

## Equal Opportunity Policy – Temporary Workers Australia

### Purpose and Scope

Robert Walters aims to provide an environment where all employees, candidates, temporary workers, contractors and clients are treated fairly and with respect, are free from unlawful discrimination, harassment, and bullying and where the principles of gender equality are observed at all times.

Equal Opportunity means:

- Fair workplace practices and unbiased management decisions
- A supportive working environment
- Respect for social and cultural backgrounds of all who work for and with Robert Walters
- A system to ensure that harassment, bullying and unlawful discrimination is not tolerated

### Policy application

This policy applies to all PAYG temporary workers while engaged in a temporary client role, or in a situation related to their engagement such as client related functions, parties or conferences, whether held on-site or off-site or on social media.

Each temporary worker has a responsibility to support the safety of themselves and others while working in a client workplace and to promote positive workplace behaviours. In certain circumstances, this policy may apply to interactions that are non-work related if it is in the context of the relationship between Robert Walters or a Robert Walters client or affects the workplace. This policy should be read in conjunction with the Code of Conduct and Diversity policies for temporary workers.

Robert Walters is committed to upholding its responsibilities as an Equal Opportunities employer and creating a workplace that attracts, retains and values diversity, both for our internal employees and external temporary workers. Robert Walters takes discrimination, bullying and all forms of harassment very seriously and our goal is to have a positive and inclusive workplace culture, with prevention at the centre of this policy. Our commitment is to:

- Provide equal opportunities for recruitment, retention and development of all of its current and prospective temporary workers, regardless of any protected ground including sex, marital status, religion, colour, race, ethnic origin, disability, age, political opinion, employment status, family status or sexual orientation. Any opportunity will be assessed based on an individual's merit and skills.
- Develop and maintain a workplace culture that values and supports diversity.
- Create a safe work environment, with a zero-tolerance approach to discrimination, bullying or harassment (including sexual) on any of the protected grounds mentioned above
- Provide a welcoming and inclusive workplace for gender diverse people
- Seek to promptly resolve issues at the lowest appropriate level of intervention

- Ensure the wellbeing of the complainant and the respondent and respect confidentiality where possible and appropriate

## Legislation

Legislation at both Federal and State levels strictly prohibits and affirms discrimination, harassment and bullying in the workplace to be unlawful. The relevant legislation is but is not limited to:

Federal	State	
Equal Opportunity Act 1987 (Cth)	ACT	Discrimination Act 1991 (ACT)
Workplace Gender Equality Act 2012	NSW	Anti-Discrimination Act 1977 (NSW)
Fair Work Act 2009	NT	Anti-Discrimination Act (NT)
Disability Discrimination Act 1992	QLD	Anti-Discrimination Act 1991 (QLD)
Australian Human Rights Commission Act 1986	SA	Equal Opportunity Act 1984 (SA)
Racial Discrimination Act 1975	TAS	Anti-Discrimination Act 1998 (TAS)
Racial Hatred Act 1995	VIC	Equal Opportunity Act 2010 (VIC)
Sex Discrimination Act 1984	WA	Equal Opportunity Act 1984 (WA)
Age Discrimination Act 2004 (Cth)	WHS	WHS Act (2011 & 2012)
Human Rights (Sexual Conduct) Act 1994	VIC	Occupational Health & Safety Act 2004 (VIC)
Privacy Act 1988	WA	Occupational Safety & Health Act 1984 (WA)

## What is discrimination?

Discrimination means treating someone differently or unfairly because of characteristics that include:

- Sex
- Race (including colour, national or ethnic origin)
- Age
- Marital status or defacto-spouse status
- Religion beliefs, affiliation or activity
- Political opinion, affiliation or activity
- Pregnancy or potential pregnancy
- Status as a parent or carer
- Illness or injury
- On the basis of being associated with a person with one of the abovementioned characteristics.
- Disability (physical and/or mental)
- (Irrelevant) Medical record
- Sexual orientation
- Gender identity
- Lawful sexual activity
- Physical features
- Industrial / trade union activity
- (Irrelevant) Criminal record

## Direct and indirect discrimination

Direct Discrimination occurs when a person treats, or proposes to treat, someone unfavourably because of a personal characteristic protected by law.

Indirect discrimination will occur where a person imposes, or proposes to impose, a requirement, condition or practice that is not reasonable and has, or is likely to have, the effect of disadvantaging people with a

protected attribute. For example, a job advertisement for a records officer requires the applicant to be 185cm (so they can reach the top shelf of the filing system). This requirement will disadvantage women (sex discrimination) because statistically, women are naturally shorter than men. Furthermore, this requirement could be eliminated by the provision of a step ladder or stool.

## Are there exceptions?

Discriminatory conduct will not be unlawful if a relevant exemption or exception applies. This may include:

- Dress, Behaviour and Appearance - An employer may set and enforce reasonable standards of dress, behaviour and appearance.
- Special Services or Facilities - An employer may discriminate against another person on the basis of impairment if:
  - In order to perform the genuine and reasonable requirements of the temporary client role, the person requires or would require special services or facilities; and it is not reasonable in the circumstances for those special services or facilities to be provided; or
  - The other person cannot or could not adequately perform the genuine and reasonable requirements of the temporary client role, even after the provision of special services or facilities.

## Bullying and Harassment

Robert Walters has a zero-tolerance approach to any kind of bullying or harassment (including sexual harassment) of employees, temporary workers, candidates, clients, contractors and visitors.

**Bullying** is repeated, unreasonable behaviour directed towards a person or a group of people in the workplace, that creates a risk to their health and safety. The risk may be physical or psychological in nature. Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening. Examples include but are not limited to:

- Constant ridicule, abusive, offensive or insulting language
- Unjustified criticism and complaints
- Spreading misinformation or malicious rumours
- Teasing or regularly making someone the brunt of practical jokes
- Deliberately excluding or isolating a person
- Deliberately denying access to information, consultation or resources

Reasonable management action including performance management, demotion where appropriate, disciplinary action, counselling, or termination (as long as reasonable), are not considered to be bullying behaviour. A personality or management style clash will not constitute bullying unless unreasonable.

**Harassment** occurs when someone is made to feel intimidated, insulted or humiliated on the basis of a personal characteristic protected by law. It may be subtle or explicit and can include actions such as:

- Mimicking someone with a disability
- Telling insulting jokes about particular racial groups
- Making derogatory comments or taunts about someone's religion
- Ignoring, isolating or segregating a person because of their sex, race or disability

**Sexual harassment** is any unwelcome, or uninvited advance, request for favour, behaviour or conduct of a sexual nature that a reasonable person would find offensive, humiliating or intimidating in the circumstances, and which the person did find offensive, humiliating or intimidating. Sexual harassment is against the law<sup>1</sup> and, in some forms, may constitute a reportable criminal offence. Robert Walters will not tolerate any form of workplace sexual harassment and will cooperate with police where obligated to do so.

Sexual harassment can take many forms, including the following behaviours:

- Actual or attempted sexual assault.
- Unwelcome physical contact.
- Staring or leering.
- Suggestive comments or jokes.
- Sharing sexually explicit pictures, posters, conversations, emails, or SMS text messages.
- Persistent unwanted invitations for dates.
- Requests for sex or sexual favours.
- Intrusive questions about a person's private life or body; and/or
- Insults or taunts based on sex.

Sexual harassment can happen in the workplace, while working from home or during work-related events or activities, such as off-site meetings, conferences, functions, and business trips. It can be repeated behaviour or a one-off incident.

All Robert Walters temporary workers are expected to also comply with the Robert Walters Sexual Harassment Policy and Fitness for Work Policy.

Robert Walters expects all temporary workers to always model appropriate standards of behaviour, including when consuming alcohol. Inappropriate comments, gestures or behaviours including those identified in this policy will not be tolerated by Robert Walters and temporary workers will face disciplinary action if they are found to have engaged in such conduct. Alcohol will not ever be accepted as an excuse for inappropriate behaviour.

### **What can you do if you feel you have been bullied, harassed, or discriminated against?**

Robert Walters provides a range of options to make it easier for people to voice a concern, other than advising the offender (verbally or in writing) requesting that they stop the behaviour. Alternative approaches include:

- Advising the Robert Walters Recruitment Consultant
- Advising the Robert Walters HR/WHS team (via email:  
australiahumanresources@robertwalters.com.au)
- Advising the host manager

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<sup>1</sup> In New South Wales, the *Anti-Discrimination Act 1977*; in Victoria, the *Equal Opportunity Act 2010*; in Queensland the *Anti-Discrimination Act 1997*; in South Australia, the *Equal Opportunity Act 1984*; in Western Australia, the *Equal Opportunity Act 1984*; in the Australian Capital Territory, the *Discrimination Act 1997*; and at a Federal level the *Sex Discrimination Act 1984* and the *Fair Work Act 2009*.

If the matter is raised with a Robert Walters Recruitment Consultant, the complainant should be advised that if the issue is considered sufficiently serious and could affect the wellbeing of the individual or the client and its employees, Robert Walters may be obligated to progress with the complaint on a formal basis.

## **Investigation Process**

If an investigation is deemed necessary, a representative from the Robert Walters Human Resources team and/or a client's HR team will speak to all parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties. Relevant information will be collected and considered before a decision is made. All parties have the right to ask for a support person to be present at all times. Robert Walters will use its best endeavours to treat all matters with confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.

Relevant parties in the complaint process will be kept informed of the progress of the investigation as appropriate.

Outcomes may include:

- an apology
- transfer of desks/locations
- counselling support
- agreed forms of behaviour
- written warnings
- termination of the temporary client role

If there is any criminal action involved (e.g., sexual assault), the police will be notified. It is also important to note that temporary workers who have allegedly engaged in bullying, discrimination, or harassment or who have induced or aided other workers to do so, may be held liable under law.

## **Victimisation**

Victimisation occurs when a person is treated less favourably or is subject to some other detriment because:

- They make, or propose to make, a genuine complaint of unacceptable or unlawful behaviour; or
- They are involved in a complaint process or investigation (for example, as a witness).

Victimisation is unlawful and will not be tolerated under any circumstances at Robert Walters. This means that you must not retaliate against a person or subject them to any detriment because they have lodged a complaint, may lodge a complaint, or are otherwise involved in a complaint or investigation process.

Please refer to the RW Grievance Policy for temporary workers for further information.

## **Breach of this Policy**

Failure to comply with this Policy, or acting inconsistently with this Policy, will be viewed seriously and could result in disciplinary steps being taken against you, which could include the termination of your employment with Robert Walters.

## **Review of the Policy**

This Policy is owned by the Robert Walters Human Resources team and may be amended, supplemented, or removed at any time.