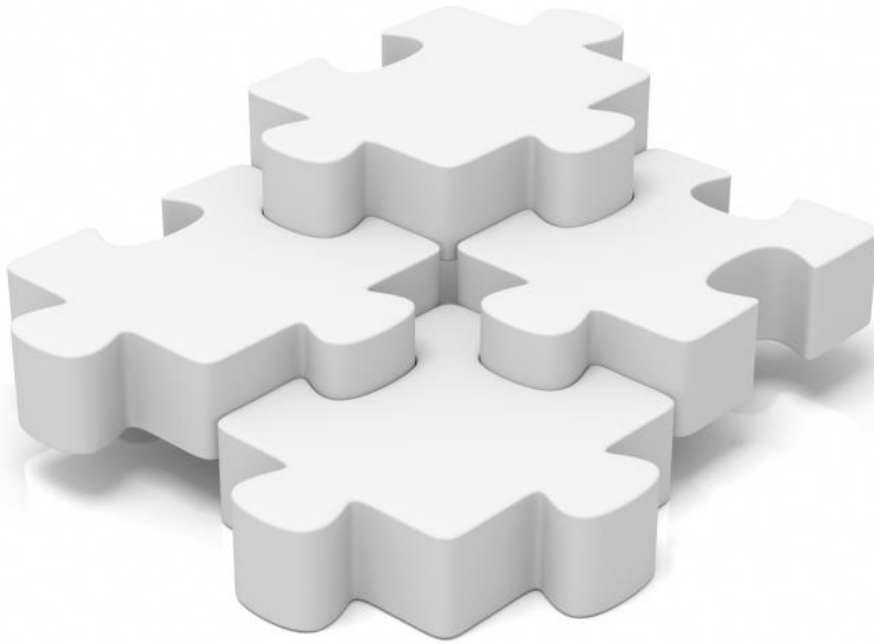


The WorkPac System

Harassment, Discrimination and Bullying Procedure



Category:	IER	Procedure Reference No.:	CCRO-IER-ALLWP-PRO-010.5	Approved by.:	Chief Commercial & Risk Officer
Applies to:	ALLWP	Responsible for Review:	GM - Employment Relations	Date of Approval:	4 th September 2023

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1. WHY WE DO IT

WorkPac is committed to promoting working environments that are free from unlawful discrimination, harassment, bullying, vilification, victimisation and adverse action. Behaviour of this kind will not be tolerated under any circumstances and WorkPac will take disciplinary action in relation to breaches of this procedure.

To ensure WorkPac is able to meet this commitment, it requires all its employees to treat each other with respect and courtesy in the workplace and refrain from unlawful behaviour.

The purpose of this procedure is to:

- Provide employees with the knowledge and understanding of the grounds and behaviour that constitutes unlawful discrimination, harassment, bullying, vilification and victimisation;
- Create working environments which are free from unlawful discrimination, harassment, bullying, vilification and victimisation and where all employees are treated with dignity, courtesy and respect;
- Implement awareness raising strategies to ensure that all workplace participants know their rights and responsibilities. Among other things, this may include training, providing copies of the procedure to employees and discussion at meetings;
- Ensure workplace participants are treated fairly on the basis of merit and not on the basis of irrelevant personal characteristics such as their age, sex, race or disability;
- Provide a comprehensive procedure for proactively addressing harassment, discrimination, vilification, victimization and bullying and dealing with complaints of such conduct if they occur;
- Explain the procedure to follow if there is a suspected breach of this procedure and encourage reporting of suspected breaches;
- Treat all complaints in a sensitive, fair, timely and discreet manner;
- Prevent victimization or reprisals; and
- Promote appropriate standards of conduct at all times.

2. APPLICATION AND SCOPE

The terms of the procedure apply to all employees of WorkPac, including internal employees and Field Team Members (**FTMs**), as well as contractors (including visitors) either visiting or undertaking work in workplaces controlled by WorkPac.

For the avoidance of doubt, whilst some harassment may amount to sexual harassment, this procedure does not cover conduct of this nature. Sexual Harassment is specifically addressed in the WorkPac *Sexual Harassment Procedure*.

This procedure covers:

- Conduct in the workplace (including both WorkPac controlled workplaces and workplaces controlled by third parties, for example, client sites) and in situations where work is performed away from the workplace;
- Conduct in areas outside the workplace that have a connection to employment including but not limited to accommodation provided by the employer, when travelling to and from work, amenities, carpark, and other common areas;
- Conduct in the provision of services to clients of WorkPac;
- All aspects of the employment relationship from recruitment, throughout the period of an employee's employment (i.e. training, promotion, remuneration benefits) through to the end of an employee's employment with WorkPac;
- Communication connected with employment through email, text messaging, other online forums and social media;

- Situations directly connected with employment such as work-related travel, business meetings, and social events such as Christmas or end of year functions;
- During private functions at private residences if there has been harassment in the workplace and the conduct continues in a private setting; and
- Conduct outside of working hours where the employee's conduct has an adverse impact on the organisation, the employment relationship or the workplace.

3. RELEVANT LEGISLATION

WorkPac and all its employees are subject to the relevant legislation which applies to discrimination, harassment, vilification, victimisation and bullying in the workplace (as amended from time to time). Legal action for such behaviour can be taken against individuals and WorkPac may also be held liable for the behaviour of employees.

4. DISCRIMINATION AND HARASSMENT

WorkPac will not tolerate unlawful discrimination or harassment in the workplace. Any employee found to have unlawfully discriminated against or harassed another participant in a WorkPac workplace (including employees of WorkPac's clients) may be the subject of disciplinary action which may result in termination of employment.

4.1 What is Harassment?

Harassment is any unwelcome and uninvited behaviour (verbal, non-verbal, physical, written or visual) which has no legitimate workplace function, and which intimidates, humiliates or offends another person or persons. Harassment on the basis of a ground of discrimination, for example sex, age, marital status, race, disability, is also unlawful.

The intention of the alleged harasser or harassment is irrelevant. What is important is how a reasonable person would perceive the conduct. "*I was joking*" is never an excuse for harassment.

Harassment can be a single act or repeated acts of offensive behaviour and there is no requirement that, before making a complaint, a person being harassed must advise the alleged harasser that their behaviour is unwelcome.

4.2 What is Discrimination?

Discrimination occurs when a person, or group, is treated less favourably than another due to a characteristic that is protected by legislation (see Schedule 1) including, but not limited to:

- Race, Colour or Nationality;
- Sex;
- Religion;
- Age;
- Medical Record;
- Criminal Record;
- Marital/Relationship Status;
- Impairment or Disability;
- Sexual orientation, Intersex Status or Gender Identity;
- Pregnancy, Breastfeeding;
- Family/Carer Responsibilities; or
- Trade Union Activity.

Unlawful discrimination can occur either directly or indirectly.

Direct discrimination is any action which specifically excludes a person, or a group of people from a benefit or opportunity, or significantly reduces their chances of obtaining a benefit or opportunity because a personal characteristic, irrelevant to the situation, is applied as a barrier.

Indirect discrimination may occur if the outcome of rules, practices and decisions, which appear to treat people equally and to be neutral, actually has an adverse effect on a group of people or an individual therefore reducing a benefit or opportunity. Indirect discrimination includes practices that may appear fair in form but are actually discriminatory in outcome.

'Treating someone less favourably' may include but is not limited to limiting access to recruitment, promotion, transfer, training or other benefits, or subjecting the person to any other detriment.

Please Note: discrimination may not be unlawful if the requirement is reasonable in the circumstances.

4.3 Grounds of Discrimination and Harassment

A list of the grounds on which it is unlawful to discriminate against and/or harass others in the workplace can be found in Schedule 1. This list combines the grounds that apply under Commonwealth, State and Territory legislation.

5. VILIFICATION

WorkPac will not tolerate vilification in the workplace.

Any employee found to have engaged in vilification may be the subject of disciplinary action which may result in termination of employment. Appropriate action will also be taken where a participant in a workplace controlled by WorkPac but who is not an employee is found to have engaged in vilification.

5.1 What is Vilification?

Vilification is a public act which incites, encourages, or urges others to hate, have serious contempt for, or severely ridicule, a person, or group of people because they are (or are thought to be) members of a particular group. "*Freedom of speech*" is not a justification for vilification.

6. BULLYING

WorkPac will not tolerate bullying in the workplace.

Any employee found to have bullied another employee may be the subject of disciplinary action which may result in termination of employment.

6.1 What is Bullying?

Workplace bullying is repeated, unreasonable behaviour directed towards a worker, or group of workers, which creates a risk to a worker's mental or physical health and safety.

Unreasonable behaviour is that which a reasonable person, having regard to all the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening. A risk to health and safety includes risk to the psychological, emotional or physical health of the person.

Repeated behaviour does not necessarily refer to repeated instances of the *same type* of unreasonable behaviour. A pattern of behaviour involving a series of different types of unreasonable behaviour may also constitute bullying.

Bullying can lead to serious breaches of occupational health and safety laws, resulting in claims under the *Fair Work Act 2009* (Cth) and can also be prosecuted under common law.

Bullying involving threatened or actual physical violence can also lead to the possibility of criminal charges.

6.2 Examples of Bullying

Examples of bullying behaviour include (but is not limited to):

- Isolating or excluding a person from a work team;
- Omitting to provide a person with information;
- Psychological abuse which destroys self-esteem and confidence;
- Initiation practices;
- Sabotaging another's work;
- Ridiculing another's opinions;
- Unfair or excessive criticism;
- Spreading rumours;
- Targeting a person via social media tools (i.e. Twitter, Facebook, Instagram or YouTube); and
- Using aggressive language.

6.3 What is Not Bullying?

Reasonable management action carried out in a reasonable manner does not amount to workplace bullying. All employers have a legal right to direct and control how work is done.

Reasonable management action can include:

- Allocating work;
- Rostering work hours;
- Setting reasonable performance goals, standards and deadlines;
- Giving fair and constructive feedback on a worker's performance;
- Informing a worker about unsatisfactory work performance or inappropriate behaviour in an honest, fair and constructive way;
- Restructuring the workplace or other significant change regarding how work is done;
- Deciding not to award or provide a promotion, transfer, or benefit in connection with an employee's employment; or
- Action taken in a reasonable manner to demote, discipline, counsel, retrench or dismiss an employee.

7. VICTIMISATION

Victimisation is the term used to describe any "*pay-backs*", retribution or intimidation directed towards another employee because they have made a complaint, raised a concern or been involved in a complaint (for example as a witness or a support person).

Victimisation refers not only to intimidation of the person making a complaint, but also to the alleged harasser or discriminator, witnesses, supporters and those resolving or investigating any complaints.

There is legislation which makes it unlawful to victimise someone who has made a complaint relating to bullying.

It is important that employees feel safe to raise concerns without fear of retaliation so employees must not victimise or treat adversely anyone involved in a complaint of discrimination, harassment, or bullying. Persons found to have victimised another employee or participant will be subject to disciplinary processes.

Examples of behaviour that may be victimisation include (but are not limited to):

- Making derogatory comments;
- Ignoring another employee, or otherwise creating a hostile work environment; or
- Not inviting another employee to work meetings, functions or business trips.

It is also unacceptable to victimise someone because they have raised concerns or asked questions about their job or pay, or because they utilise, or plan to utilise, other entitlements.

8. RESPONSIBILITIES

8.1 Responsibilities of All Employees

It is the responsibility of all employees to:

- Understand and comply with this procedure and to seek further information if unclear;
- Comply with the requirements of this procedure;
- Treat all workplace participants fairly and with respect;
- Not harass, bully, vilify, victimise or unlawfully discriminate against other workplace participants (including employees, contractors, candidates, customers, suppliers);
- Report any incidents of harassment, bullying, vilification, victimisation or discrimination that they experience or see happening around them to an appropriate manager;
- Ensure they do not victimise any person involved in a complaint of harassment or discrimination;
- Ensure they do not vilify another person or group of people; and
- Ensure that, if involved in complaints, confidentiality is maintained.

8.2 Responsibilities of Managers

In addition to the individual responsibilities set out above, it is the responsibility of managers to:

- Promote and develop a work environment that is free from hostility, harassment and discrimination;
- When recruiting or making decisions about promotion or re-deployment, apply non-discriminatory screening and interviewing processes;
- Model appropriate behaviour;
- Ensure that all employees who report to them are aware of this procedure and the organisation's expectations that they behave respectfully and tolerantly;
- Know WorkPac's procedures for the resolution of complaints;
- Treat all complaints seriously and follow appropriate procedures for investigating complaints of harassment and discrimination;
- Refer complaints to another appropriate person if there is a conflict of interest;
- Monitor the work environment and take immediate action to deal with any behaviour which breaches the organisation's policies and procedures;
- Ensure victimisation does not occur; and
- Take suitable disciplinary action against any person found to have victimised, vilified, harassed, bullied or discriminated against another workplace participant.

8.3 Responsibilities of the CEO, the Board and the Executive Committee

In addition to the individual responsibilities set out above, it is the responsibility of the CEO, the Board and the Executive Committee to:

- Understand and commit to the rights and entitlements of all employees to attend work and perform their duties, without fear of being subject to harassment, discrimination, bullying, vilification and victimisation;
- Take all reasonable steps to provide a workplace environment that is free from harassment, discrimination, bullying, vilification and victimisation and set an example by their own behaviour;
- Ensure all employees and volunteers are regularly made aware of their obligations in this regard;
- Ensure that this procedure is regularly reviewed and updated (if required) to drive continuous improvement in eliminating harassment, discrimination, bullying, vilification and victimisation in the workplace;
- Treat all complaints seriously and confidentially; and
- Take immediate and appropriate corrective action if they become aware of any offensive action or illegal behaviour.

9. PROCEDURE FOR HANDLING HARASSMENT, DISCRIMINATION AND BULLYING ISSUES

9.1 Method of Handling Complaints/Concerns

The following procedure is designed to help address any concerns raised by employees about incidents of harassment, discrimination and bullying or other offensive workplace behaviour.

The handling of any such issues will be:

- **Confidential.** Only the people directly involved in making or investigating a complaint will have access to information about the complaint. Other employees (i.e. witnesses) or managers may be involved but only on a need to know basis. Any documents prepared as part of the resolution process are confidential.
- **Impartial.** Both sides will have a chance to tell their side of the story. No assumptions will be made, and no action will be taken until all relevant information has been collected and considered.
- **Free of repercussions.** No action will be taken against anyone for making a complaint or helping someone make a complaint provided the complaint is made in good faith. WorkPac will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint or is involved in a complaint.
- **Timely.** All complaints will be dealt with as quickly as possible in the circumstances.

9.2 Complaint Resolution Procedure

This procedure sets out complaint resolution options where employees are subject to behaviour in breach of this procedure.

Note: the terms 'informal' and 'formal' do not relate to how serious a concern is but related to how formal (or informal) the process is.

- **Informal Resolution**

- **Speak to the Other Person**

If the complainant feels safe and comfortable to do so, the matter may be able to be resolved directly with the other party involved by letting the person responsible for the alleged behaviour know that the behaviour is offensive and unacceptable.

While not an excuse for the behaviour, an employee may not realise the effect their behaviour is having on others, and giving this feedback can give them an opportunity to change their behaviour. **This is not an appropriate approach where very serious unacceptable behaviour has occurred or where there is a potential risk to health, safety or welfare.**

If any employee takes this approach, they should consider:

- Acting as early as possible;
- Having the conversation in private;
- Speaking to the person calmly and in a non-confrontational way;
- Explaining how the behaviour makes them feel;
- Focussing on the unwanted behaviour rather than the person; and
- Being open to feedback or explanations.

The complainant or the other individual may seek information or support from their manager at this stage.

- **Speak to a Manager**

If the incident is unable to be resolved directly between those involved, or the complainant would feel more comfortable escalating the issue in the first instance, then the matter should be referred to a manager for assistance to try to resolve this issue.

Where appropriate, the manager will try to resolve the issue informally (i.e. by talking to both parties separately or together or arrange a mediation if appropriate in the circumstances).

The manager should seek support from WorkPac Employment Relations Team in relation to this process.

Employees should be aware that if serious unacceptable behaviour is raised, the manager might need to raise this with the other person, conduct an investigation, or raise the matter with WorkPac Employment Relations Team, even if the employee does not want them to. This is because our employee's safety and wellbeing are WorkPac's upmost priority, and some unacceptable behaviour is so serious that action needs to be taken so that it does not continue or happen to others.

- **Formal Resolution**

If informal resolution is not appropriate or has not been successful, a more formal approach will be necessary. This will include an investigation in most cases.

At this stage, an employee may formally raise their complaint in the following manner:

- Referral to the WorkPac Employment Relations Team. This can be done by the complainant themselves, a manager, or a witness; or
- Lodging a report with Stopleveline - WorkPac Whistleblower Hotline (Please refer to Schedule 2). Stopleveline will then provide the report and any associated material to WorkPac Employment Relations Team for investigation.

Note: Nothing in this procedure precludes an employee, manager or Witness from immediately formalising a complaint by referring the matter to their manager or WorkPac Employment Relations Team.

9.3 Formal Resolution Process - Investigation

The formal process is an investigation of a complaint with a key objective of establishing whether the complaint is substantiated or not.

Whether a complaint is substantiated or not is determined on a balance of probabilities after all evidence has been considered. That is, is it more probable than not that the conduct complained of did or did not occur and if it did occur, does it constitute a breach of this procedure. Irrespective of whether the allegations are substantiated or unsubstantiated, the outcome of the investigation will be formally recorded.

Any investigation must be conducted in line with WorkPac's *Managing Performance and Misconduct Procedure - FTMs* or *Managing Performance and Misconduct Procedure - Internal Employees*.

Note: There may be circumstances where WorkPac is obliged to investigate or take other action in relation to a complaint, particularly where serious allegations are made. This may be the case even if an individual does not want to make a formal complaint.

9.4 Working Arrangements During an Investigation

During a complaint resolution process, working arrangements may be altered to protect the safety and wellbeing of those involved in the complaint process, to prevent victimisation and to protect the integrity of the investigation process.

9.5 Resolution

Action taken to resolve a complaint is dependent on the circumstances involved.

A range of actions could be taken to resolve a complaint, these include (but are not limited to):

- Seeking an undertaking that the behaviour will cease;
- Formal counselling of the respondent to the complaint;
- Mediation;
- Disciplinary action, i.e. transfer, formal warning, termination of employment;
- Awareness raising/training session;
- Dismissing the complaint; and
- Encouraging a workplace participant to report a matter to the police if appropriate.

9.6 Misuse of the Complaint Process

If, after investigation, an employee is found to have:

- Made a false or frivolous complaint; or
- Deliberately supplied false or misleading information in relation to a complaint or its investigation;

the employee may face disciplinary action which may include termination of employment.

9.7 External Resources

In investigating discrimination, harassment or bullying complaints, it may be necessary for WorkPac to utilise resources from outside the organisation to help resolve the situation. These may include:

- Use of an independent investigator; or
- Use of an independent mediator (where both parties agree to mediation).

Any decision to involve outside assistance will be communicated to the parties involved where appropriate and relevant.

Further information and assistance in resolving complaints or harassment, discrimination, or bullying may also be provided by the external contacts set out in Schedule 2.

10. EMPLOYEE ASSISTANCE

WorkPac encourages employees to seek assistance where they believe that personal problems may adversely affect their work performance, health, and well-being.

Employees may choose to access services available via WorkPac's Employee Assistance Program (EAP).

Further information about the EAP, is available from Gryphon Psychology on 1800 056 076 or <https://gryphonpsych.com.au/>.

11. DOCUMENTS THAT RELATE TO THIS PROCEDURE

- Harassment, Discrimination and Bullying Policy
- Sexual Harassment Policy
- Sexual Harassment Procedure
- Employee Assistance Program
- Managing Performance and Misconduct Procedure - FTMs
- Managing Performance and Misconduct Procedure - Internal Employees
- Whistleblower Policy and Procedure

SCHEDULE 1: GROUNDS OF DISCRIMINATION AND HARASSMENT

Attribute	FEDERAL	VIC	NSW	QLD	SA	WA	TAS	ACT	NT
Accommodation Status								Yes	
Age	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Breastfeeding	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Carer's Responsibilities	Yes	Yes	Yes		Yes			Yes	
Disability/Impairment (including Physical, Intellectual or Psychiatric)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Employment Activity	Yes	Yes							
Employment Status								Yes	
Family Responsibilities/ Parenthood	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Family or Domestic Violence								Yes	
Gender Identity/Gender History/Transgender	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Genetic Predisposition to Disability	Yes	Yes	Yes				Yes	Yes	
Identity of Spouse or Domestic Partner					Yes				
Industrial Activity	Yes	Yes		Yes			Yes	Yes	Yes
Intersex Status/Sexual Characteristics	Yes		Yes		Yes		Yes		
Irrelevant or Spent Criminal Record	Yes					Yes	Yes	Yes	Yes
Irrelevant Medical Record	Yes						Yes		Yes
Lawful Sexual Activity		Yes		Yes			Yes		
Marital Status/Relationship Status/Domestic Partnership Status	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Physical features		Yes						Yes	

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Attribute	FEDERAL	VIC	NSW	QLD	SA	WA	TAS	ACT	NT
Political Opinion, Belief, Conviction, Affiliation or Activity	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes
Potential Pregnancy	Yes		Yes		Yes		Yes	Yes	Yes
Pregnancy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Profession, Trade, Occupation or Calling								Yes	
Publication of Details Under Fines /Infringements Legislation						Yes			Yes
Race (including Colour, Descent, or National or Ethnic Origin)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Religion or Religious Belief or Religious Conviction	Yes	Yes		Yes		Yes	Yes	Yes	Yes
Sex	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sexual Orientation/Sexuality	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

SCHEDULE 2: RELEVANT EXTERNAL AGENCIES

WorkPac Stopline

WorkPac has outsourced the provisions of a confidential hotline to Stopline. Stopline provides multiple reporting channels for whistleblowers or disclosers, providing protections, anonymity, and confidentiality throughout the process. WorkPac employee reports of wrongdoing to Stopline will be raised with WorkPac Employment Relations Team for appropriate action.

WorkPac Stopline can be contacted through the below channels. Please provide full details of your report to Stopline including the location of the incident/s, dates and times, full names of the person the report is regarding, and any witnesses.

By **Telephone** (no caller line ID): 1300 30 34 50

By **Confidential Email**: makeareport@stopline.com.au

By **Mail**:
WorkPac
C/o Stopline
PO Box 403
Diamond Creek Victoria 3089

By **Website** or **SmartPhone**: [WorkPac Stopline Online Disclosure](#)
or via the below QR code



Other Important Contacts

If you do not feel comfortable reporting an incident through the WorkPac Stopline, or should you wish to receive the protections under the *Whistleblower Policy and Procedure*, the following list identifies alternate contact points:

WorkPac Employment Relations Team - Internal Employees WorkPacIR@WorkPac.com

WorkPac Employment Relations Team - FTMs WorkPacER@WorkPac.com

WorkPac Internal Disclosure Hotline Disclosure@WorkPac.com

Whistleblower Committee Members:
General Counsel
Chief Commercial and Risk Officer

EQUAL EMPLOYMENT OPPORTUNITY AND DISCRIMINATION AGENCIES

The following agencies provide information and promote awareness of discrimination and equal employment opportunity issues.

Complaints can be made to these agencies on issues of discrimination, harassment, victimisation and vilification:

Commonwealth: Australian Human Rights Commission <http://www.humanrights.gov.au>

New South Wales: Anti-Discrimination Board of NSW <http://lawlink.nsw.gov.au/adb>

Victoria: Victorian Equal Opportunity and Human Rights Commission www.humanrightscommission.vic.gov.au

Queensland: Anti-Discrimination Commission Queensland www.adcq.qld.gov.au

South Australia: Equal Opportunity Commission www.eoc.sa.gov.au

Western Australia: Equal Opportunity Commission www.eoc.wa.gov.au

Tasmania: Office of the Anti-Discrimination Commissioner www.antidiscrimination.tas.gov.au

Australian Capital Territory: ACT Human Rights Commission www.hrc.act.gov.au

Northern Territory: Northern Territory Anti-Discrimination Commission www.nt.gov.au/justice/adc

FAIR WORK OMBUDSMAN

The Fair Work Ombudsman has the power to investigate complaints by employees about breaches of the general protections provisions which include workplace discrimination and adverse action for exercising a workplace right such as making a complaint of discrimination, harassment or bullying. www.fairwork.org.au

FAIR WORK COMMISSION

A worker who reasonably believes that they have been bullied or sexually harassed at work can apply to the Commission for an order to stop the bullying or sexual harassment.

WORK HEALTH AND SAFETY

Sexual harassment can be considered a work health and safety (WHS) issue. WHS legislation varies and is administered separately by the relevant government body in each state or territory.

Contact details for the state and territory bodies responsible for administering WHS legislation are set out below:

New South Wales: WorkCover NSW www.workcover.nsw.gov.au

Victoria: WorkSafe Victoria www.worksafe.vic.gov.au

Queensland: Workplace Health and Safety Queensland www.worksafe.qld.gov.au

South Australia: SafeWork SA www.safework.sa.gov.au

Western Australia: WorkSafe WA www.commerce.wa.gov.au/WorkSafe

Tasmania: Workplace Standards Tasmania www.wst.tas.gov.au

Australian Capital Territory: WorkSafe ACT www.worksafe.act.gov.au

Northern Territory: NT WorkSafe www.worksafe.nt.gov.au