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Anti-Discrimination, Equal Opportunity and Anti-Bullying Policy

Purpose

The purpose of this Policy is to outline New Start Australia's commitment to provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, vilification and bullying.

Commencement

This Anti-Discrimination, Equal Opportunity and Anti-Bullying Policy and Procedure will commence on 12 December 2016 and replaces all other Policies (whether written or not).

Scope

This Policy applies to Workforce Participants defined as:

- Managers
- Workers (Permanent Staff, Part-time and Casual)
- Contractors
- Subcontractors
- Job Seekers (Applicants)
- Clients and their Agents/Representatives

This Policy does not form part of any contract between an employee and the organisation, nor does it form part of any other Workplace Participant's Contract for Services.

Organisation refers to New Start Australia Pty Ltd.

Policy Statement

New Start aims to ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess. New Start also tries to create a work environment which promotes good working relationships.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conference, Christmas parties and client functions. Equal Employment Opportunity ("EEO") laws apply to all areas of employment, as well as provision of goods and services.

Equal Employment Opportunity Laws (EEO Laws)

Under EEO laws, discrimination, vilification, sexual harassment, bullying and victimisation are unlawful and strictly prohibited.

Discrimination

Discrimination in employment occurs when a person is treated less favourably in their employment because of a ground of discrimination. Grounds of discrimination are set by law (Federal, State and Territory laws) and include sex, race, age etc. A full list of the grounds of discrimination which operate Australia-wide are set out below. Those that operate Federally and in the State and/or Territories in which workplace participants undertake their work for New Start will be relevant.

- Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
- Sex
- Pregnancy (including potential pregnancy)
- Carers' responsibilities, family responsibilities, carer or parental status, being childless
- Breastfeeding
- Physical features (Victoria only)
- Industrial/trade union membership, non-membership or activity
- Employer association membership, non-membership or activity
- Transexuality, transgender and gender identify
- HIV/AIDS
- Spend convictions
- Association (ie association with a person who has one or more of the attributes for which discrimination is prohibited)
- Religious belief or activity
- Marital status, relationship status
- Homosexuality, transsexuality, sexuality, sexual preference, lawful sexual activity
- Disability, including physical, mental and intellectual disability
- Age
- Profession, trade, occupation or calling (ACT Only)
- Political belief or activity
- Compulsory retirement
- Criminal records
- Medical record
- Defence service

Discrimination also includes the situation where a workplace participant harasses another person based on a ground of discrimination.

Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.



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Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviours which creates a hostile working environment for other workplace participants can also be unlawful.

Examples of sexual harassment include, but are not limited to:

- Physical contact such as pinching, touching, grabbing, kissing or hugging
- Staring or leering at a person or at parts of their body
- Sexual jokes or comments
- Requests for sexual favours
- Persistent requests to go out, where they are refused
- Sexually explicit conversations
- Displays of offensive material such as posters, screen savers, internet material etc
- Accessing or downloading sexually explicit material from the internet
- Suggestive comments about a person's body or appearance
- Sending rude or offensive emails, attachments or text messages

Bullying

Bullying is repeated, unreasonable behaviour directed towards an individual or group, that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

It is not bullying for a manager or supervisor to counsel a workplace participant about their performance. Performance counselling is a necessary part of ensuring that workplace participants meet New Start's standards of work and behaviour. Also, other reasonable managerial actions such as disciplinary action, work directions and orders, and allocation of work in compliance with business needs and systems do not constitute bullying.

Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment.

Rights and Responsibilities

All workplace participants must:

- Ensure they do not engage in any unlawful conduct towards other workplace participants, customers/clients or others with whom they come into contact through work
- Ensure they do not aid, abet or encourage other persons to engage in unlawful conduct
- Follow the complaint procedure in this Policy if they experience unlawful conduct
- Report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy
- Maintain confidentiality if they are involved in the complaint procedure
- Workplace participants should be aware that they can be held legally responsible for their unlawful conduct
- Workplace participants who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable

Breach of this Policy

All workplace participants are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with New Start terminated or not renewed.

Complaint Handling Procedure

If a workplace participant feels that they have been subjected to any form of unlawful conduct contrary to EEO(laws or this Policy, they should not ignore it. New start has a complaint procedure for dealing with these issues. The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The manner in which a complaint will be handled is solely at the discretion of New Start's Complaint Officer.



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Examples of Ways Complaints can be Dealt With

Confront the Issue

If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

This is NOT a compulsory step. If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the workplace participant should report the issue to New Start's Complaints Officer.

If a workplace participant is unsure about how to handle a situation and is unsure if they want to make a complaint they should contact a New Start Contact Person for support and guidance. The New Start Contact Person will assist people uncertain about their rights.

New Start Contact Persons are as follows:

- New Start 24-Hour Service
- New Start Operations Team
- New Start Human Resources Department
- New Start National Operations Manager

Report the Issue

A workplace participant should report the issue to a New Start Contact Person.

The New Start Contact Person will aim to deal with the workplace participant's complaint in accordance with this Policy. There are two complaint procedures that can be used: informal and formal (detailed further below). The types of complaint procedure used will be determined by the nature of the complaint that is made.

Informal Complaint Procedure

Under the informal complaint procedure there is a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- The New Start Contact Person discussing the issue with the person against whom the complaint is made; and/or
- The New Start Contact Person facilitating a meeting between the parties in an attempt to resolve the issue and move forward

The informal complaint procedure is more suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

Formal Complaint Procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by a New Start Contact Person from outside of New Start, and appointed by New Start.

An investigation generally involves, collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the New Start Contact Person or the external investigator will make recommendations about resolving the complaint.

If New Start considers it appropriate for the safe and efficient conduct of an investigator, workplace participants may be required not to report to work during the period of an investigation. New Start may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.

Confidentiality

The New Start Contact Person will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workplace participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has potentially occurred, New Start will endeavour to take appropriate action in relation to the complaint.

All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Spreading rumours or gossip may expose workplace participants to a defamation claim. Workplace participants may discuss the complaint with a designated support person or representative (who is not a workplace participant employed or engaged by New Start). However, the support person or representative must also maintain confidentiality.

Possible Outcomes

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the



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person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected workplace participant and New Start.

Agents and contractors (including temporary contractors) who are found to have engaged in unlawful conduct and/or breached this Policy may have their contracts with New Start terminated or not renewed.

New Start may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:

- Training to assist in addressing the problems underpinning the complaint
- Monitoring to ensure that there are not further problems
- Implementing a new Policy
- Requiring an apology or an undertaking that certain behaviour stop; and/or
- Change work arrangements

What to do if you are not satisfied with the Outcome

Review

If any of the parties are not satisfied with the way the complaint was handled or the outcome of the complaint process they can contact the General Manager. The complaint handling process and/or the outcome may then be reviewed by the General Manager. If a review is undertaken, the General Manager's decision in relation to the review will be final.

Daniel Phillips

Managing Director
New Start Australia Pty Ltd
Dated February 2018

Workforce Participant Declaration

I have read this Policy and Procedure. Any questions I have raised, have been answered to my satisfaction. I thereby agree to adhere to this Policy at all times during my employment with the Company.

Print Name	
Signature	
Date	

New Start's goal is to resolve issues in-house wherever possible. Workplace participants can seek the assistance of an outside agency if they feel that their complaint has not been adequately addressed.

Contacts for Outside Agencies

Australian Human Rights Commission –
Toll Free: 1300 656 419
Fair Work Commission –
Toll Free: 1300 799 675

Policy Information

Accountable Officer: Managing Director
Policy Type: Human Resources
Related Policies:

Variations

The Organisation reserves the right to vary, replace or terminate this Policy from time to time.

Failure to Comply with the Policy

Where it is established that a Workforce Participant has breached this Policy, they be subject to disciplinary action, up to and including termination of employment or Contract.

Questions about this Policy

Should you have any questions about this Policy, please contact the Human Resources Department.