



1 OVERVIEW

MEGT (AUSTRALIA) LTD and its controlled entities and subsidiaries (referred to MEGT) aims to provide a working environment where all persons in the workplace are treated fairly, with respect, and are free from unlawful discrimination, harassment, sexual harassment, vilification, and bullying.

MEGT is committed to preventing and eliminating all forms of discrimination, sexual harassment, bullying and other unacceptable behaviours in the workplace.

MEGT aims to achieve:

- A workplace where no-one is discriminated against, harassed or bullied;
- A workplace where everyone can come to work, and not feel threatened, uncomfortable or unsafe;
- A culture where we can talk openly and honestly about issues and where everyone’s differences are accepted and valued;
- A diverse and skilled workforce;
- Improved employment access and participation;
- A workplace culture displaying fair workplace practices and behaviours; and
- Compliance with the law.

This policy sets out MEGT’s commitments to the above objectives, expectations for appropriate workplace behaviour and the potential consequences for breach of this policy.

2 SCOPE

The policy applies to all MEGT Workplace Participants which includes employees, Apprentices, Trainees, Contractors, Executives and Board Members.

This policy applies in all of MEGT’s workplaces and extends to all functions, events and other activities that are connected with MEGT or the workplace. Examples include work-related lunches, conferences, after hour events, client functions, Christmas parties and social media.

3 LEGISLATION

- Australian Human Rights Commission Act 1986 (Cth)*
- Disability Discrimination Act 1992 (Cth)*
- Age Discrimination Act 2004 (Cth)*
- Racial Discrimination Act 1975 (Cth)*
- Sex Discrimination Act 1984 (Cth)*
- Workplace Gender Equality Act 2012 (Cth)*
- Fair Work Act 2009 (Cth)*
- Work Health and Safety legislation

4 DEFINITIONS

Please refer to definitions provided under each relevant subheading.

5 POLICY

5.1 UNACCEPTABLE WORKPLACE BEHAVIOUR

Behaviour such as harassment, discrimination, sex-based harassment, sexual harassment and bullying are inappropriate in the workplace and are not accepted by MEGT at any time. Some types of inappropriate behaviour may be unlawful and separately, may lead to disciplinary action including possible termination of employment.

5.1.1 Workplace Bullying

Workplace bullying is repeated, unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. ‘Unreasonable behaviour’ means behaviour that a reasonable person, having regard for the circumstances would consider to be victimising, humiliating, undermining or threatening.

Examples of bullying include:

- Behaviour that could be deemed aggressive/intimidating/offensive
- Physical and verbal abuse
- Teasing or practical jokes
- Language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling or screaming
- Pressuring someone to behave inappropriately
- Insulting someone or putting them down
- Spreading rumours or innuendo about someone
- Interfering with someone’s personal property or work equipment
- Excluding someone from work-related events
- Sending someone inappropriate and/or excessive messages on social media
- Subjecting someone to unreasonable work demands, including, isolating, excluding or marginalising a person from normal work activities
- Displaying offensive material in view of someone
- Making unjustified criticism or complaints
- Withholding or deliberately denying information or resources that are vital for effective work performance
- Deliberately changing a workplace participant’s work arrangements, such as rosters and leave, to inconvenience them

- Unfair treatment in relation to accessing workplace entitlements, such as unreasonably denying requests for leave or training.

Bullying does not include reasonable management action that is carried out in a reasonable manner. A Leader can make decisions about poor performance, take disciplinary action and direct and control the way work is carried out.

MEGT recognises that occasional differences of opinion, conflicts and problems are inevitable as part of working life. However, when the behaviour is unreasonable, sustained or repeated and offends or harms someone, then this may constitute workplace bullying or harassment and will not be tolerated.

5.1.2 Workplace sexual harassment

Sexual harassment is unwelcome, unwanted or uninvited conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Behaviour can still amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.

Sexual harassment in the workplace is unlawful against persons of all genders and regardless of the gender of the perpetrator or victim. It will not be tolerated under any circumstance.

Sexual harassment does not need to be continuous or repeated behaviour, it can be a one-off event and can include:

- Physical contact such as pinching, touching, grabbing, kissing or hugging
- Sexual assault
- Requests for sexual favours
- Staring or leering at a person or at parts of their body
- Persistent requests to go out where it has been refused previously
- Suggestive comments about a person's body or appearance
- Sexual jokes or comments, sexually explicit conversations
- Displays of offensive material such as posters or screen savers
- Accessing or downloading sexually explicit or inappropriate material from the Internet
- Sending rude or offensive emails, attachments or text messages
- Advances on email, social networking websites or internet chat rooms
- Sexually explicit gifts e.g., Valentine's Day, 'Secret Santa' gifts

Behaviour that is mutual, consensual, welcome and reciprocated will not amount to sexual harassment (i.e., mutual attraction, flirtation or friendship). Conduct will also not amount to sexual harassment if a reasonable person, having regard to all the circumstances, could not have anticipated the possibility that the conduct would offend, humiliate or intimidate the other person.

5.1.3 Hostile work environments

Sexual harassment does not have to be directed at a particular individual, and behaviour which creates a sexually hostile working environment is also unlawful.

A ‘hostile working environment’ is where a workplace participant’s conduct results in the workplace environment being offensive, intimidating or humiliating to another workplace participant of a particular sex because of their sex or a characteristic that is generally associated with their sex.

Examples of a sexually hostile work environment include:

- Displaying obscene or pornographic materials in the workplace
- General sexual banter or innuendo around other workplace participants
- Offensive jokes that may result in persons of a particular sex feeling unwelcome or excluded from the work environment

5.1.4 Discrimination

Discrimination happens when a person, or a group of people, is treated less favourably because of a protected attribute than another person or group without the protected attribute are (or would be) treated in the same or similar circumstances. This is known as ‘direct discrimination’.

Discrimination can also occur indirectly when an unreasonable rule or policy applies to everyone equally but has the effect of disadvantaging some people because of a protected attribute.

It is unlawful to discriminate or harass a person or group of people based on the following protected attributes:

- Age
- Carer’s responsibilities and carer’s status
- Parental status, parental responsibilities and family responsibilities
- Disability or impairment (physical, sensory and intellectual disability; medical conditions; mental, psychological and learning disabilities; and work-related injuries)
- Gender and gender identity
- Sex and intersex status
- Lawful sexual activity, sexual orientation or sexual preference
- Industrial activity or trade union membership
- Marital status, relationship status or domestic status
- Political opinion, belief, view, conviction or activity
- Pregnancy, potential pregnancy or breastfeeding
- Race, including colour, nationality, national extraction, descent, ethnic background, ethnic-religious, social or national origin
- Spent convictions (in some states and territories)
- Religion or religious belief, conviction or activity
- Personal association with someone who has, or is assumed to have, one of these protected attributes

It is also unlawful to treat someone unfavourably based on an assumption that the person has a protected attribute or may have a protected attribute at some time in the future.

Unlawful discrimination is unacceptable and will not be tolerated in any form in the workplace. MEGT aims to create an environment free from discrimination and it is the responsibility of all Workplace Participants to support this goal.

Discrimination may include (but is not limited to):

- Making offensive jokes or insensitive comments about another employee’s racial or ethnic background, sex, sexual preference, age, disability or religious belief
- Displaying pictures or posters which are offensive or derogatory to a person with a protected attribute
- Excluding or isolating someone because on a disability
- Using racial nicknames
- Judging someone on their political or religious beliefs rather than their work performance
- Failing to promote or employ a female because she has children or is pregnant
- Failing to offer training and opportunities to older workers based on an assumption they will retire soon

From time to time, MEGT may lawfully impose genuine occupational requirements for a position. While these requirements may appear to discriminate against individuals who have certain attributes, they will not be unlawful if the requirements are pertinent to the effective performance of the relevant position.

5.1.5 Harassment

Discrimination can also include situations where a workplace participant harasses another person because discrimination has taken place.

Harassment is unwelcome conduct that would reasonably be expected to offend, humiliate or intimidate another person because of their protected attribute. Harassment does not have to be directed at a particular individual to be unlawful and can include behaviour which creates a hostile working environment for other Workplace Participants, such as telling insulting or offensive jokes in the workplace about a particular racial group.

5.1.6 Vilification

Vilification is a public act which incites hatred, severe ridicule or contempt of a person or group because they have a protected attribute, including race, religious belief, homosexuality, transgender, disability, transsexuality or HIV/AIDS.

Workplace examples of vilification include:

- Placing a racially offensive poster or sticker in the workplace
- Graffitiing the walls in work toilets with offensive comments in relation to sexuality or gender identity

- Wearing inappropriate symbols (e.g., swastika) or badges or clothing with offensive slogans in the workplace
- Making comments or having a conversation in a work lunchroom that is offensive to a protected attribute

5.1.7 Victimisation

Victimisation is where a person is punished or threatened to be punished because they have made or intend to make a complaint or are involved in a complaint made by someone else (e.g., as a support person or witness).

Examples of victimisation in the workplace include:

- Excluding or isolating a worker because they made a complaint
- Failing to promote a worker because they acted as someone's support person
- Terminating someone's employment because they were a witness in a complaint made by someone else.

5.2 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Equal opportunity means ensuring all employees and potential employees are treated equitably and fairly, regardless of any differences (e.g., race, gender, marital status, age, physical or intellectual ability, sexual preference). Treating people equitably does not mean treating all people the same; sometimes things need to be done differently to ensure that someone receives fair treatment.

EEO laws apply to all areas of employment, including recruitment, terms and conditions of employment, promotion, transfer, training, leave and termination of employment. MEGT is an EEO employer and is committed to providing equality in employment opportunities for all people employed or seeking employment, by ensuring all people are given a fair and equitable chance to compete for employment, promotion or transfer, and to pursue their career as effectively as others.

All employment related decisions made by MEGT will be based on merit, without regard to attributes that are irrelevant to the position. This means staffing decisions are based entirely on the overall skills and abilities of the individual and MEGT's organisational needs.

This includes decisions in respect of:

- Recruitment and Selection;
- Placement and job assignments;
- Variations to terms of work;
- Opportunities for promotion, transfer, training and other benefits;
- Allocation of workload or Corporation resources;
- Remuneration and rewards;
- Counselling or discipline; and

- Termination.

5.3 Diversity

Diversity means everything that makes us different from each other. MEGT is committed to ensuring a diverse workforce that includes:

- Women
- Aboriginal and/or Torres strait Islander people
- People whose first language is not English
- Members of racial, ethnic and ethno-religious minority groups
- People with a disability
- Age diversity
- Family responsibilities
- People of different sexual orientations
- People of all socio-economic backgrounds
- Greater diversity in senior leadership roles
- People with differing education levels and life experiences.

MEGT respects people as individuals and values their differences. It is committed to creating a working environment that is fair and flexible, promotes personal and professional growth, and benefits from the capabilities of its diverse workforce.

5.4 COMPLAINT HANDLING PROCESS

Any form of conduct in breach of this Policy should not be ignored. MEGT has a Grievance and Complaints Procedure for dealing with these issues and will treat all complaints seriously.

If a workplace participant is unsure how to handle a situation and if they should make a complaint, they should contact the General Manager People & Culture for advice.

The General Manager People & Culture will collect and regularly review all complaints of sexual harassment or unlawful conduct received, to identify whether intervention is required to prevent further complaints.

6 RESPONSIBILITIES

Role	Responsibility
General Manager P&C	<p>The General Manager People & Culture or a People & Culture team member designated by the General Manager People & Culture is to:</p> <ul style="list-style-type: none"> • develop, review, communicate, issue and monitor the effectiveness of this policy and; • to seek opportunities for improvement and amend, as necessary.
All Workplace Participants	<p>All workplace participants are responsible for:</p> <ul style="list-style-type: none"> • Ensuring they understand and comply with this policy; • Taking responsibility for and ensuring personal behaviour does not breach this policy; • Not tolerating others' behaviour that breaches this policy; • Where safe to do so, intervening if they see any unacceptable conduct in breach of this policy (where comfortable to do so); • Ensuring they do not aid, abet or encourage other persons to engage in unlawful conduct; and • Immediately reporting breaches of this policy to the appropriate person/s (immediate Manager or Supervisor/HR/GM P&C/outside Agency) in accordance with the Grievance and Complaints Procedure and the Equal Opportunity and Appropriate Workplace Behaviour Procedure.
Leaders	<p>Leaders and supervisors must ensure employees are trained in and understand this policy.</p> <p>Leaders must also oversee implementation of the policy, including by:</p> <ul style="list-style-type: none"> • Personally demonstrating appropriate behaviour; • Promoting awareness of this Policy and ensure it is enacted within the workplace; • Treating complaints seriously; and • Ensuring people who make complaints or witnesses who may assist in investigations are not victimised in any way.

7 BREACH OF POLICY

MEGT has a zero tolerance approach to unacceptable workplace behaviour, as outlined in section 5 of this Policy, and all Workplace Participants are required to comply with this Policy at all times.

Any non-compliance with this policy must be reported immediately to the General Manager People & Culture or their delegate.

Breaches of this policy will be treated seriously and may lead to disciplinary action being taken. In serious cases, this may include termination of employment or engagement with MEGT.

Some of the unacceptable behaviours outlined in this policy may also constitute criminal offences for which the perpetrator can be liable. MEGT will refer conduct to the police where appropriate.

8 COMMUNICATION

This policy is available on the MEGT Intranet site and will be explained to new Workplace Participants at induction.

9 REVIEW

The General Manager People & Culture will:

- Review this policy regularly to ensure its ongoing compliance with the law; and
- Regularly report to MEGT’s executive team on prevention and elimination measures in relation to the unlawful conduct outlined in this policy.

10 RELATED POLICIES AND PROCEDURES

This Policy is to be read in conjunction with:

- Grievance and Complaints Procedure
- Code of Conduct
- Disciplinary Policy
- Health and Safety and Environment Issue Resolution Procedure
- Social Media Policy
- Recruitment & Selection Policy
- Performance Development Plan Policy
- Induction Policy