



**Equal Employment  
Opportunity (EEO),  
Discrimination,  
Bullying and  
Harassment Policy**  
*ACOR Consultants*

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## Introduction

The ACOR Group of Companies ("ACOR") supports equal opportunity and employment in the workplace and eliminating unlawful discrimination, bullying and harassment. This policy sets out ACOR's expectations for behaviours and professional interactions as well as procedures for raising and dealing with complaints and concerns.

## Scope

This Policy applies to all employees as well as independent contractors and labour hire contractors engaged by ACOR ("contractors"). Where specified, this Policy also applies to subconsultants, suppliers, clients, construction contractors, service providers and any other person having a contractual or other relationship with ACOR (referred to as a "stakeholder" in this Policy).

Employees and contractors must comply with this Policy at all times, when representing or acting on behalf of ACOR and at work related events, social functions and on social media. Stakeholders are required to comply with this Policy (other than section 3) when interacting with ACOR or any employee or contractor during the conduct of ACOR's business.

Behaviour that is inconsistent with this Policy will not be tolerated.

# Equal Employment Opportunity

ACOR requires that all employees and contractors be treated with respect and on the basis of merit, according to their skills and abilities, in matters involving:

- recruitment, selection, transfer, promotions, performance reviews, training and development, supervision and management of other employees and contractors, performance management and counselling, disciplinary procedures, resignation and termination of employment; and
- remuneration practices, rewards and benefits.

An employee or contractor's gender, relationship status, parental or family responsibilities (including being pregnant), race, age, sexual orientation, gender identity, political or religious beliefs, cultural and social background, trade union affiliation or physical appearance will not form the basis of employment decisions.





# Discrimination and Harassment

**ACOR believes that all employees, contractors and stakeholders have a right to work in a productive environment in which unlawful discriminatory conduct or harassment of others is not tolerated.**

All forms of harassment and unlawful discrimination by an employee or contractor are unacceptable and may lead to disciplinary action including termination of engagement.

If a stakeholder harasses or unlawfully discriminates against an ACOR employee or contractor, ACOR may terminate the relationship with a stakeholder or require the stakeholder to be removed from ACOR's premises or from any further interaction with ACOR's employees or contractors. If the harassment or unlawful discrimination is also a breach of any relevant law, ACOR may commence legal proceedings or report the conduct to law enforcement authorities.

*Unlawful discrimination and harassment can have many negative effects in the workplace.*

# What is Unlawful Discrimination?

**Unlawful discrimination may occur when a person is treated less favourably than others because of that person's individual characteristics or because that person belongs to a particular group or community.**

Discrimination does not have to be calculated or intentional to be unlawful. The intention of the person discriminating is irrelevant.

Two types of unlawful discrimination can occur:



## Direct Discrimination

Direct Discrimination occurs when a person treats another person less favourably for an unlawful reason;



## Indirect Discrimination

Indirect Discrimination occurs when a policy or practice appears neutral but results in an individual or group being treated less favourably.

*Decisions may be unlawful if they are made on the basis of:*

- Gender and gender identity
- Relationship status
- Race including nationality, indigenous origins, ethnic or ethno-religious beliefs
- Age
- Sexuality and sexual preference
- Physical appearance;
- Religion or other spiritual beliefs
- Political opinions and associations;
- Parental, family or carer responsibilities (including being pregnant, or potential to become pregnant)
- Having a criminal record;
- Physical or mental disability; or
- Trade Union affiliation.

# What is Unlawful Discrimination?

*Examples of unlawful discrimination include:*

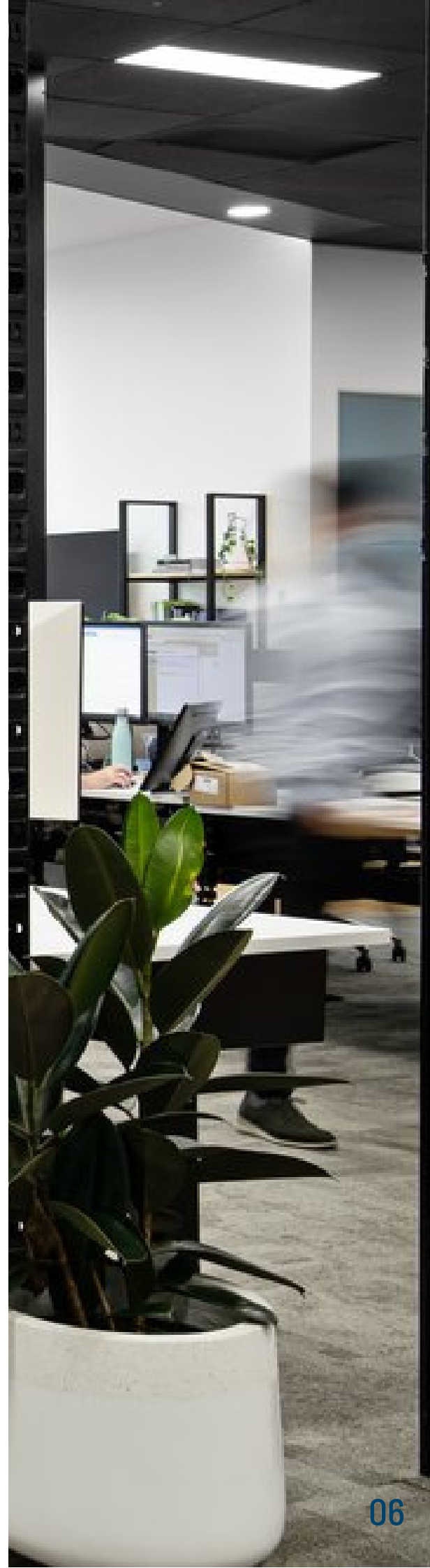
- a pregnant employee being pressured to resign prior to taking parental or other leave; or
- making the decision not to hire an employee on the basis of the person's ethnicity;
- declining to enter into a contractual relationship due to a person's sexuality or gender identity.

## What is Harassment?

**Harassment is any uninvited, unwelcome or inappropriate behaviour that offends, humiliates or intimidates another person, whether or not that effect is deliberate or intended.**

Harassment may occur as a single act, or as a series of incidents, a course of conduct, insinuation, inference, intimations, persistent unwelcome behaviour or threats. It can take many forms and may be silent, overt, subtle or openly hostile in private or public situations.

Harassment may take the form of bullying of an individual or be conduct which impacts a group of people with particular characteristics. Harassment of this nature may also amount to unlawful discrimination.



# Sexual Harassment

Sexual harassment generally includes any unwelcome conduct of a sexual nature, whether intentional or not, which a reasonable person would consider to be inappropriate. The conduct may be physical, verbal, visual or in writing (including via digital or electronic media).

Conduct which may be tolerated in certain social situations may constitute sexual harassment when it occurs in the workplace. Sexual harassment must not be confused with conduct occurring with the consent of all participants and that consent is given voluntarily, without coercion, and in absence of any participant being in a position of power or influence over any other participant.

ACOR is committed to maintaining workplaces and working environments which are free from sexual harassment.

ACOR treats sexual harassment as a serious issue. It will respond and investigate any complaints in a sensitive, fair and confidential manner.

## *Examples of sexual harassment may include:*

- display or sharing of pornography or sexually explicit images or content (including via electronic or digital media);
- jokes or anecdotes with sexual connotations, or sexually derogatory or gratuitous comments regarding interactions with any person or between persons;
- intrusive comments or enquiries into another person's private life, relationship status, gender identity, sexuality or physical appearance;
- persistent requests participate in a social activity outside the workplace where the request has been declined at first instance;
- staring or leering at a person or parts of their body or making comments about a person's appearance;
- unsolicited or unwelcome sexually offensive communications and interactions (including sharing of images) via telephone, text message or other digital, electronic or social media application;

# Sexual Harassment

## *Examples of sexual harassment may include:*

- any request, suggestion or expectation of performance of any sexual act made under threat, intimidation, coercion, or pressure in exchange for favours or promises of reward or preferential treatment;
- deliberate, unnecessary or inappropriate physical contact (including purportedly accidental contact which could be reasonably perceived to be sexually motivated);
- displays of nudity or provocative physical behaviour; and
- sexual violence at the most extreme, sexual assault and forced attempts at sexual intercourse.

## Victimisation

**Victimisation occurs when a person victimises another person who lodges a discrimination or harassment complaint or takes certain related actions.**

Victimisation of others is unlawful. Protective measures exist to ensure that a person who reports conduct or asserts or reserves their legal and statutory rights is not further disadvantaged, harassed or discriminated against.

Disciplinary action will be taken against any employee or contractor found to have engaged in threatening or other inappropriate action in response to an allegation or complaint of discrimination or harassment.

If a stakeholder makes any threats or takes any other inappropriate action against an ACOR employee or contractor, ACOR may terminate the relationship with the stakeholder, require the stakeholder to be removed from ACOR's premises or from any further interaction with ACOR's employees or contractors.



# What is bullying?

Workplace bullying is repetitive, persistent, unreasonable, aggressive and hostile behaviours directed towards a person, or a group of persons.

The behaviour is directly or indirectly victimising, humiliating, undermining or threatening. It causes risks to the mental and physical health, safety and wellbeing of any person.

## *Bullying includes:*

- verbal or written abuse, threats, sarcasm or other forms of demeaning or intimidating language or communication;
- persistent negative criticism, assumptions of incapability to complete tasks or being unreasonably critical of minor errors and persistent fault-finding;
- threatening to take unwarranted or inappropriate action against a person, without justification, unless they comply with an unreasonable request;
- imposing unreasonable performance demands or time commitments on tasks or deliberately providing insufficient instruction or guidance for completing a task with the intention of causing the person to fail;
- deliberately isolating a person by refusing to interact or communicate with them;
- ridiculing a person, or requiring them to undertake tasks in the workplace designed to humiliate or embarrass the person;
- physical contact that is intimidating or threatening, which may also be a criminal offence (and will be referred to law enforcement by ACOR).

If a stakeholder or a representative of a stakeholder engages in behaviour against an employee or contractor which is considered to be bullying, ACOR may terminate the relationship with the stakeholder, require the stakeholder to be removed from ACOR's premises or from any further interaction with ACOR's employees or contractors or report the behaviour to the stakeholder's employer or manager.

# What is NOT bullying?

Many actions and conduct in the workplace, whilst uncomfortable or unpleasant, are generally not considered bullying. Differences of opinion, developmental feedback, performance management, interpersonal conflicts, misunderstandings, miscommunications and personality clashes can happen in any workplace, but do not necessarily constitute in bullying.

Reasonable direction and management of employees and contractors, when carried out in accordance with ACOR's policies and procedures, is not bullying. Managers are required to manage employees and contractors. This includes giving positive and developmental feedback, directing the manner in which tasks are performed (or should be performed), undertaking performance reviews and disciplining and counselling unsatisfactory conduct.

## *Reasonable management actions include:*

- setting reasonable performance goals, standards and deadlines, in consultation with a person, having regard to their capability, skills and experience;
- allocating tasks in a reasonable and transparent manner;
- transferring or reassigning a person (or the person's manager) for legitimate operational reasons;
- declining a promotion of a person on reasonable grounds, following a fair and documented process;
- providing feedback following unsatisfactory work performance in a constructive manner;
- conducting an investigation of a person following an allegation of a breach of an ACOR policy;
- reasonably and confidentially disciplining a person in respect of inappropriate behaviour or a breach of an ACOR policy;
- implementing organisational changes or restructuring, and
- performance management processes.

# Responsibilities

## All employees and contractors must:

- comply with this Policy and all other ACOR policies and procedures including:
  - Code of Conduct
  - Social Media Policy
  - Diversity and Inclusion Policy
- monitor the workplace environment so that acceptable standards of conduct are observed at all times;
- model appropriate behaviour and call out behaviour in breach of this Policy (if the person is confident to do so);
- seek advice and assistance when dealing with formal or informal complaints or any allegations of a breach of this Policy;
- deal with reports, allegations, concerns and concerns with sensitivity and confidentiality;
- afford all employees and contractors with the opportunity for due process, and not dismiss or make uninformed decisions or opinions about an allegation or observed behaviour.





## What if you do have a complaint?

Employees or contractors who become aware of a breach or suspected breach of this Policy are encouraged to discuss the matter with their manager, a more senior manager, or the National Strategy Leader – People, on a confidential basis.

An employee or contractor who believes they may have been subjected to harassment, discrimination, victimisation or bullying may:

- raise the matter directly and informally with the other person; and/or
- make a formal report in accordance with Grievance Policy

All allegations or reports of a breach of this policy will be investigated in accordance with Grievance Policy and any subsequent disciplinary or corrective action (which may include termination) will be implemented by ACOR.

False, malicious or misleading reports or allegations may, of themselves, constitute harassment, discrimination, victimisation or bullying. Disciplinary action may be taken against a person found to have reported unreasonable or unsubstantiated allegations of harassment, discrimination, victimisation or bullying.