



## **BKM Australia**

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# **ANTI HARASSMENT, SEXUAL HARASSMENT & BULLYING POLICY**

## **Purpose**

BKM Australia is committed to ensuring the provision of a safe and respectable environment for all its Employees, Contractors, Sub-Contractors, Suppliers and Clients, free from discrimination, harassment, sexual harassment, bullying and other unacceptable and/or unlawful behaviour.

All Employees, Contractors, Sub-Contractors, Suppliers and Clients are required to be treated with dignity, courtesy, and respect.

Any breaches of this policy will be taken seriously and may result in disciplinary action including termination of Employment, Services and/or Contract/Tender.

To minimise safety risk, our aim is to address and resolve any reported concerns or issues that arise as quickly as is reasonably practicable.

Mandatory aftercare calls between BKM Australia and Employees, Contractors, Sub-Contractors, Suppliers and Clients offers an additional opportunity for either party to raise and discuss any potential issues or concerns.

## **Scope**

This policy is applicable to BKM Australia's Employees, Contractors, Sub-Contractors, Suppliers and Clients across Australia.

## **Unacceptable Workplace Conduct**

Discrimination, bullying, harassment, sexual harassment and occupational violence or aggression are unacceptable to BKM Australia and are also unlawful under the following legislation:

## **Australian Legislation**

- Fair Work Act 2009 (Cth)
- Work Health and Safety Act 2011 (Cth)
- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Workplace Gender Equality Act 2012 (Cth)
- Occupational Health and Safety Act 2004 (Vic)
- Occupational Safety and Health Act 1984 (WA)

Employees, Contractors, Sub-Contractors, Suppliers and Clients found to have engaged in such unacceptable conduct may be subject to counselling, warning or disciplinary action including potential termination/cancellation of services.

Timely verbal or written reporting of incidents of such unlawful behaviour is very important.

Employees, Contractors, Sub-Contractors, Suppliers and Clients who experience or witness unacceptable and/or unlawful behaviours including those contained in this policy should take appropriate action to report the behaviour in a timely manner to BKM Australia.

All reports of unlawful behaviour will be treated seriously and empathetically by BKM Australia.

## **When and where can harassment, sexual harassment, bullying, violence or aggression occur?**

All Employees, Contractors, Sub-Contractors, Suppliers and Clients are expected to conduct themselves at all times in a professional and lawful manner.

Unlawful behavior is unacceptable not only during normal working hours in the workplace but can also include attendance at work-related:

- Conferences
- Off-site functions
- Training
- Christmas parties
- Business trips or meetings
- Internet, social media, networking sites, email, and text messages

Harassment, sexual harassment, bullying, violence or aggression can occur between Employees, Contractors, Sub-Contractors, Suppliers and Clients, Site Manager, Supervisors, Consultants/Representatives or other third parties.

It does not matter that there is no intention to discriminate, harass, sexually harass, bully or be violent or aggressive. If an act has caused or should reasonably have been expected to have caused that effect, it may still amount to unacceptable and/or unlawful behaviour.

Such behaviour will not be tolerated in any work-related environment and will be taken very seriously.

BKM Australia will provide appropriate support to Employees, Contractors, Sub-Contractors, Suppliers and Clients who are harassed, discriminated against, bullied, or subjected to violent or aggressive behaviour.

## **Discrimination**

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by law, such as sex, age, race, religion, or disability.

Discrimination can be direct or indirect.

(Please see EQUAL OPPORTUNITY & ANTI-DISCRIMINATION POLICY)

## Harassment

Unlawful harassment occurs when a person is made to feel intimidated, insulted or humiliated on the basis of a protected characteristic specified under anti-discrimination or human rights laws. Behaviours that could amount to harassment, but are not limited to, can include:

- Repeated, unwanted comments about a person's religious or political beliefs
- Repeated, unwanted name calling
- Jokes, suggestive comments, or offensive gestures related to a person's disability, religious conviction, ethnic or sexual characteristics
- Distribution or display of material regarded as offensive
- Persistent questions about a person's private life
- Repeated, unwanted and deliberate physical contact
- Indecent assault or other criminal offences

Such behaviour is unacceptable to BKM Australia.

## What is not harassment?

Work conversations will not always be easy.

All Employees, Contractors, Sub-Contractors, Suppliers and Clients should manage conversations respectfully and where appropriate, sensitively in all dealings.

It is important to distinguish between harassment and reasonable behaviors required to effectively carry out a role.

For example, legitimate comment, providing advice and stating a difference of opinion do not generally constitute harassment.

Relevant constructive feedback from BKM Australia, Managers and Supervisors on the work performance or work-related behaviour of an individual or group is also not harassment.

## Sexual harassment

Sexual harassment is any unwanted, unwelcome, or uninvited behaviour of a sexual nature that makes a person feel humiliated, intimidated, or offended.

Sexual harassment can take many different forms and may include:

- Sexually explicit conversations
- Distribution or display of material regarded as sexually offensive
- Persistent questions or insinuations about a person's private life
- Demands for sexual favors, either directly or by implication
- Uninvited deliberate physical contact
- Smutty jokes or comments
- Repeated invitations to go out after prior refusal

Sexual harassment is unacceptable to BKM Australia and is also unlawful according to anti-discrimination laws in Australia.

## What is not sexual harassment?

It is important to distinguish between sexual harassment and behaviour which is based on mutual attraction, friendship, and respect.

If the interaction is consensual, welcomed or reciprocated, it is not sexual harassment.

## Bullying

Bullying is repeated unreasonable behaviour by an individual or group that could reasonably be considered to be humiliating, intimidating, threatening, demeaning or victimising to a person or a group of people, which subsequently creates a risk to health and safety.

Inappropriate behaviour should be addressed, although isolated incidents do not usually constitute bullying

Acts of bullying can be direct or indirect.

### Direct bullying

Examples of direct bullying behaviour may include:

- Abusive, insulting, or offensive language
- Physical assault or threats
- Behaviour or language perceived as frightening, intimidating, humiliating, threatening, degrading, or victimising
- Teasing or making someone the brunt of practical jokes
- Spreading malicious rumours
- Interfering with someone's personal property or work equipment

### Indirect bullying

- Deliberately excluding someone from workplace activities
- Unfairly assigning unpleasant tasks or overloading a person with work
- Withholding information that is vital for effective work performance
- Intimidating a person through inappropriate personal comments or belittling opinions
- Excessive scrutiny of work
- Unfair or excessive criticism
- Unfair treatment in relation to access to workplace entitlements, such as leave or training

In Australia, bullying is unlawful according to the Fair Work Act 2009 as well as workplace health and safety laws. Where the bullying behaviour involves elements of discrimination, it is also unlawful according to federal, state and territory anti-discrimination laws.

Any type of bullying is unacceptable to BKM Australia.

## What is not bullying?

It is important to distinguish between workplace bullying and appropriate, reasonable behaviour that is carried out to achieve high work performance.

The following are examples of what behaviour is not bullying:

- Reasonable management action carried out in a reasonable manner
- Setting performance goals, high standards and deadlines
- Allocating work to a worker
- Providing constructive feedback
- Expressing a difference of opinion in a respectful manner
- Informing a worker about unsatisfactory work performance or inappropriate behaviour
- Performance management processes
- Implementing organisational changes

## Occupational Violence or Aggression

Occupational violence or aggression typically involves incidents in which an individual is abused, threatened or assaulted in circumstances arising during the course of their work.

Examples can include:

- Yelling, swearing, or calling names
- Threateningly standing over someone
- Threats of violence
- Any form of indecent physical contact

BKM Australia is committed to ensuring that Employees, Contractors, Sub-Contractors, Suppliers and Clients are not adversely impacted by occupational violent or aggressive behaviour – such behaviour is not acceptable and will not be tolerated.

## Responsibilities

It is the responsibility of BKM Australia, its Employees, Contractors, Sub-Contractors, Suppliers and Clients to understand and adhere to this policy and the applied principles and legislation relating to equal opportunity, harassment, sexual harassment, bullying, violent or aggressive behaviour in the workplace.

## Issue Resolution

Instances of associated unlawful behaviour can vary widely in nature requiring a flexible approach to find the most appropriate solution which may necessitate the involvement of several key BKM Australia business owners and outside resources to resolve an issue or concern.