

According to the nature of each individual complaint the most suitable complaints process will be used.

The manager/supervisor and/or HR can then consider informal options that may include observation, counselling of the respondent, education (individual/group) or mediation.

Formal options:

Where informal options have been exhausted, or if the circumstances warrant more serious action, a formal process may be initiated. This may take the form of conciliation or investigation. The decision to take formal action would be made in consultation between the complainant and HR, as well as the manager/supervisor (where relevant).

According to the nature of each individual complaint the most suitable complaint process will be used, this may include involving an external party to conciliate or investigate.

External avenues:

These procedures are designed to resolve complaints within Sigma. However employees have the right to make a complaint under the relevant state or federal anti-discrimination legislation if they wish.

For further information please contact Sigma's Human Resource's Team

Policy updated 6.7.05



Good Working Relationships Policy



PURPOSE

Sigma recognises that our team members come from a wide variety of backgrounds and values diversity amongst the workforce. Our aim is an environment where team members can reach their full potential. Sigma is committed to managing business activities and relationships (employees, contractors, consultants, suppliers, work experience employees and customers) so that the philosophy and principles of equal opportunity are part of our core values.

All Sigma team members have a responsibility to treat their fellow employees in a professional manner with respect, dignity and courtesy. Equally, every Sigma team member has a right work in a safe and healthy environment free from discrimination, harassment, bullying or victimisation.

This policy also reflects, and is supported by, Federal and State legislative obligations on Sigma and all team members to ensure equal opportunity in the workplace, including the:

- Human Rights and Equal Opportunity Act (Federal)
- Race Discrimination Act (Federal)
- Sex Discrimination Act (Federal)
- Disability Discrimination Act (Federal)
- Age Discrimination Act (Federal)
- Equal Opportunity for Women in the Workplace Act (Federal)
- Workplace Relations Act (Federal)
- Equal Opportunity Acts in each State
- Occupational Health & Safety Acts in each State
- Other relevant State legislation.

KEY PRINCIPLES

The key principles of the Sigma Good Working Relationships Policy to achieving a safe and healthy workplace for all Sigma team members and stakeholders are:

- Defining inappropriate behaviour
- Establishing complaint handling procedures
- Ensuring legal compliance

INTRODUCTION

Sigma's **Good Working Relationships** policy aims to provide a safe and healthy environment for all team members and stakeholders, with equal opportunity as a key principle. Equal opportunity means treating everyone equally and ensuring that employment policy and practices are based on the principles of individual merit.

This policy defines inappropriate behaviour that will not be tolerated at Sigma. Inappropriate behaviour includes any action that is a form of discrimination, harassment (including sexual harassment), bullying, vilification or victimisation.

Outlined in this policy is a complaints process for team members to utilise if inappropriate behaviour occurs or is witnessed in the workplace. Complaints will be treated seriously, impartially, sensitively and confidentially.

Where complaints are investigated, investigations will be thorough, confidential and expeditious to achieve early resolution. The details of the complaint will only be disclosed to the people relevant to the complaint resolution (i.e. complainant, HR, manager/supervisor, respondent, witnesses). The principles of procedural fairness will apply at all stages in the handling of complaints including impartiality and good faith. No outcomes will be determined until a thorough investigation of all relevant facts has been carried out and all parties to the complaint will be given every opportunity to present their side of the story.

Where breaches of this policy are proven, disciplinary action will be taken. Depending on the circumstances, disciplinary action may include counselling, warning, demotion, suspension or dismissal.

Mischievous or unfounded claims will not be tolerated and depending on the circumstances may result in disciplinary action being taken against the complainant.

EQUAL OPPORTUNITY

Equal Opportunity includes:

- Discrimination
- Harassment
- Bullying
- Sexual Harassment
- Vilification
- Victimisation

Sigma team members should not act in an inappropriate manner that would contravene any of these policies.

Sigma will ensure for every team member and potential team member that equal opportunity is promoted in the conduct in all of Sigma's activities, structures, practices, policies and guidelines. This includes such things as:

- Recruitment, specifically the use of non-discriminatory advertising, interviewing and induction techniques;
- Training and development opportunities be assessed without bias on the basis of availability and individual merit;
- Promotion and transfer opportunities, the criterion used must be that of merit: that is a match between the person's competencies and those required for the particular position;
- Restructuring;
- Work allocation including shifts, rosters, hours of work and overtime;
- Salary levels and packages;
- Leave arrangements and requests (of all types), including parental leave;
- Performance assessment;
- Disciplinary procedures.

Further, a person must not authorise or assist in the contravention of these policies, that is:

- Not requesting, instructing, inducing, encouraging, authorising or assisting another person to discriminate or sexually harass;
- Complying with any request could result in a complaint being lodged against both parties;
- Ensuring deliberate inaction or tacit acceptance is not seen as "authorisation".

Don't stand by and watch someone being treated unfairly.

It is also important to note that what is offensive to one person, may not be the same for other people. Compliance with Sigma's **Good Working Relationships** policy seeks to ensure that no one feels offended or treated unfairly.

Discrimination

Sigma is committed to ensuring a workplace free of discrimination. Discrimination can be direct or indirect:

Direct discrimination occurs if a person treats or proposes to treat a person with one of the attributes outlined below less favourably than someone without that attribute or personal characteristic. For example, not promoting an equally skilled employee because they are female, married and it is likely they may seek maternity leave within 6 months of promotion.

Indirect discrimination occurs when an unreasonable requirement, condition or practice which may appear to be neutral in fact has a disproportionately negative impact on people with particular attributes. For example, unnecessary height restrictions on a position that may disadvantage against either gender or certain nationalities.

Discrimination against others on any of the following grounds is strictly prohibited:

- race,
- gender identity,
- marital status,
- disability,
- age,
- pregnancy,
- sexual orientation,
- religious belief or activity,
- political belief or activity,
- physical features,
- lawful sexual activity,
- parental status,
- carer status,
- breastfeeding,
- industrial activity, or
- personal association.

Examples of inappropriate behaviour that could be considered discrimination include (but not limited to):

- Failing to recruit a suitably qualified applicant for a new job because they are over 50 years of age;
- During an interview for a job, asking a female applicant if they have children and/or are planning a future pregnancy;
- Treating a team member differently or unfairly because they announced they were gay

Harassment, Sexual Harassment and Bullying

Harassment and bullying in the workplace is unacceptable and will not be tolerated in any circumstances. Team members have a responsibility to respect the rights of their colleagues, including the right to work in an environment free of harassment. Words or actions may not be intended to harass or bully an individual, but the result may be that the person at the receiving end may feel humiliated or embarrassed.

Managers and supervisors who knowingly tolerate harassment of others will be considered vicariously liable for the harassment and will be subject to disciplinary procedures.

Vicarious liability is when one person is liable for the negligent actions of another person, even though the first person was not directly responsible for the injury. Under legislation an employer may be legally responsible for discrimination and harassment which occurs in the workplace or in connection with a person's employment unless it can be shown that 'all reasonable steps' have been taken to reduce this liability.

Harassment is any form of behaviour (oral, written, visual or physical) that is not wanted, not asked for and not returned, and likely to create a hostile or uncomfortable workplace by:

- Humiliating someone
- Seriously embarrassing them
- Offending them
- Intimidating them

where it occurs because of an attribute as outlined above under Discrimination. It may be a "one-off" incident or ongoing behaviour.

Bullying is repeated (not just "one-off"), unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety (this includes psychological health). It is behaviour that victimises, humiliates, undermines or threatens a person or group.

Examples of inappropriate behaviour that could be considered harassment or bullying include (but not limited to):

- Verbal abuse;
- Excluding or isolating employees;
- Telling racially offensive jokes or making any racially offensive comments;
- Intimidating behaviour, including invasive questions about a person's private life or isolating a person from group activities for an attribute they have or are perceived to have;
- Ridiculing people with disabilities or unique physical features;
- Initiation rites (tests for new people to see if you like them or will let them belong) that could offend, humiliate or intimidate someone;
- Malicious gossip about a person's sexual orientation;
- Sabotage of a person's work because they are/aren't a member of a particular religious or political organisation;
- Continually ensuring an individual employee is rostered to work night shift (and not offering to others) where it is unreasonable given their carer/parental status;
- Assigning meaningless tasks unrelated to the job or assigning impossible assignments;
- Using company computer resources to access any information that may be unwelcome, uninvited or generally offensive to others within the work environment.

Sexual harassment includes:

- An unwelcome sexual advance
- An unwelcome request for sexual favours, or
- Any other unwelcome conduct of a sexual nature in circumstances in which a reasonable person having regard to all circumstances would have anticipated that the other person would be offended, humiliated or intimidated by. Again, it could be oral, written, visual or physical.

Examples of inappropriate behaviour that could be considered sexual harassment include (but not limited to):

- Sex at work, touching anyone else's sexual parts of the body;
- Unwelcome comments or unnecessary familiarity about a person's sex life or physical appearance;
- Sexual propositions or continual requests for dates;
- Strip-o-grams, or any other form of striptease, or naked display of sexual parts of your own or someone else's body;
- The display of sexually explicit photographs, posters, reading matter or objects;
- Forwarding of offensive and/or explicit e-mail;
- Referring to a person who is transgender by their previous name or gender or calling him or her 'it';
- Downloading pornography from the Internet;
- Showing of X-rated videos;
- Stalking another employee, customer, client either inside or outside of the workplace;
- Indecent or sexual assault (from simple touching of the parts of the body to more serious forms of assault).

(Some of these examples could also constitute crimes that would be investigated by the Police.)

Vilification

A person must not, on the ground of the race or religious belief or activity of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule for that other person or class of persons.

Examples of inappropriate behaviour that could be considered vilification include (but not limited to):

- Forwarding chain mail to fellow team members that are racist and asking for the email to be forwarded to others;
- Distributing material internally and externally that is anti-homosexuality and seeking support for the views.

Victimisation

A person must not victimise another person because he or she has or intends to:

- Make a complaint;
- Be a witness;
- Act in good faith in bringing information or an allegation under this policy to the attention of a manager or other company representative; or,
- Refuse to contravene this policy.

If an allegation of inappropriate behaviour has been made, the respondent has a right to expect that defamatory remarks are not made against them. If discussion of the complaint occurs with others not involved in investigating or resolving the matter, this should be brought to the attention of the relevant supervisor. Respondents should also be careful not to make defamatory remarks about the person who has lodged the complaint.

Examples of inappropriate behaviour that could be considered victimisation include (but not limited to):

- A supervisor treating a team member unfairly by giving them more work than other team members because they informed HR about a sexual harassment incident they witnessed within the team;
- Harassing a team member who has made a complaint against a well-liked colleague, because everyone thinks it "couldn't possibly be true";
- A group of employees "ganging up" on a team member who refuses to be involved in an initiation rite of the newest recruit.

COMPLAINTS PROCESS

If a team member feels that Sigma's **Good Working Relationships** policy has been contravened, this section outlines the options available to all team members for seeking resolution of their concerns.

1. Contact Officers

Sigma has Contact Officers at each Sigma site who are trained to be the **first point of call** if a team member has a concern about an issue that they believe may contravene the Good Working Relationships Policy.

The role of a Contact Officer is to provide support and information. They will not provide advice or advocate on behalf of a complainant, but they will be able to discuss the concerns and situation and outline what options are available in seeking a resolution to the concern.

When meeting with a Contact Officer they will discuss:

- the issues of concern and how the concern may contravene this policy;
- discuss the outcomes the person would like;
- outline the options available for issue resolution.

All discussions with a Contact Officer are confidential.

The company regularly updates and publishes a list of current Sigma Contact Officers and their contact details.

2. Manager/Supervisor or Human Resources

Team members with concerns can talk directly with a manager or supervisor, or human resources representative, without discussing their concerns with a Contact Officer first.

3. Options for issue resolution

A variety of options may be available to a complainant in resolving their concerns. Contact officers can discuss each of them in more detail with you. Such options may include:

- Self management
- Informal Options
- Formal Options
- External Avenues

| Action | | Who to Contact |
|------------------------|--|---|
| Self-Management | | Contact Officer or Manager/Supervisor |
| Informal | Observation - monitoring the behaviour | Manager/Supervisor |
| | Counselling of respondent - one-on-one counselling of respondent | 1. Manager/Supervisor 2. HR Representative |
| | Education (Group or Individual) - information session/activity about inappropriate behaviour | 1. Manager/Supervisor 2. HR Representative |
| | Mediation - third party intervening between the complainant and respondent | 1. Manager/Supervisor 2. HR Representative |
| Formal | Conciliation - complainant and respondent sitting down with a third party to try and reach agreement | 1. Manager/Supervisor 2. HR Representative |
| | Investigation - usually third party investigation of events including talking to witnesses | 1. Manager/Supervisor 2. HR Representative |
| External | | Relevant State or Federal body |

Self management:

Employees who believe they are being discriminated against could raise their concerns with the person whom they believe has behaved discriminatorily. Whilst Sigma encourages employees to take this action of their own accord, the company recognises that situations may exist where the employee is uncomfortable with a direct approach. Contact Officers, managers/supervisors and HR can give you some guidance on approaching the respondent.

Informal options:

If the employee is uncomfortable with a direct approach or he/she is dissatisfied with the response, the employee is encouraged to contact their manager/supervisor or HR Representative (if they haven't already done so).