



Respect at Work Policy

1. Purpose

Austin Engineering Limited ("**Austin**") is committed to providing an inclusive and diverse workplace and this commitment is supported by our Values, our Code of Conduct and relevant policies and procedures. One of Austin Engineering's core values is Teamwork - We work hard together and will share in the success that comes our way. Diversity is what makes us unique and what binds us together at Austin.

To fully reach our potential everyone's skills, abilities and diversity will be fully respected at all times. This can be achieved in a workplace where we all feel safe. Austin is committed to providing a workplace that is free from sexual harassment, sex-based harassment and conduct creating a workplace environment that is hostile on the grounds of sex, unlawful discrimination, other forms of harassment, workplace bullying, victimisation and vilification ("**Unlawful Workplace Behaviour**").

This Austin Respect at Work Policy ("**the Policy**") sets out what constitutes Unlawful Workplace Behaviour and what a person can do if they experience this type of conduct in the workplace.

Unlawful Workplace Behaviour is unlawful under State and Federal legislation and will not be tolerated by Austin.

The purpose of this Policy is to ensure that all people at Austin are treated and treat others with dignity and respect. Those covered under this Policy should take the time to ensure they understand what types of behaviours are considered Unlawful Workplace Behaviours.

This Policy does not create any binding obligations on Austin or contractual rights for employees, but the contents of this Policy constitute lawful and reasonable directions that are required to be followed at all times.



2. Scope

This Policy applies to any person who performs work in any capacity for, or on behalf of, Austin, including:

- employees (including Managers and Supervisors) and board members;
- contractors, subcontractors and consultants;
- apprentices, trainees, students gaining work experience and volunteers; and
- representatives (including union representatives) and agents,

(Workers).

This Policy applies to all work-related situations, including, but not limited to:

- the workplace, whether during or outside normal working hours;
- work related events, including conferences, training events, meetings and social functions;
- any work activities, including dealings with other Workers, whether on or off site, whether face to face or using technology or social media;
- in vehicles while travelling for work, including on the way to or from work functions or meetings; and
- in accommodation (including hotel rooms) associated with or provided by Austin.

3. Respect at work

3.1 **Expectations**

Austin expects that everyone who is employed by or performs work for it will behave in a manner which fosters equality and respect.

Expected respectful behaviours include:

- (a) using a calm and polite tone when speaking to another person whether in person or on-line;
- (b) using neutral body language;



- (c) referring to individuals by their preferred name;
- (d) allowing others to speak without unnecessary interruption;
- (e) offering assistance to others and providing assistance when it is requested;
- (f) considering diversity and inclusion when organising social and team events and celebrations; and
- (g) speaking up when any disrespectful behaviour is seen.

4. Sexual harassment, sex-based harassment, sex discrimination and gendered violence

4.1 Positive duty

Austin has a positive duty to take reasonable and proportionate measures to eliminate sexual harassment, sex-based harassment, sex discrimination and conduct creating a workplace environment that is hostile on the grounds of sex, as far as possible.

There is also a positive obligation on each Worker to speak up when they see something that may be a breach of the laws against sexual harassment, sex-based harassment or gendered violence.

4.2 What is sexual harassment?

Sexual harassment is any unwelcome sexually related behaviour that in the circumstances a reasonable person would have anticipated the possibility that the person harassed would likely be offended, humiliated, or intimidated by.

Whether or not the inappropriate behaviour was intended to offend, humiliate or intimidate is irrelevant. The conduct does not need to be repeated to constitute sexual harassment.

Sexual harassment does not include any conduct that is consensual, based on mutual attraction, friendship and respect.

Sexual harassment is unlawful and prohibited by both State and Federal law.

4.3 Examples of sexual harassment

Sexual harassment can take many forms, including, but not limited to:

- (a) unwelcome physical contact (eg. kissing, touching, brushing up against a person);



- (b) staring or leering;
- (c) suggestive comments or jokes;
- (d) displaying or sending of sexually explicit material (including by e-mails, text messages, other messaging, video clips and images sent by mobile phone or posted on the internet);
- (e) unwanted invitations to go out on a date;
- (f) requests for sex or sexual favours;
- (g) intrusive questions about a person's private life or body;
- (h) insults or taunts based on sex;
- (i) sexually explicit conversations or gestures; and
- (j) sexually explicit emails or messages of any kind.

4.4 What is sex-based harassment?

Sex-based harassment is any unwelcome conduct of a demeaning nature by reason of the person's sex in circumstances in which a reasonable person would have anticipated that the person subjected to the conduct would be offended, humiliated or intimidated.

Sex-based harassment, sometimes referred to as "casual sexism" is unlawful and is a separate category of unlawful conduct from sexual harassment.

4.5 Examples of sex-based harassment

Examples of sex-based harassment include, but are not limited to:

- (a) asking intrusive personal questions based on a person's sex eg. inappropriate questions about genitalia, menstruation or menopause;
- (b) making inappropriate comments and jokes to or about a person based on their sex;
- (c) displaying images or materials that are sexist, misogynistic or misandrist;
- (d) making sexist, misogynistic or misandrist remarks about a specific person;
- (e) requesting a person to engage in degrading conduct based on their sex;
- (f) engaging in conduct involving gendered stereotypes; and



- (g) using sexist, derogatory, suggestive or sexual nicknames for others in the workplace.

4.6 What is gendered violence?

Gendered violence is any form of physical or non-physical violence or abuse against a person or group of people because of biased or harmful beliefs about gender.

4.7 Examples of gendered violence

Examples of gendered violence include, but are not limited to:

- (a) sexist and homophobic 'jokes';
- (b) comments about women being emotional or moody which is attributed to their menstruation or menopause;
- (c) threats of rape or sexual assault;
- (d) creating sexual images of people through deepfake or generative artificial intelligence tools without their consent;
- (e) gendered trolling in online spaces; and
- (f) stalking, intimidation or threats.

4.8 What is a hostile workplace environment on the ground of sex?

A person subjects another person to a workplace environment that is hostile on the ground of sex, if they engage in conduct in the workplace where a reasonable person, having regard to all the circumstances, would have anticipated the possibility of the conduct creating a workplace that is offensive, intimidating or humiliating to a person by reason of:

- (a) the sex of the second person; or
- (b) a characteristic of the sex of the second person; or
- (c) a characteristic that is generally imputed to persons of the sex of the second person.

Circumstances which may increase the risk of the workplace environment being hostile on the ground of sex include the role, influence or authority of the person engaging in the conduct. 'Conduct' includes making a statement orally or in writing.



5. Discrimination (including sex discrimination)

5.1 *Protected attributes*

It is unlawful to discriminate against a person on the basis of personal characteristics which are not relevant to their job or their treatment as a Worker, customer, supplier, client or visitor, including their race, colour, sex, sexual preference, gender identity, intersex status, age, physical or mental disability, marital or family status, family or carer's responsibilities, pregnancy, breastfeeding, religion, political opinion, national extraction, irrelevant criminal record, irrelevant medical record, social origin or trade union activity ("**Personal Characteristics**").

5.2 *Unlawful discrimination*

Unlawful discrimination may be:

- (a) direct which is where a person is treated less favourably due to their Personal Characteristics (as defined under clause 5.1) than a person without the Personal Characteristic in the same or similar circumstances, because of the Personal Characteristic; or
- (b) indirect which is where a person is required to comply with a requirement, condition or practice that:
 - (i) they cannot comply with due to one or more Personal Characteristics (as defined under clause 5.1), whereas others without the Personal Characteristic can; and
 - (ii) is not reasonable.

5.3 *Examples of discrimination*

Some examples of **direct discrimination** include, but are not limited to, circumstances where:

- (a) a person is not hired because of their race; or
- (b) a person is not promoted because of their gender (and a person of the opposite gender is promoted instead).

Some examples of **indirect discrimination** include, but are not limited to, circumstances where:

- (c) there is a requirement for employees to attend a meeting at 8am (as this may disadvantage those with family responsibilities); or



- (d) there is a height requirement for a job where height is not an inherent requirement of the role.

6. Harassment

6.1 *What is harassment?*

Harassment is unwelcome conduct that it would be reasonable to expect that the worker subject to that conduct would be offended, humiliated or intimidated.

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment usually involves a pattern of behaviour, but a single incident can amount to harassment.

Harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to the person's Personal Characteristics (as defined under clause 5.1).

6.2 *Examples of workplace harassment*

Workplace harassment covers a wide range of behaviours. Some examples include, but are not limited to:

- (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal spaces, and more serious forms of physical or sexual assault;
- (b) offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- (c) mocking, mimicking or belittling a person's personal appearance or mental or physical disability;
- (d) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- (e) use of racist slang, phrases or nicknames;
- (f) outing or threatening to out someone as gay or lesbian; or
- (g) ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.



Examples of behaviours that are **not** considered to be harassment include, but are not limited to:

- (a) expressing differences of opinion in a calm, respectful manner;
- (b) providing constructive and courteous feedback, counselling or advice about work related behaviour and performance;
- (c) carrying out legitimate or reasonable management decisions or actions, in a reasonable way and with respect and courtesy; and
- (d) making a complaint about a person's conduct if the complaint is made in a proper and reasonable way.

7. Bullying

7.1 *What is workplace bullying*

Workplace bullying is **repeated** and **unreasonable** behaviour directed towards a Worker or group of Workers which creates a risk to their health and safety.

- (a) Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of different behaviours over time.
- (b) Unreasonable behaviour is behaviour that a reasonable person, having regard to all of the circumstances, would see as humiliating, intimidating or threatening.

7.2 *Examples of workplace bullying*

What is bullying?

Workplace bullying can take the form of physical, verbal, or non-verbal conduct. Bullying may include, but is not limited to:

- (a) shouting at, being sarcastic towards, ridiculing or demeaning others;
- (b) abusive, insulting or offensive language;
- (c) spreading gossip, rumours and innuendo of a personal or malicious nature;
- (d) physical or psychological threats;
- (e) inappropriate and/or derogatory remarks about someone's performance;



- (f) giving impossible assignments or meaningless tasks unrelated to a person's job;
- (g) deliberately changing work rosters to cause inconvenience;
- (h) deliberately withholding work related information or resources or supplying incorrect information;
- (i) inappropriate tampering with a person's personal effects or equipment; or
- (j) deliberately excluding someone from meetings or communications without good reason.

7.3 What is not bullying?

Bullying does **not** include reasonable management action carried out in a reasonable manner. For example, workplace bullying does not include the following types of conduct:

- (a) setting realistic and achievable performance goals, standards and deadlines;
- (b) fair and appropriate rostering and allocation of working hours;
- (c) transferring a Worker to another area or role for operational reasons;
- (d) deciding not to select a Worker for a promotion where a fair and transparent process is followed;
- (e) informing a Worker about unsatisfactory work performance in an honest, fair and constructive way;
- (f) informing a Worker about unreasonable behaviour in an objective and confidential way;
- (g) implementing organisational changes or restructuring;
- (h) taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances; or
- (i) differences of opinion.

8. Workplace violence

Workplace violence is any incident where a person is abused, threatened, or assaulted in circumstances arising out of, or in the course of their work.



Threats of harm can be direct or indirect via a third person being informed of them and can be visual, oral, in writing or through gestures. Threats of harm can also be in relation to a person's family.

Examples of workplace violence include, but is not limited to:

- (a) biting, spitting, scratching, hitting, kicking;
- (b) punching, pushing, shoving, tripping, grabbing;
- (c) throwing objects;
- (d) verbal threats of physical harm;
- (e) aggravated assault;
- (f) any form of indecent physical contact; and
- (g) threatening someone with a weapon.

9. Victimisation

It is unlawful to subject a person to any form of detriment or retaliation (or threaten to do so) because they have lodged a complaint, or because they intend to lodge a complaint or provide information as a witness.

Victimisation may include, but is not limited to:

- (a) coercion;
- (b) intimidation;
- (c) threats;
- (d) adverse changes in the working environment;
- (e) denial of training or promotions;
- (f) making of negative, unfounded or belittling comments; or
- (g) exclusion by peers.



10. Vilification

It is also unlawful to participate in public acts which incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons due to their Personal Characteristics (as defined under clause 5.1).

11. Consumption of alcohol or other drugs

Consumption of alcohol or other drugs at work functions or at any work-related event outside the workplace and/or work hours is not an excuse for Unlawful Workplace Behaviour. Staff should regulate their own behaviour and consumption to ensure their behaviour does not adversely impact others and breach this Policy.

12. Responsibilities

12.1 Workers

Workers are responsible for considering their conduct in the workplace and ensuring that they do not engage in Unlawful Workplace Behaviour. Workers must:

- (a) ensure compliance with this Policy at all times;
- (b) report any psychosocial hazards including hazards that arise from, or relate to, workplace interactions or behaviours that may amount to Unlawful Workplace Behaviour;
- (c) report Unlawful Workplace Behaviour if they are aware of it, or witness it;
- (d) attend and participate in training sessions as required; and
- (e) participate in discussions or investigations concerning complaints of Unlawful Workplace Behaviour, as required.

12.2 Managers and Supervisors

Managers and Supervisors of Austin have additional obligations as leaders to action Austin's Values, and this includes conducting themselves in a way that is consistent with all legal, policy and ethical obligations. Austin has high expectations about the conduct of its Managers and Supervisors and expects them to demonstrate respect at work at all times.

In addition to the responsibilities under this clause, Managers and Supervisors must:



- (a) take all reasonable steps to eliminate Unlawful Workplace Behaviour including victimisation or vilification against Workers who make complaints or raise issues;
- (b) be clear with the Workers in their team what is expected from them in their conduct at work;
- (c) engage in consultation with Workers about respectful behaviours;
- (d) check in with direct reports and others to make sure they feel safe at work;
- (e) learn and implement the process for accepting and managing complaints;
- (f) undertake risk assessments and implement control measures to eliminate or minimise the risk of Unlawful Workplace Behaviour;
- (g) monitor the work environment to ensure that acceptable standards of conduct are observed by Workers at all times;
- (h) role model appropriate behaviour;
- (i) treat all complaints about Unlawful Workplace Behaviour or victimisation or vilification seriously and confidentially and together with Human Resources, respond promptly and sensitively; and
- (j) where possible and appropriate, as determined with Human Resources, assist individuals in the informal resolution of complaints.

13. Complaints and support

Complaints will be treated seriously by Austin and managed in a timely, impartial and sensitive way.

Whilst Austin will keep complaints confidential so far as practicable and appropriate, it may be necessary for the nature of the complaint to be disclosed to other Workers to enable procedural fairness to be afforded. Workers must maintain the confidentiality of the complaint process.

Where a Worker makes a complaint under this Policy while also involved in a performance management or conduct investigation, the performance management or conduct investigation will continue while the complaint is managed separately.

Employees can access support at any time throughout the complaint process from Austin 's Employee Assistance Program, Access Wellbeing Services on 1300 667 700.



13.1 Informal Complaint Process - Speak to the alleged perpetrator

If a Worker believes they are experiencing Unlawful Workplace Behaviour they should initially consider raising the problem informally with the person responsible, if they feel able. This may be a simple way of resolving a complaint while maintaining or strengthening working relationships.

The Worker should explain clearly to the alleged perpetrator that their behaviour is not welcome and makes the Worker uncomfortable. The Worker may speak to his or her Manager or Human Resources representative in preparation for such a discussion.

13.2 Informal Complaint Process - Speak to Manager or Human Resources

If the Worker does not feel that it is appropriate to speak to the person who the complaint concerns (e.g. they feel uncomfortable or that it is unsafe to do so), or they have not been successful in resolving the complaint directly with the alleged perpetrator, they should speak to their Manager or Human Resources representative who will provide advice and assistance in resolving the issue.

In these circumstances, the Manager may speak to the person concerned or arrange an informal meeting to try and reach a resolution between the parties concerned.

13.3 Make a formal complaint

If informal steps have not been successful, or are not possible or appropriate, a Worker may make a formal complaint in writing to Human Resources.

The written complaint should set out full details of the conduct in question, including the name of the alleged perpetrator, the nature of the alleged conduct, the date(s) and time(s) and location at which it occurred, the names of any witnesses and any action that has been taken so far.

Depending on the nature of the complaint and the persons involved, Human Resources will determine the most appropriate approach to resolve it.

Where informal resolution processes are not appropriate, or where further factual findings are required, an investigation may be undertaken. Human Resources will determine whether the investigation will be conducted internally or whether an external investigator will be engaged.

The outcome of the complaint process will depend on the nature of the issue, its severity and what is determined appropriate and reasonable by Austin in the circumstances.



13.4 Malicious, vexatious or false complaints

A person must not make a complaint of Unlawful Workplace Behaviour against another person that is malicious, vexatious or knowingly false. Any person who does so may be subject to disciplinary action, up to and including termination of employment.

14. Bystander - What to do if you are aware of or witness Unlawful Workplace Behaviour?

Workers have an obligation to speak up when they witness Unlawful Workplace Behaviour to protect the health and safety of others at work.

A person who witnesses Unlawful Workplace Behaviour should:

- (a) if they feel comfortable to do so, tell the offender that their behaviour is unacceptable and that it must stop; or
- (b) if they are not comfortable talking to the offender or have done so and the behaviour has not stopped, make a complaint about the offender's behaviour to a Supervisor or a Manager at Austin. The concerns can be raised either as a formal complaint or an informal concern for discussion.

Allegations of Unlawful Workplace Behaviour towards a person will be treated seriously and managed promptly and confidentially so far as lawful and practicable in the circumstances.

Even in circumstances where the target of Unlawful Workplace Behaviour is not offended by the conduct, bystanders who are offended or concerned can make a complaint if they witness Unlawful Workplace Behaviour.

15. Consequences of a breach of this Policy

Any breach of this Policy may constitute unsatisfactory performance or misconduct and may result in disciplinary action up to and including summary dismissal.

In addition, depending on the conduct involved, a breach of this Policy may also constitute a criminal offence and/or a breach of State and/or Federal discrimination legislation.

Workers may be personally liable for their actions if a claim is brought against them.

Any conduct which is considered to be a criminal offence may be referred to the WA Police.

23 August 2024