



# PANORAMIC RESOURCES LIMITED

ACN 095 792 288

## DISCRIMINATION, HARASSMENT AND BULLYING POLICY

Panoramic Resources Limited is committed to providing a work environment that is safe, fair and free from discrimination, harassment and bullying for all members of the Company. The Company is committed to complying with all State and Commonwealth laws governing unlawful discrimination, harassment, bullying, vilification or victimisation.

Employees found to be engaging in discriminatory practices, harassment or bullying of fellow employees or other persons in the workplace will be subject to disciplinary action, up to and including termination, and may also be subject to prosecution under the Commonwealth, State or Territory Legislation.

### Company Objectives

The Company actively seeks to achieve the following objectives with respect to this policy:

- to create a working environment that is free from discrimination, harassment and bullying
- where all employees are treated with dignity, courtesy and respect
- to provide information sessions and training to ensure that all employees know their rights and responsibilities
- to provide an effective procedure for complaints, based on the principals of natural justice
- to treat all complainants in a sensitive, fair, timely and confidential manner
- to guarantee protection for our employees from further victimisation or reprisals
- to encourage reporting of behaviour that breaches the discrimination, harassment and bullying policy.

A complete copy of this policy is available from your Supervisor, Site Contact Officer or HR Manager.

**Peter Harold**  
**Managing Director**  
17 August 2007

Version – Sept. 2008 (following change of Company Name)

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### **Definitions**

#### **Unlawful Discrimination**

Under federal and state legislation unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin; sex, pregnancy or marital status; age; disability; religion; sexual preference; membership of a trade union activity; or some other characteristic specified under anti-discrimination or human rights legislation.

Workplace discrimination can occur in:

- recruiting and selecting staff
- terms, conditions and benefits offered as part of employment
- who receives training and what sort of training is offered
- who is considered and selected for transfer, promotion, retrenchment or dismissal.

#### **Unlawful Harassment**

Under federal and state legislation unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. It can also happen if someone is working in a 'hostile' - or intimidating - environment.

Harassment can include behaviour such as:

- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails

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- displaying offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race or religion.

### What Harassment/Discrimination is Not

Workplace harassment, discrimination or bullying must not be confused with legitimate comment and advice (including relevant negative comment or feedback) from managers and supervisors on the work performance or work related behaviour of an individual or group.

The process of providing feedback to staff during a formal performance appraisal, or counselling staff regarding their work performance, will not always be free of stress. Managers should manage these processes with sensitivity, but they should not avoid their responsibility to provide full and frank feedback to staff.

### Sex Discrimination

The [Sex Discrimination Act 1984](#) makes it unlawful to discriminate against a person because of their sex, marital status or because they are pregnant or might become pregnant. It is also against the law to dismiss a person from their employment because of their family responsibilities. The Act promotes recognition and acceptance within the community of the principles of equality for women and men.

### Pregnancy Discrimination

Pregnancy discrimination occurs when a female employee is treated less favourably than another person because she is pregnant or because she may become pregnant. Indirect pregnancy discrimination may also happen when someone imposes a requirement (a rule, practice or procedure) which appears to treat everyone the same but disadvantages a woman because she is pregnant or may become pregnant in the future.

Pregnancy discrimination can occur if a woman is treated in any of the following ways because she is pregnant or might become pregnant:

- refused employment or promotion
- dismissed or retrenched
- excluded from a training course
- reduced hours of work
- transferred to another position when there are no valid safety or medical reasons for this
- demoted or reduced seniority.

### Sexual Harassment

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment. Whether the behaviour is **unwelcome** is a **subjective test**: it looks at how the conduct in question was perceived and experienced by the recipient, rather than the intention behind it.

Whether the behaviour was **offensive, humiliating or intimidating** is an **objective test**: it looks at whether a reasonable person would have anticipated that the behaviour would have this effect.

Sexual harassment in the workplace can take various forms. It can involve:

- staring, leering or unwelcome touching
- suggestive comments or jokes
- sexually explicit pictures or posters

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- unwanted invitations to go out on dates
- requests for sex
- intrusive questions about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- insults or taunts based on sex
- sexually explicit physical contact
- sexually explicit emails or SMS text messages.

### **Criminal Behaviour**

Some types of sexual harassment may also be offences under criminal law. These include:

- physical molestation or assault
- indecent exposure
- sexual assault
- stalking
- obscene communications (telephone calls, letters, etc)

If the Company or an employee suspects that a criminal incident has occurred, the matter will be reported to the police.

### **What Sexual Harassment is Not**

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not sexual harassment.

### **Workplace Bullying**

Workplace bullying is any repeated treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades or humiliates a worker.

Bullying behaviour can range from very obvious verbal or physical assault to very subtle psychological abuse.

This behaviour may include:

- physical or verbal abuse
- yelling, screaming or offensive language
- excluding or isolating employees
- psychological harassment
- intimidation
- assigning meaningless tasks unrelated to the job
- giving employees impossible jobs
- deliberately changed work rosters to inconvenience particular employees
- undermining work performance by deliberately withholding information vital for effective work performance.

### **Roles and Responsibilities**

All managers and supervisors have a primary role for ensuring employees are not harassed, discriminated against or bullied in the workplace and are responsible for taking all reasonable steps to prevent discrimination, harassment and bullying occurring. This includes undertaking training in grievance management, ensuring employees under their supervision are aware of the Company's policies and procedures as detailed in this document and notifying the Managing Director where an

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employee has repeated complaints made against them. It is necessary for supervisors and managers, in their own behaviour, to provide a model of good conduct.

It is the responsibility of every employee to ensure that their own behaviour contributes to an environment which is free from discrimination, harassment and bullying. All employees making complaints (complainants) have the responsibility to participate seriously in attempts to resolve their grievance, not to make vexatious or malicious grievances and to recognise the person complained about has a right to respond. Employees against who a grievance has been lodged (respondents) have a responsibility to participate seriously in attempts to resolve the issues, to recognise the complainants right to raise their concerns and not to victimize, harass or bully the complainant or others involved in resolving the grievance, in any way.

### **Where to get Help if Discrimination or Harassment occurs**

If you feel you have been discriminated against, harassed or bullied you should speak with your Supervisor, Site Contact Officer, HR Manager or Operations Manager.

### **Complaints Procedure**

The Company's procedure for dealing with discrimination, harassment or bullying complaints has been designed to maximize the possibility of an in-house resolution. In recognition of the many different variables that can arise in discrimination, harassment or bullying cases, including the severity and complexity of the allegations, relative seniority of the parties, and whether the allegations are admitted or denied, the Company offers employees both an informal and formal complaint procedure. It is up to an employee's individual discretion, as to which procedure they choose and you are not required to exhaust informal means of resolution before formal actions commence.

### **Informal Complaint Procedures**

The informal procedure emphasises resolution rather than factual proof or substantiation of a complaint. Informal ways of dealing with complaints of discrimination, harassment or bullying can include the following actions:

- the individual who has been discriminated against or harassed or bullied wants to deal with the situation themselves but may seek advice on possible strategies from their supervisor or another officer (e.g. Contact Officer or Human Resources Manager)
- the individual who has been discriminated against or harassed or bullied asks their supervisor to speak to the alleged perpetrator on their behalf. The supervisor privately conveys the individuals concerns and reiterates the organisation's policy to the alleged perpetrator without assessing the merits of the case
- a complaint is made, the perpetrator admits the behaviour, investigation is not required and the complaint can be resolved through conciliation or counselling
- a supervisor or manager observes unacceptable conduct occurring and takes independent action even though no complaint has been made.
- This course of action is usually appropriate where:
  - the allegations are of a less serious nature, but the individual subjected to the behaviour wants it to cease nonetheless
  - the individual subjected to the behaviour wishes to pursue an informal resolution
  - the parties are likely to have ongoing contact with one another and the complainant wishes to pursue an informal resolution so that the working relationship can be sustained.

### **Formal Complaint Procedures**

This procedure is best employed when a complaint can be substantiated, or at a minimum when parties can be brought together to try and reach a satisfactory outcome. Formal complaints procedure involves:

- investigation of the allegations
- application of the principles of natural justice
- making a finding as to whether the discrimination, harassment or bullying occurred or whether it is more likely than not that it has occurred
- submitting a report with a recommended course of action to the appropriate decision-maker (senior management)
- implementation of an appropriate outcome.
- Formal procedures are usually appropriate where:
- informal attempts at resolution have failed
- the person alleging discrimination or harassment or bullying has been victimised
- the complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties
- the complaint is against a more senior member of staff - formal procedures may help to ensure that the complainant is not victimised or disadvantaged
- the allegations are denied and the person who claims to have been harassed wishes to proceed and investigation is required to substantiate the complaint
- the person alleging discrimination or harassment or bullying wishes to make a formal complaint from the outset.

### **The Steps Involved in a Formal Complaint**

To ensure consistency and fairness, the following sequence of events are to occur when investigating a formal complaint:

- the complainant is interviewed and the allegations are provided in written format
- the allegations are conveyed to the alleged perpetrator in full
- the alleged perpetrator is given the opportunity to respond and defend themselves against the allegations
- if there is a dispute over facts, statements from any witnesses and other relevant evidence are gathered
- a finding is made as to whether the complaint has substance
- a report documenting the investigation process, the evidence, the finding and a recommended outcome/s is submitted to the appropriate decision-maker (Operations Manager or delegate appointed by the Managing Director)
- the decision-maker implements the recommended outcome/s or decides on an alternative course of action.

All parties involved in the complaint are encouraged to have a support person accompany them to any interviews or meetings if required.

### **Guidance to Supervisors**

#### **Consideration of Evidence**

A formal complaint should not be dismissed on the ground that no one saw or heard the incident/s occur. Given the nature of the offence, there are often no direct witnesses to alleged acts of discrimination, harassment or bullying. Those responsible for investigating complaints should consider all available evidence, including any surrounding evidence. The following type of evidence may be relevant:

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- supporting evidence provided by a health practitioner, counsellor, family member, friend or co-worker
- supervisors reports and personnel records (e.g. unexplained requests for transfer or shift changes, sudden increase in sick leave)
- complaints or information provided by other employees about the behaviour of the alleged perpetrator
- records kept by the person claiming to have been discriminated against or harassed or bullied
- whether the evidence was presented by the parties in a credible and consistent manner
- the absence of evidence where it should logically exist.

### Outcomes

Any combination of the following examples of outcomes may occur:

- the complainant gaining a better understanding of the situation and no longer feeling aggrieved
- the complainant receiving a verbal or written apology
- the respondent receiving a verbal or written official warning
- one or both parties agreeing to participate in formal counselling
- both parties agreeing to conciliation or mediation to be conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution
- disciplinary action up to and including termination where Company Policy has been breached and /or where misconduct or serious misconduct or unsatisfactory performance has occurred
- re-crediting any leave taken as a result of the discrimination or harassment.

Disciplinary action up to and including termination may also be taken where:

- a grievance is found to have been made maliciously or vexatiously or frivolously
- a person victimises another person because of their involvement in the grievance
- unnecessary disclosure of information (a breach in confidentiality) has occurred.

Outcomes will depend on factors such as:

- the severity and frequency of the discrimination or harassment or bullying
- the weight of the evidence
- the wishes of the person who was discriminated against or harassed or bullied
- whether the harasser could have been expected to know that such behaviour was a breach of policy
- whether there have been any prior incidents or warnings.

If there is insufficient proof to decide whether or not discrimination or harassment or bullying occurred then the Operations Manager or Managing Director's delegate is to:

- remind those involved of expected standards of conduct
- conduct further training and awareness raising sessions for staff
- monitor the situation carefully.

If you would like clarification of any of the points raised in this policy, do not hesitate to ask your Supervisor.



**Peter Harold**  
**Managing Director**

17 August 2007