassment, vilification, victimisation and bullying in the workplace. For further details, please refer to Appendix 1.

## 7. Definitions

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### 7.1. Discrimination and harassment

Leo Cussen will not tolerate unlawful discrimination or harassment in the workplace. Any employee found to have unlawfully discriminated against or harassed another workplace participant may be the subject of disciplinary action which may result in termination of employment. Appropriate action will also be taken where a workplace participant who is not an employee is found to have unlawfully discriminated against or harassed another workplace participant.

### 7.2. Meaning of discrimination

Discrimination occurs when a person or group is treated less favourably than another due to a characteristic that is protected by legislation e.g., age, gender, race, disability or marital status. Unlawful discrimination can occur either directly or indirectly.

Direct discrimination is any action which specifically excludes a person, or a group of people from a benefit or opportunity, or significantly reduces their chances of obtaining it because a personal characteristic, irrelevant to the situation, is applied as a barrier. That is, a person, or group of people is treated less favourably than others on the basis of a characteristic listed as a ground of discrimination, e.g. age, sex, race, disability or marital status.

Indirect discrimination may occur if the outcome of rules, practices and decisions, which appear to treat people equally and to be neutral, actually has an adverse effect on a group of people or an individual (as appropriate) thus reducing a benefit or opportunity. Practices appear fair in form but are discriminatory in outcome.

An example of indirect discrimination is a height requirement for a job. Generally speaking, men are taller than women. Accordingly, the requirement to be of a particular height will mean less women than men will be eligible for the employment.

However, the discrimination will not be unlawful if the requirement is reasonable in the circumstances.

In addition to sexual harassment (dealt with in clause Error! Reference source not found.), the Sex Discrimination Act 1984 prohibits "harassment on the grounds of sex". The prohibition on employees engaging in harassment set out in clauses 7.2 and 7.3 Error! Reference source not found. is intentionally broader than the requirements of the Sex Discrimination Act. As set out below, harassment for any protected attribute will breach the terms of this policy.

### 7.3. Meaning of harassment

Harassment is described as any unwelcome and uninvited behaviour (verbal, non-verbal, physical, written or visual) which has no legitimate workplace function, and which intimidates, humiliates or offends another person or persons. Harassment on the basis of a ground of discrimination such as sex, age, marital status, race, disability is unlawful.

In harassment cases, the intention of the alleged harasser is irrelevant. What is important is what a reasonable person would think of the situation. Harassment can be a single or repeated act of offensive behaviour.

Legal action for harassment can be taken against workplace participants as individuals. Leo Cussen can also be held vicariously liable for the behaviour of workplace participants who engage in harassment. There is no requirement that, before making a complaint under legislation, a person being harassed must advise the alleged harasser that their behaviour is unwelcome.

#### **7.4. Ground of discrimination and harassment**

A list of the grounds on which it is unlawful to discriminate against and/or harass others in the workplace can be found in Appendix 2. This list combines the grounds that apply under commonwealth, state and territory legislation.

#### **7.5. Sexual harassment**

Leo Cussen will not tolerate sexual harassment in the workplace. Any employee found to have sexually harassed another workplace participant may be the subject of disciplinary action which may result in termination of employment. Appropriate action will also be taken where a workplace participant who is not an employee is found to have sexually harassed another workplace participant.

#### **7.6. Responsibilities of all workers**

Sexual harassment is any unwelcome conduct of a sexual nature which has the possibility of intimidating, humiliating or offending another person or persons.

Sexual harassment is against the law and legal action for sexual harassment can be taken against individuals who participate. Leo Cussen can also be held vicariously liable for the behaviour of workplace participants who engage in sexual harassment.

In relation to allegations of sexual harassment, the intention of the alleged harasser is irrelevant. What is important is whether a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct. Workplace participants may not always realise that the behaviour constitutes sexual harassment, but they must recognise that what is acceptable to one person may not be acceptable to another.

Harassment can be a single or repeated act of offensive behaviour. Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect that is invited, consensual or reciprocated.

#### **7.7. Examples of sexual harassment**

Sexual harassment may include:

- staring or leering;
- wolf whistling;
- unnecessary familiarity, such as deliberately brushing up against a person, touching, hugging, patting, pinching or fondling;
- suggestive comments or jokes;
- sexually explicit conversation or telephone calls;
- offensive and suggestive body language;
- insults or taunts of a sexual nature;
- unwelcome questions or comments about a person's sex life, appearance or dress;
- sexual demands, requests for sex or unwanted requests to go out on dates;
- displaying offensive objects, calendars, posters, magazines or screen savers;
- accessing sexually explicit internet sites;

- sending emails or text messages containing inappropriate advances or sexually explicit content;
- inappropriate content sent or posted via a social media site; including inappropriate advances or content of a sexual nature;
- electronically storing, distributing or displaying sexually explicit pictures or videos; and
- behaviour that may also be considered to be a criminal offence, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

## 7.8. Vilification

Leo Cussen will not tolerate vilification in the workplace. Any employee found to have engaged in vilification may be the subject of disciplinary action which may result in termination of employment. Appropriate action will also be taken where a workplace participant who is not an employee is found to have engaged in vilification.

## 7.9. Meaning of vilification

Vilification is a public act which incites, encourages, or urges others to hate, have serious contempt for, or severely ridicule, a person, or group of people because they are (or are thought to be) members of a particular group. Vilification has no justification in "free speech". Racial vilification is unlawful under the Racial Discrimination Act 1975 and the following form(s) of vilification are also prohibited under state/territory law:

Vilification outlawed in the relevant state or territory, includes:

NSW – homosexual vilification, transgender vilification, HIV/AIDS vilification

Victoria – racial and religious vilification

Queensland – vilification on the basis of race, religion, sexuality or gender identity

Tasmania – vilification on the basis of race, disability, sexual orientation, lawful sexual activity and or religious belief, affiliation or activity

South Australia – racial vilification

Western Australia – incitement to racial hatred/vilification

ACT – vilification on the basis of race, disability, gender identity, HIV/Aids status, religious conviction, sexuality

## 7.10. Bullying

Leo Cussen will not tolerate bullying in the workplace. Any employee found to have bullied another workplace participant may be the subject of disciplinary action which may result in termination of employment. Appropriate action will also be taken where a workplace participant who is not an employee is found to have bullied another workplace participant.

## 7.11. Meaning of bullying

Workplace bullying is repeated, unreasonable behaviour directed towards a worker, or group of workers, which creates a risk to a worker's mental or physical health and safety.

Unreasonable behaviour is that which a reasonable person, having regard to all the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening. Risk to health and safety includes risk to the psychological, emotional or physical health of the person.

Repeated behaviour does not necessarily refer to repeated instances of the same type of unreasonable behaviour. A pattern of behaviour involving a series of different types of unreasonable behaviour may constitute bullying.

Bullying can lead to serious breaches of occupational health and safety laws, claims under the *Fair Work Act* and can also be prosecuted under common law.

Bullying involving threatened or actual physical violence can also lead to the possibility of criminal charges.

### 7.12. What is not bullying?

Reasonable management action carried out in a reasonable manner does not amount to workplace bullying. All employers have a legal right to direct and control how work is done.

Reasonable management action can include:

- allocating work;
- rostering work hours;
- setting performance goals and deadlines;
- giving fair and constructive feedback on a worker's performance;
- informing a worker about unsatisfactory work performance or inappropriate behaviour;
- restructuring the workplace or other significant change regarding how work is done;
- deciding not to award or provide a promotion, transfer, or benefit in connection with an employee's employment; or
- action taken in a reasonable manner to demote, discipline, counsel, retrench or dismiss an employee.

### 7.13. Conflict at work

People are bound to have occasional differences of opinion, and these are a normal part of working life. Disagreements can leave people feeling upset, but they should not be confused with bullying behaviour.

### 7.14. Examples of bullying behaviour

Examples of bullying behaviour include:

- isolating or excluding a person from a work team;
- psychological abuse which destroys self-esteem and confidence;
- sabotaging another's work;
- ridiculing another's opinions;
- unfair or excessive criticism;
- spreading rumours;
- targeting a person via social media tools (e.g. Twitter, Facebook, Instagram or YouTube);
- setting impossible deadlines; and
- using aggressive language.

### 7.15. Individual and vicarious liability

All workplace participants are responsible for their own behaviour and can be held personally legally liable as individuals for behaviour that is unlawful; including discriminatory, harassing or bullying behaviour. If a court finds that a workplace participant has discriminated against, harassed, vilified, sexually harassed, bullied or victimised someone else at work, the court may order the workplace participant to pay compensation to the other person or otherwise rectify the behaviour.

Leo Cussen is also responsible for ensuring proper standards of behaviour at work and can be held legally liable for all behaviour at work and can also be held vicariously liable for workplace participant's behaviour, unless Leo Cussen has taken reasonable steps to prevent that person from committing acts of sexual harassment, discrimination, vilification, bullying or victimisation in connection with his or her employment, or engagement as a workplace participant.

## 7.16. Victimisation

Victimisation is the term used to describe any "pay-backs", retribution or intimidation associated with a discrimination or harassment complaint. Victimisation refers not only to intimidation of the person making a complaint, but also to the alleged harasser or discriminator, witnesses, supporters and those resolving or investigating any complaints.

There is also legislation which makes it unlawful to victimise someone who has made a complaint relating to bullying.

Workplace participants must not victimise or treat adversely anyone involved in a complaint of discrimination, harassment, sexual harassment or bullying. Persons found to have victimised another workplace participant may be subject to disciplinary processes.

## 7.17. Contact officers

Contact officers are employees of the organisation trained to provide information and support on EEO issues. They can assist people involved in complaints relating to harassment, discrimination and bullying by providing information about the organisation's policies and complaint resolution procedures.

It is the responsibility of contact officers to:

- be a first point of contact for people who have concerns about inappropriate behaviour and provide support for these people;
- provide information about options to resolve issues or concerns about inappropriate behaviour;
- maintain confidentiality; and
- understand the organisation's procedures for the resolution of complaints.

It is not the responsibility of contact officers to:

- act as the advocate for a workplace participant;
- investigate or determine the outcome of formal complaints; or
- act as mediator in a formal complaint process.

The current contact officers for Leo Cussen are set out in Appendix 3.

## 8. Responsibilities

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### 8.1. Responsibilities of all workplace participants

It is the responsibility of all workplace participants to:

- understand and comply with this policy and to seek further information if unclear;
- comply with the requirements of this policy;
- treat all workplace participants fairly and with respect;
- not harass, sexually harass, bully, vilify, victimise or unlawfully discriminate against other workplace participants (including employees, contractors, clients, suppliers);
- report any incidents of harassment, sexual harassment, bullying, vilification, victimisation or discrimination that they experience or see happening around them to an appropriate manager;
- ensure they do not victimise any person involved in a complaint of harassment or discrimination;
- ensure they do not vilify another person or group of people; and
- ensure that, if involved in complaints, confidentiality is maintained.

## 8.2. Additional responsibilities of managers

In addition to the individual responsibilities set out above, it is the responsibility of managers to:

- promote and develop a harassment and discrimination free work environment;
- when recruiting or making decisions about promotion or re-deployment, apply non-discriminatory screening and interviewing processes;
- when using labour hire or temporary staff, request that agencies apply non-discriminatory screening and interviewing processes;
- model appropriate behaviour;
- ensure that all employees who report to them are aware of this policy and the organisation's expectations that they behave respectfully and tolerantly;
- know Leo Cussen's procedures for the resolution of complaints;
- treat all complaints seriously and follow appropriate procedures for investigating complaints of harassment and discrimination;
- refer complaints to another appropriate person if there is a conflict of interest;
- monitor the work environment and take immediate action to deal with any behaviour which breaches the organisation's policies;
- ensure victimisation does not occur; and
- take suitable disciplinary action against any person found to have victimised, vilified, harassed, bullied or discriminated against another workplace participant.

## 8.3. Responsibilities of the Head of People and Culture

It is the responsibility of the Head of People and Culture to:

- be a point of contact for employees who have concerns about inappropriate behaviour;
- act impartially if involved in investigating complaints of harassment, bullying or discrimination in the workplace; and where appropriate, refer complaints to another employee or external source for investigation;
- maintain confidentiality and take responsibility for the safe-keeping of confidential documents;
- assist employees in the resolution of any complaint; and
- know, assist and advise employees about Leo Cussen's procedures for the resolution of complaints.

## 9. Breaching Policy

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Any employee found to have acted inappropriately or in a manner contrary to Leo Cussen's stated position in this policy may be the subject of disciplinary action and if appropriate, termination of employment.

Any breach of this policy by another workplace participant will be dealt with under the relevant contract of engagement and may result in termination of the contract. Workplace participants should also be aware that legal action can be taken against them personally if they discriminate against, harass, vilify, sexually harass, bully or victimise another person at work.

## 10. Procedures

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### 10.1. Method of handling complaints/concerns

The following procedure is designed to help address any concerns raised by employees about incidents of harassment, discrimination and bullying or other offensive workplace behaviour.

The handling of any such issues will be:

- **Confidential.** Only the people directly involved in making or investigating a complaint will have access to information about the complaint. Other employees (e.g. as witnesses) or managers may be involved but only on a need to know basis. Any documents prepared as part of the resolution process are confidential.
- **Impartial.** Both sides will have a chance to tell their side of the story. No assumptions will be made and no action will be taken until all relevant information has been collected and considered.
- **Free of repercussions.** No action will be taken against anyone for making a complaint or helping someone make a complaint provided the complaint is made in good faith. Management will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint or is involved in a complaint.
- **Timely.** All complaints will be dealt with as quickly as possible in the circumstances.

### 10.2. Complaint resolution procedure

This policy sets out complaint resolution options where employees are subject to behaviour in breach of this policy.

The terms 'informal' and 'formal' do not relate to how serious a concern is but related to how formal (or investigative) the process is.

- **Step 1** - If the individual feels confident to do so, try to resolve the matter directly with the other party involved by letting the person responsible for the behaviour know that the behaviour is offensive and unacceptable. The individual can seek information or support from a contact officer at this stage.
- **Step 2** - If the incident is unable to be resolved directly between those involved, the issue should be referred to a supervisor or manager or the Head of People and Culture for assistance to try to resolve this issue. Where appropriate, the supervisor or manager will try to resolve the issue informally (e.g. by talking to both parties separately or together or arrange a mediation if appropriate in the circumstances.)
- **Step 3** - If informal resolution is not appropriate or has not been successful, a more formal approach will be necessary which would include an investigation in most cases.

#### Formal resolution process

The formal process is a formal investigation of a complaint with a key objective of establishing whether a complaint is substantiated or not. Whether a complaint is substantiated or not is determined after an investigation and consideration of the evidence. It is decided on a balance of probabilities. That is, is it more probable than not that the conduct complained of did or did not occur and if it did occur, does it constitute a breach of this policy.

The complaint should be formally recorded in writing and, where possible, include:

- the name of the person(s) against whom the complaint is made;
- the nature of the allegation(s);
- dates and times when incidents occurred;
- names of any witnesses to incidents;
- any action already taken by the complainant to stop the offensive behaviour.
- The steps involved in a formal complaint are usually as follows:

- the complainant is interviewed, and the allegations are set out in writing;
- the allegations are communicated to the respondent;
- the respondent is given the opportunity to respond to the allegations;
- if there is a dispute over relevant facts, statements from any witnesses and other relevant evidence may be gathered;
- a finding is made as to whether the complaint has substance; and
- a decision is made on a course of action to resolve the complaint.

Any investigation will be kept confidential, on a need to know basis.

**Note:** Leo Cussen may need to investigate or take other action in relation to a complaint where serious allegations are made. This may be the case even if an individual does not want to make a formal complaint.

### Working arrangements during an investigation

During a complaint resolution process, working arrangements may be altered to protect the safety and wellbeing of those involved in the complaint process, to prevent victimisation and to protect the integrity of the investigation process.

## 10.3. Resolution

Action taken to resolve a complaint is dependent on the circumstances involved. A range of actions could be taken to resolve a complaint. These include:

- seeking an apology;
- seeking an undertaking that the behaviour will cease;
- formal counselling of the respondent to the complaint;
- mediation;
- disciplinary action, e.g. transfer, formal warning, termination of employment;
- awareness raising / training session;
- dismissing the complaint; and
- encouraging a workplace participant to report a matter to the police if appropriate.

## 10.4. If complaint not substantiated

If, after thorough investigation, the organisation decides that there has been no breach of policy or is unable to substantiate a complaint, the following steps will be taken:

- the reasons for the decision will be explained to the parties involved;
- the complainant will be advised of their right to take the matter to external organisations or jurisdictions;
- any notes concerning the allegations will not be kept on either party's personnel file - a separate and confidential file of the incident will be kept; and
- a watching brief will be maintained on the situation after the investigation.

## 10.5. Misuse of complaint process

If, after investigation, an employee is found to have:

- made a false or frivolous complaint; or
- deliberately supplied false or misleading information in relation to a complaint or its investigation;

the employee may face disciplinary action which may include termination of employment.

## 10.6. Complaints by other workplace participants

If a complaint is made by a workplace participant who is not an employee, the organisation will attempt to resolve the complaint. Where necessary, an investigation will be carried out and appropriate action will be taken.

## 10.7. Other resources

In investigating discrimination, harassment or bullying complaints, it may be necessary for Leo Cussen to use resources from outside the organisation to help resolve the situation. These may include:

- use of an independent investigator; or
- use of an independent mediator (where both parties agree to mediation).

Any decision to involve outside assistance will be communicated to the parties involved where relevant.

## 10.8. Method of handling complaints/concerns

Information and assistance in resolving complaints of harassment, discrimination, or bullying may also be provided by the external contacts set out in Appendix 4.

## 11. Employee assistance

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Leo Cussen encourages employees to seek assistance where they believe that personal problems may adversely affect their work performance, health, and well-being. Employees may choose to access services available via Leo Cussen's Employee Assistance Program (EAP).

Further information about the EAP, is available from:

[https://leocussen.elmotalent.com.au/uploads/leocussen/files/LifeWorks%20%20EAP%20Briefing%2012\\_10.pptx](https://leocussen.elmotalent.com.au/uploads/leocussen/files/LifeWorks%20%20EAP%20Briefing%2012_10.pptx)

## 12. Policy status

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<b>Policy Owner</b>	<b>People and Culture</b>
<b>Approval Date</b>	6 July 2023
<b>Effective Date</b>	7 August 2023
<b>Review Date*</b>	December 2023
<b>Last amended</b>	

**\* Unless otherwise indicated, this policy and procedure will still apply beyond the review date**

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Printed versions of this document are not controlled. Please refer to the Leo Cussen Policy Library for the latest version.

## Appendix 1: Relevant legislation

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Leo Cussen and its employees and contractors are subject to the relevant legislation applying to discrimination, harassment, victimisation, vilification and bullying in the workplace. Workplace bullying is covered by work health & safety legislation.

### Commonwealth legislation

*Fair Work Act 2009*  
*Racial Discrimination Act 1975*  
*Sex Discrimination Act 1984*  
*Disability Discrimination Act 1992*  
*Age Discrimination Act 2004*  
*Australian Human Rights Commission Act 1986*

### State & territory anti-discrimination legislation

*Anti-Discrimination Act 1977 (NSW)*  
*Equal Opportunity Act 2010 (Vic)*  
*Racial and Religious Tolerance Act 2001 (Vic)*  
*Anti-Discrimination Act 1991 (Qld)*  
*Equal Opportunity Act 1984 (SA)*  
*Racial Vilification Act 1996 (SA)*  
*Equal Opportunity Act 1984 (WA)*  
*Spent Convictions Act 1988 Pt3 Div 3 (WA)*  
*Criminal Code Act 1913 (WA) - Chapter XI - Racist Harassment and Incitement to Racial Hatred*  
*Anti-Discrimination Act 1998 (Tas)*  
*Discrimination Act 1991 (ACT)*  
*Anti-Discrimination Act 1996 (NT)*

### Work health & safety legislation

*Work Health and Safety Act 2011 (Cth)*  
*Work Health and Safety Act 2011 (NSW)*  
*Work Health and Safety Act 2011 (Qld)*  
*Work Health and Safety Act 2012 (SA)*  
*Work Health and Safety Act 2012 (Tas)*  
*Work Health and Safety Act 2011 (ACT)*  
*Work Health and Safety (National Uniform Legislation) Act 2011 (NT)*  
*Occupational Health and Safety Act 2004 (Vic)*  
*Occupational Health and Safety Act 1984 (WA)*

## Appendix 2: Grounds of discrimination and harassment

It is unlawful to discriminate against others in the workplace on the grounds set out in the table below. The table below shows the grounds that apply under state, territory and commonwealth legislation.

Attribute	FEDERAL	VIC	NSW	QLD	SA	WA	TAS	ACT	NT
<i>Accommodation Status</i>								Yes	
<i>Age</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Breastfeeding</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Carer's responsibilities</i>	Yes	Yes	Yes		Yes			Yes	
<i>Disability/impairment (including physical, intellectual or psychiatric)</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Employment activity</i>	Yes	Yes							
<i>Employment Status</i>								Yes	
<i>Family responsibilities/parenthood</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Family or domestic violence</i>								Yes	
<i>Gender identity/gender history/transgender</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
<i>Genetic predisposition to disability</i>	Yes	Yes	Yes				Yes	Yes	
<i>Identity of spouse or domestic partner</i>					Yes				
<i>Industrial activity</i>	Yes	Yes		Yes			Yes	Yes	Yes
<i>Intersex status/sexual characteristics</i>	Yes		Yes		Yes		Yes		
<i>Irrelevant or spent criminal record</i>	Yes					Yes	Yes	Yes	Yes
<i>Irrelevant medical record</i>	Yes						Yes		Yes
<i>Lawful sexual activity</i>		Yes		Yes			Yes		
<i>Marital status/relationship status/domestic partnership status</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Physical features</i>		Yes						Yes	
<i>Political opinion, belief, conviction, affiliation or activity</i>	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes
<i>Potential pregnancy</i>	Yes		Yes		Yes		Yes	Yes	Yes
<i>Pregnancy</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Profession, trade, occupation or calling</i>								Yes	
<i>Publication of details under fines/infringements legislation</i>						Yes			Yes
<i>Race (including colour, descent, or national or ethnic origin)</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Religion or religious belief or religious conviction</i>	Yes	Yes		Yes		Yes	Yes	Yes	Yes
<i>Sex</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Sexual orientation/sexuality</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

## Appendix 3: Contact officers and their contact details

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*Once identified and trained provide list of names and contact details for each contact officer here. Generally, it is recommended to have at least two contact officers for each workplace or state.*

## Appendix 4: Contact details for relevant external agencies

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### EEO and discrimination agencies

The following agencies provide information and promote awareness of discrimination and equal opportunity issues. Complaints can be made to these agencies on issues of discrimination, harassment, victimisation and vilification.

#### Commonwealth

Australian Human Rights Commission <http://www.humanrights.gov.au>

#### New South Wales

Anti-Discrimination Board of NSW <http://lawlink.nsw.gov.au/adb>

#### Victoria

Victorian Equal Opportunity and Human Rights Commission [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

#### Queensland

Anti-Discrimination Commission Queensland [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)

#### South Australia

Equal Opportunity Commission [www.eoc.sa.gov.au](http://www.eoc.sa.gov.au)

#### Western Australia

Equal Opportunity Commission [www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)

#### Tasmania

Office of the Anti-Discrimination Commissioner [www.antidiscrimination.tas.gov.au](http://www.antidiscrimination.tas.gov.au)

#### Australian Capital Territory

ACT Human Rights Commission [www.hrc.act.gov.au](http://www.hrc.act.gov.au)

#### Northern Territory

Northern Territory Anti-Discrimination Commission [www.nt.gov.au/justice/adc](http://www.nt.gov.au/justice/adc)

### Fair Work Ombudsman

The Fair Work Ombudsman has the power to investigate complaints by employees about breaches of the general protections provisions which include workplace discrimination and adverse action for exercising a workplace right such as making a complaint of discrimination, harassment or bullying.

[www.fairwork.org.au](http://www.fairwork.org.au)

### Fair Work Commission

A worker who reasonably believes that he or she has been bullied or sexually harassed at work can apply to the Commission for an order to stop the bullying or sexual harassment. The Commission must start to deal with the application within 14 days.

From 6 March 2023, the Fair Work Commission has jurisdiction to accept complaints about sexual harassment and, where parties agree, arbitrate the complaint.

[www.fwc.gov.au](http://www.fwc.gov.au)

### Victorian Legal Services Board

You can access the VLSB sexual harassment complaint process: <https://lsbc.vic.gov.au/lawyers/practising-law/sexual-harassment/making-complaint-vlsbc-about-sexual-harassment>

### Work health and safety

Bullying, harassment and discrimination can be considered a work health and safety (WHS) issue. WHS legislation varies and is administered separately by the relevant government body in each state or territory. Contact details for the state and territory bodies responsible for administering WHS legislation are set out below.

#### New South Wales

WorkCover NSW [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

**Victoria**

WorkSafe Victoria [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)

**Queensland**

Workplace Health and Safety Queensland [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au)

**South Australia**

SafeWork SA [www.safework.sa.gov.au](http://www.safework.sa.gov.au)

**Western Australia**

WorkSafe WA [www.commerce.wa.gov.au/WorkSafe](http://www.commerce.wa.gov.au/WorkSafe)

**Tasmania**

Workplace Standards Tasmania [www.wst.tas.gov.au](http://www.wst.tas.gov.au)

**Australian Capital Territory**

WorkSafe ACT [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)

**Northern Territory**

NT WorkSafe [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au)

**Acknowledgement**

*I acknowledge that I have read and understood Leo Cussen’s Workplace Behaviour Policy and Procedure. I agree to comply with the Discrimination, Harassment & Bullying Policy and understand that failure to do so may result in disciplinary action, including termination of employment.*

Signature:

Date:

Name: