



**SYNERTEC**

# Policy

**Team:** HR

**Client:** Synertec

**Document:** POL243

**Revision:** 2.00 - 10-Aug-2022

## Title: **Equal Employment Opportunity**

**Purpose:** Synertec is committed providing a workplace free from discrimination, sexual harassment and bullying, and to being an Equal Employment Opportunity (EEO) employer.

**Scope:** Applies to the entire Synertec working environment

**Document Approval:** Completion of the following signature blocks signifies the approver has read, understands, and agrees with the content of this document.

<i>The author is signing to confirm the technical content of this document.</i>				
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<i>The Managing Director is signing to confirm the technical content of this document.</i>				
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<i>The HSEQ Manager is signing to confirm this document complies with the Synertec Quality System.</i>				
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<i>This document is effective from the date of the last approval signature.</i>				

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# 1. Introduction

Synertec is committed to being an Equal Employment Opportunity (EEO) employer, providing a safe, diverse, and respectful working environment, free from all forms of discrimination, bullying and harassment, and ensuring equality and promoting diversity in the workplace.

Discrimination, harassment, and other forms of conduct outlined in this Policy are unlawful under State and Federal laws and may attract personal liability for those engaging in this conduct, and vicarious liability for Synertec.

Conduct in breach of this Policy will not be tolerated, and disciplinary action up to, and including potential termination, may be taken against any employee who breaches this Policy.

To the extent that Synertec (including its employees and contractors) operate or conduct activities on the premises of a third-party organisation, this Policy will continue to apply.

# 2. Commitment

Synertec is committed to providing a workplace culture and environment that:

- is free from discrimination, bullying, harassment and anti-social behaviour, where persons are treated with dignity, courtesy, and respect;
- implements training and awareness raising strategies to ensure awareness of rights and responsibilities under this Policy;
- provides an effective procedure for complaints based on the principles of procedural fairness;
- seeks to treat all complaints in a sensitive, fair, timely and confidential manner;
- provides protection from victimisation, vilification or reprisals;
- encourages the reporting of behaviour which breaches this Policy; and
- promotes appropriate standards of conduct.

# 3. Application

This Policy applies to all Synertec's current or prospective employees, current or prospective contractors, current or prospective agents, and visitors to the workplace.

The "workplace" includes the physical workplace, events such as training, conferences, formal and informal social gatherings, and electronic communication including, but not limited to email, text messages and social media.

This Policy also applies to:

- how Synertec provides services to clients and customers and how it interacts with other members of the public,
- interactions between employees, clients, customers, and other members of the public encountered in the course of employment in a Synertec role or whilst a contractor at Synertec.

For the avoidance of doubt, this Policy does not form part of any current or prospective employees' contracts of employment or current or prospective contractors' or agents' terms and conditions of service / engagement.

## 4. Reference Documents

<b>Doc. No.:</b>	<b>Document Title:</b>	<b>Revision No.:</b>
	Equal Opportunity Act 2010	Latest
	Racial Discrimination Act 1975 (Cth)	Latest
	Sex Discrimination Act 1984 (Cth)	Latest
	Disability Discrimination Act 1992 (Cth)	Latest
	Age Discrimination Act 2004 (Cth)	Latest
	Fair Work Act 2009 (Cth)	Latest
Corporate Governance	Diversity Policy	Latest
POL244	Workplace Behaviour Policy	Latest
POL743	Serious Misconduct Policy	Latest

## 5. Objectives of the Policy

This Policy works in conjunction with Synertec's Workplace Behaviour Policy (POL244). The objective of Synertec's Equal Employment Opportunity Policy is to improve business success by:

- Attracting and retaining the best possible employees;
- Providing a safe, respectful and flexible work environment; and
- Delivering our services in a safe, respectful and reasonably flexible way

Synertec's goal is to ensure that employees are treated equally in all employment matters regardless of:

- Race, colour, national or ethnic origin, descent or ancestry, nationality;
- Sex or gender, gender identity, sexual preference, lawful sexual activity, marital status, pregnancy, breastfeeding, status as a parent or carer, an expunged homosexual conviction;
- Religion or political belief or activity, industrial activity;
- Age, physical features, disability (including the use of an assistance aid if applicable), medical record; and
- Personal association with a person who is identified by reference to any of the listed attributes.

Synertec will ensure that fair practice and behaviour in the workplace is achieved through, but is not limited to:

- Recruitment, selection and placements;
- Transfers and promotions;
- Performance reviews;
- Remuneration practices and benefits;
- Training and development opportunities;
- Termination of employment; and
- All other conditions of employment.

Synertec recognises three main areas as key contributors in the workplace to having an EEO organisation. These are:

## 5.1. Key areas of consideration

Outlined below are the key areas of consideration for this Policy.

## 5.2. Discrimination

Unlawful discrimination occurs when a person or group of people is treated or proposed to be treated unfavourably on the basis or assumption of a personal characteristic protected by law (for example, under the *Equal Opportunity Act 2010 (Vic)*, the *Racial Discrimination Act 1975 (Cth)*, the *Sex Dis is treated or proposed to be treated unfavourably on the basis or assumption of a personal characteristic protected by law (for example, under the Equal Opportunity Act 2010 (Vic), the Racial Discrimination Act 1975 (Cth), the Sex Discrimination Act 1984 (Cth), the Disability Discrimination Act 1992 (Cth) and the Age Discrimination Act 2004 (Cth))*).

These personal characteristics include:

- sex;
- sexual orientation;
- gender identity;
- intersex status;
- marital and relationship status;
- pregnancy, potential pregnancy, or breastfeeding;
- family responsibilities, parental status, or status as a carer;
- employment activity;
- race;
- age;
- actual or imputed disability or impairment (including mental and physical disabilities);
- gender history;
- industrial activity;
- personal association;
- religious belief or activity;
- carer's responsibilities;
- lawful sexual activity;
- physical features;
- political belief or activity; and
- expunged homosexual conviction.

## 5.3. Indirect Discrimination

Indirect discrimination occurs where there is a requirement, condition or practice that is imposed that has (or is likely to have) the effect of disadvantaging a person or group of persons because of one of the characteristics protected by law and, having regard to the circumstances, it is not a reasonable requirement, condition, or practice.

For example, the requirement for a High School Certificate. Unless this requirement is essential, i.e., is included in the Role Requirements, it may be unfairly excluding applicants educated overseas or applicants whose family circumstances had not allowed them to complete their high school education.

The person who imposes, or proposes to impose the requirement, condition or practice has the burden of proving that the requirement, condition or practice is reasonable. Whether a requirement, condition or practice is reasonable depends on all relevant circumstances, including:

- the nature and extent of the disadvantage resulting from the imposition, or proposed imposition of the requirement, condition or practice;
- whether the disadvantage is proportionate to the result sought;
- the cost of any alternative requirement;
- the financial circumstances of the person imposing or proposing to impose the requirement, condition or practice;
- whether reasonable adjustments or reasonable accommodation could be made to the requirement to reduce the disadvantage caused; and
- in determining whether a person indirectly discriminates, it is irrelevant whether or not that person is aware of the discrimination.

In determining whether or not a person discriminates, the person's motive is irrelevant.

## 5.4. Bullying

Synertec employees, contractors, and customers must not be bullied or harassed in the workplace. Workplace bullying is "repeated, unreasonable behaviour directed towards a worker, or group of workers, in the workplace that creates a risk to health and safety" (being physical and/or mental health and safety).

Repeated behaviour refers to the persistent and ongoing nature of the behaviour over time. A single incident of unreasonable behaviour will ordinarily not constitute workplace bullying but may constitute unacceptable workplace behaviour if it is behaviour that is contrary to this Policy.

Unreasonable behaviour may include victimising, humiliating, intimidating, or threatening someone. Whether the behaviour is unreasonable will depend on whether a reasonable person, given the circumstances, would find the behaviour to be unreasonable.

Examples of bullying include:

- spreading misinformation or malicious rumours about another employee;
- abusive, insulting or offensive language directed towards another employee;
- interfering with another employee's personal property or work equipment;
- withholding information that is necessary for an employee to do their job;
- deliberately excluding or isolating an employee from the work group; or
- setting unrealistic and unachievable timeframes for completion of work or consistently changing time frames.

Reasonable management action that is taken in a reasonable way is not workplace bullying.

Reasonable management action can include:

- performance management and disciplinary processes or disciplinary action;
- providing feedback and performance counselling;
- directing employees to undertake particular work or to perform their work in a particular way; or
- setting performance and conduct standards for a particular work group or work area.

Workplace conflict such as differences of opinion and disagreements may not constitute appropriate workplace behaviour but are generally not considered to be workplace bullying.

However, in some cases where conflict is managed poorly, conflict may escalate to the point where it may meet the definition of workplace bullying, it is therefore important to deal with conflict as it arises.

If an employee needs assistance in addressing workplace conflict they can seek guidance from a manager or Human Resources.

## 5.5. Harassment

Harassment is any unwelcome, unsolicited and inappropriate behaviour towards a person or group of people which a reasonable person, having regard to all the circumstances, would consider to be offensive, humiliating, intimidating or threatening.

Harassment does not require any intent to offend or harm in order for it to be unlawful; rather it is the impact of the behaviour on the recipient, and nature of that behaviour, which determines whether it is harassment. It is important to be mindful that some behaviour while not offensive to some, may be offensive to others. Refer to Workplace Behaviour Policy POL244.

## 5.6. Sexual Harassment

Refer to POL742 Sexual Harassment Policy.

## 6. Equal Opportunity

Equal opportunity policies and programs aim to overcome disadvantages caused by past discrimination so that people are enabled to compete on merit.

Indigenous peoples, women, people who have a disability, or who are from a non-English-speaking background have often been unfairly deprived of work opportunities. Special entry requirements or training programs are equal opportunity actions that enable people affected by past discrimination to develop and apply their abilities.

The Managing Director is responsible for the overall Policy implementation, whilst day-to-day operation of the policies is the responsibility of the immediate manager. All managers, supervisors and staff are requested to use ingenuity and effort in applying the principles of equal opportunity to all employees.

Equal opportunity includes, but is not limited to:

- reviewing all human resources policies and procedures to ensure areas of discrimination are eliminated;
- monitoring recruitment, selection, promotion and remuneration practices to ensure that discrimination does not exist;
- actively encouraging suitably qualified and competent females to apply for vacant positions;
- actively *discourage* the use of stereotypes, and sexist or racist behaviour in the organisation;
- actively query areas where qualified or interested people are not included in meetings/discussions/courses or training and development opportunities;
- ensure all internal and external communications, particularly recruitment advertising, reflect principles of equality and do not reinforce stereotyped behaviour or roles for either men or women; and
- ensure that instances of sexual or other harassment are investigated and dealt with quickly to the satisfaction of the aggrieved party.

## 6.1. Role of Synertec

- Providing a workplace free from inappropriate behaviour such as discrimination, bullying and harassment.
- Maintaining and communicating its requirements regarding appropriate workplace behaviour, which includes a Policy against discrimination, bullying and harassment.
- Communicating steps to make complaints of inappropriate workplace behaviour, including discrimination, bullying or harassment.
- Taking prompt and appropriate action against any employee who engages in discrimination, bullying or harassment or other conduct which is inconsistent with this Policy.

## 6.2. Role of employees, agents and contractors

- Work to the best of your ability and provide quality service to clients.
- Recognise the skills and talent of other staff members.
- Act to prevent harassment and discrimination against others in your workplace;
- Respect differences among your colleagues and customers such as cultural and social diversity.
- Treat people fairly.
- Behaving in a manner which is consistent with this Policy and the law, including by not engaging in acts of discrimination, bullying, harassment, vilification or victimisation.
- Completing training and refresher training regarding appropriate workplace behaviour, as directed by Synertec.
- Following the steps communicated by Synertec to address any unacceptable workplace behaviour observed or experienced.
- Complying with any lawful and reasonable directions provided by Synertec in relation to this Policy, including investigation or complaint resolution processes.
- Maintaining confidentiality if involved in a complaint, noting that spreading gossip or rumours may expose employees, agents and contractors to a defamation action or a claim of victimisation.

## 6.3. Role of managers

- Ensuring team members are aware of this Policy;
- Promoting this Policy;
- Monitoring the working environment to ensure that acceptable standards of conduct are observed;
- Modelling appropriate behaviour;
- Treating all complaints under this Policy seriously and responding to any allegations of unacceptable behaviour raised with them promptly and in a manner consistent with this Policy;
- Promptly contacting Human Resources if they receive a complaint of inappropriate workplace behaviour (such as discrimination, bullying or harassment), or if they become aware of behaviour by an employee, agent or contractor which may be in breach of this Policy;
- Ensuring complaints are treated confidentially to the extent possible and handled in accordance with this Policy and procedure;



- Intervening when inappropriate behaviour is observed or escalating the matter as appropriate in accordance with this Policy;
- Encouraging behaviour consistent with this Policy;
- Implementing, in conjunction with Human Resources, any recommendations from investigations into complaints.
- Take steps to ensure that all work practices and behaviours are fair;
- Ensure the work environment is free from all forms of unlawful discrimination and harassment;
- Provide employees with information and resources to enable them to carry out their work
- Consult employees about decisions that affect them;
- Provide employees with equal opportunity to apply for available jobs, higher duties, job rotation schemes and flexible working arrangements;
- Ensure selection processes are transparent and the methods used are consistent;
- Provide all employees with equal access to fair, prompt and confidential processes to deal with complaints and grievances;
- Give your employees equal access to relevant training and development opportunities; and
- Participate in learning opportunities and seek feedback to help you manage staff effectively.

## 5.4. Human resources employees

In addition to the responsibilities for employees, Human Resources employees are responsible for:

- Modelling appropriate standards of behaviour;
- Taking steps to ensure that employees & contractors across Synertec are aware of their obligations under this Policy, and applicable law;
- Providing advice and support to supervisors and managers to manage instances of unacceptable workplace behaviour and complaints of unacceptable workplace behaviour; and
- Providing advice and support regarding the Policy.

## 7. Complaints

Synertec considers behaviours covered by this Policy to be unacceptable and to not be tolerated under any circumstances.

Disciplinary action will be taken against anyone in breach of this Policy. Discipline may involve a warning, counselling, demotion, or dismissal, depending on the circumstances of the breach.

If you feel that you have been discriminated against, harassed, or bullied, or have witnessed this or other types of inappropriate workplace behaviour in breach of this Policy, you should immediately report this to your immediate manager or supervisor, or Human Resources if you feel that your immediate manager or supervisor is not the best person to deal with the complaint.

In bringing this to the attention of a manager, supervisor or Human Resources, your concerns will be promptly addressed in either an informal or formal manner, depending on the nature of the concerns and what Synertec considers to be appropriate given the circumstances.

## 7.1. Confidentiality

An employee who makes a complaint under this Policy, as well as a respondent, witness, or any other party to the complaint, are required to maintain confidentiality about the details of the complaint. This means that they are not allowed to discuss the matter with anyone except for the investigator and their support person. Breaches of confidentiality are taken seriously and there are consequences for breaches that could include disciplinary action.

## 7.2. Informal resolution

Informal resolution focuses on the resolution of the concern in a manner that is less formal or structured and often does not involve statements, formal allegations, and determination of facts.

The aim of this process is to achieve a resolution by way of informal discussion which enables the Complainant to be satisfied that the behaviour of concern has stopped.

Resolution could include the Complainant and / or their manager / supervisor or Human Resources representative speaking to the Respondent about the alleged behaviour. The Respondent may then provide an acknowledgement, apology, and agreement that the behaviour will stop.

The following factors may be considered in assessing whether an informal resolution is appropriate:

- the mental and physical health and safety of the Complainant, the Respondent and other relevant parties,
- the nature of the allegations,
- whether the Complainant wishes to pursue an informal resolution to the alleged conduct, and
- whether the Complainant and Respondent are likely to have ongoing contact with one another.

For the avoidance of doubt, an informal resolution may not be pursued if it is inappropriate to do so given the nature of the allegations and circumstance of the case.

A Complainant will not be required to exhaust informal attempts at resolution before formal action commences. Complainants have the right to formalise their complaint or approach an external agency at any stage.

Any employee, who believes that they are subject to discrimination or who are aware of the incidence of such behaviours, should report this to their immediate manager and/or to the HR Principal as soon as possible, alternatively an email can be sent to [behaviour@synertec.com.au](mailto:behaviour@synertec.com.au) reporting the behaviour.

All allegations of discrimination will be promptly and thoroughly investigated.

## 7.3. Formal resolution

A formal resolution may be appropriate in circumstances including where:

- informal attempts at resolution have failed,
- the complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties,
- the complaint is against a senior member of staff,
- the person alleging sexual harassment also alleges victimisation,
- the allegations are denied by the Respondent, the Complainant wishes to proceed, and investigation is required to substantiate the complaint, and
- the Complainant wishes to make a formal complaint.

Formal investigations into complaints focus on whether a complaint can be substantiated and usually require a formal investigation.

For a complaint to be formally resolved, the usual sequence of events is that:

- there is a formal complaint,
- the Complainant is interviewed, and the allegations are particularised in writing,
- the allegations are conveyed to the Respondent,
- the Respondent is given the opportunity to respond to the allegations,
- if there is a dispute over facts, statements from any witnesses and other relevant evidence are gathered,
- relevant allegations made during the investigation are made known to both the Complainant and the Respondent, with an opportunity to respond,
- a finding is made as to whether the complaint has substance, and
- the decision-maker implements the recommended outcome/s or decides on a course of action.

## **8. Support**

For support, you can contact Synertec's Employee Assistance Program by calling 1800 818 728 and [info@accesseap.com.au](mailto:info@accesseap.com.au)

## **9. Misuse of this Policy**

Misuse of this Policy will not be tolerated. In the event of misuse, further investigation may occur and where allegations of misuse of this Policy are substantiated, this may lead to disciplinary action up to and including potential termination of employment.

**Revision History:**

<b>Revision:</b>	<b>Modified By:</b>	<b>Date:</b>	<b>Change No.:</b>	<b>Description of Change:</b>
2.00		10-Aug-2022	1695	Reviewed and updated by KHQ Lawyers
1.05		03-Aug-2022	1695	Changed reference to Aboriginal to Indigenous Peoples, added additional information to 2.2.1 & 2.2.2
1.04		09-June-2011	1427	Reviewed and updated in accordance with best practice. Update job titles to current company structure
1.03		18-Feb-2009	1337	Removed "Group" from copy right disclaimer in footer.
1.02		13-Mar-2008	1053 / 1291	Updating logo and document approval names
1.01		02-Sep-2002	185	Update to new format
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