




EQUAL EMPLOYMENT OPPORTUNITY POLICY

NOVEMBER 2021

PREPARED FOR
Water Modelling Solutions

Details	
Title	Equal Employment Opportunity Policy
Prepared for	Water Modelling Solutions
Document Name	Equal_Employment_Opportunity_Policy.docx

Document Control					
Revision	Author	Reviewer	Approved for Issue		
			Name	Signature	Report Date
A	BLB	MBA	B. Boulton		12/09/2017
B	ARL	MBA	M. Balicki		21/03/2018
C	ARL	MBA	M. Balicki		22/11/2021

Revision Status	
Revision	Description
A	Final
B	Updated Formatting
C	Updated Entity

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1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

1.1 POLICY STATEMENT

Water Modelling Solutions (WMS) recognises the need to ensure personal safety of its personnel. To support this, WMS aims, through prevention strategies, to provide a workplace that is free from unlawful discrimination, sexual harassment, workplace bullying and vilification in which employees are treated fairly, with respect and with dignity.

Unlawful discrimination, sexual harassment, workplace bullying and vilification will NOT be tolerated in WMS' workplaces.

This policy applies to all staff including contractors and covers all work-related functions and activities including external training courses sponsored by WMS. It also applies for all recruitment, selection and promotion decisions.

The objective of WMS' Equal Opportunity Policy is to improve business success by:

- Attracting and retaining the best possible employees;
- Providing a safe, respectful and flexible work environment; and
- Delivering our services in a safe, respectful and reasonably flexible way

1.2 UNLAWFUL DISCRIMINATION, SEXUAL HARASSMENT AND WORKPLACE BULLYING

WMS is committed to providing a workplace free from unlawful discrimination, sexual harassment and bullying. Behaviour that constitutes unlawful discrimination, sexual harassment or workplace bullying will NOT be tolerated and will lead to action being taken, which may include the termination of employment.

Unlawful discrimination means treating a person less favourably because of a personal attribute they have which is covered by equal opportunity laws. Under both state and federal equal opportunity laws, discrimination based on any of the following is unlawful:

- Sex;
- Relationship status;
- Pregnancy;
- Parental status;
- Breastfeeding;
- Age;
- Compulsory retirement;
- Race;
- Impairment;
- Religious belief or religious activity;
- Political belief or political activity;
- Trade union activity;
- Lawful sexual activity;
- Gender identity;
- Sexuality;
- Family responsibilities; and
- Association with, or relation to, a person identified on the basis of any the attributes above.

It is WMS' policy to ensure that these attributes are not taken into account when employment decisions are being made and that no employee is harassed because of any of the attributes. All employees should also ensure that no discrimination or harassment occurs against customers or clients.

Sexual harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours or engages in other unwelcome conduct of a sexual nature in circumstances which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Some examples of what might be considered sexual harassment are:

- Unwanted touching;
- Indecent or sexual assault;
- Sexual propositions;
- Obscene telephone calls;
- Offensive or pornographic calendars and posters;
- Offensive or obscene language;
- Crude jokes, racist or sexist jokes;
- Leering or staring;
- Persistent requests for outings/dates;
- Asking inappropriate questions; and
- Making derogatory comments about gender, race or disability.

Workplace bullying occurs to a worker if an individual, or group of individuals, repeatedly behave unreasonably towards a worker and that behaviour creates a risk to health and safety. Bullying can be psychological, verbal or social.

Some examples of what might be considered workplace bullying are:

- Behaviour that victimises, intimidates, humiliates or threatens a worker (possibly in front of fellow team members);
- Abusive, insulting or offensive language or comments;
- Unjustified criticism or complaints;
- Withholding information that is vital for effective work performance;
- Setting tasks that are unreasonably below or beyond a person's skill level;
- Denying access to information, supervision, consultation or resources to the detriment of the worker;
- Spreading misinformation or malicious rumours;
- Humiliating someone through sarcasm, criticism and insults in front of other colleagues;
- Making jokes about other employees in the presence of their colleagues;
- Changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers;
- Acts of sexual harassment or discrimination can sometimes constitute bullying;
- Setting unrealistic work targets and or impossible deadlines;
- Deliberate isolation from other Employees; and
- Physical abuse.

1.3 VILIFICATION

Vilification is behaviour that:

- Happens in a public place; and
- Incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity.

Workplaces can be considered public places. This means that any conduct which can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered to have happened in a public place.

Some examples of vilification are:

- Placing a poster or sticker on the customer service counter which incites others to hate people because of their race, religion, sexuality or gender identity;
- Hate-graffiti written on work toilet walls which incites hatred because of race, religion sexuality or gender identity;
- Wearing of symbols, badges or clothing in the workplace with slogans that incite hatred; and
- An employee abusing a person because of their race, religion, sexuality or gender identity in the workplace which encourages others to hate people of that race, religion, sexuality or gender identity etc.

2 COMPLAINTS

2.1 PROCEDURE: MAKING A COMPLAINT

If you believe that you are being, or have been, discriminated against, sexually harassed or bullied, then you should follow this procedure:

1. Tell the offender that the behaviour is offensive, unwelcome, and against business policy and should stop (only if you feel comfortable enough to approach them directly, otherwise speak to your manager). It is important to tell the offender as they may interpret your silence as consent. Keep a written record of the incident(s). Note any other employees that may have witnessed the incident(s).
2. If the unwelcome behaviour continues, contact your supervisor or manager for support. If this is inappropriate, you feel uncomfortable or the behaviour persists, contact another relevant senior manager.

Employees should feel confident that any complaint they make is to be treated as confidential as far as possible. You will not be victimised or treated unfairly for raising a complaint.

2.2 PROCEDURE: RECEIVING A COMPLAINT

When a manager receives a complaint or becomes aware of an incident that may contravene WMS' Equal Employment Opportunity policies or other policies, the following procedure should be followed:

- Listen to the complaint seriously and treat the complaint confidentially. Allow the complainant to bring another person to the interview if they choose to;
- Ask the complainant for the full story, including what happened, step by step;
- Take notes, using the complainant's own words;
- Ask the complainant to check your notes to ensure your record of the conversation is accurate; and
- Explain and agree on the next action with the complainant.

If an investigation is not requested (and the manager is satisfied that the conduct complained is not in breach of WMS' Equal Employment Opportunity policies) then the manager should:

- Act promptly;
- Maintain confidentiality; and
- Pass any notes on to the manager's manager.

If an investigation is requested or is appropriate, follow the next procedure.

2.3 PROCEDURE: INVESTIGATING A COMPLAINT

At WMS' discretion, an investigator may be appointed to conduct an investigation. The investigator will provide a comprehensive written report with findings stating whether the allegations are substantiated in addition to recommendations relating to appropriate remedial or disciplinary action. The report will be confidential.

When a WMS manager investigates a complaint, the following procedure is to be followed. The manager (or person other than the final decision maker) must:

- Request that the complainant provide a detailed written complaint;
- Not assume guilt of any party;
- Advise on the potential outcomes of the investigation if the allegations are substantiated;

- Advise all parties and witnesses that they are entitled to be accompanied by a support person#;
- Advise all parties, including support persons, that the matter is confidential and must not be discussed with any other person;
- Interview all directly concerned, separately;
- Interview witnesses separately;
- Keep records of interviews and the investigation;
- Interview the alleged harasser(s) separately and confidentially and let the alleged harasser(s) know exactly of what they are being accused. Give them a chance to respond to the accusation. Make it clear that they do not have to answer any questions, however, the manager will still make a decision regardless;
- Listen carefully and record details;
- Ensure confidentiality, minimise disclosure;
- Decide on appropriate action based on investigation and evidence collected;
- Check to ensure the action meets the needs of the complainant and WMS;
- If a resolution is not immediately possible, refer the complainant to more senior management. If the resolution needs a more senior manager's authority, refer the complainant to this manager; and
- Discuss any outcomes affecting the complainant with them to make sure that, where appropriate, you meet their needs.

#A support person is not a representative but can be a friend, relative, union representative. It is not appropriate for a support person to be another employee of WMS.

2.4 POSSIBLE OUTCOMES OF AN INVESTIGATION

If after investigation it is found that the complaint is justified, management will discuss with the complainant the appropriate outcomes, which may include:

- Disciplinary action to be taken against the respondent (including but not limited to: counselling, warning or dismissal);
- Staff training;
- Additional training for the perpetrator or all staff, as appropriate;
- Counselling assistance for the complainant; and
- An apology (the particulars of such an apology to be agreed between all involved).

If after an investigation, the complaint is found to be frivolous, vexatious or without any basis, management will consider an appropriate response. Possible responses may include:

- Discussion with the complainant about the reasons that this complaint was found without basis;
- Discussion with the complainant about the repercussions of repeated vexatious complaints;
- Performance improvement action where repeated vexatious complaints take place;
- Mediation may be considered where it is found there is no basis to the harassment complaint but a personality conflict exists and both employees agree to participate; or
- Other disciplinary action, which may include the termination of employment.