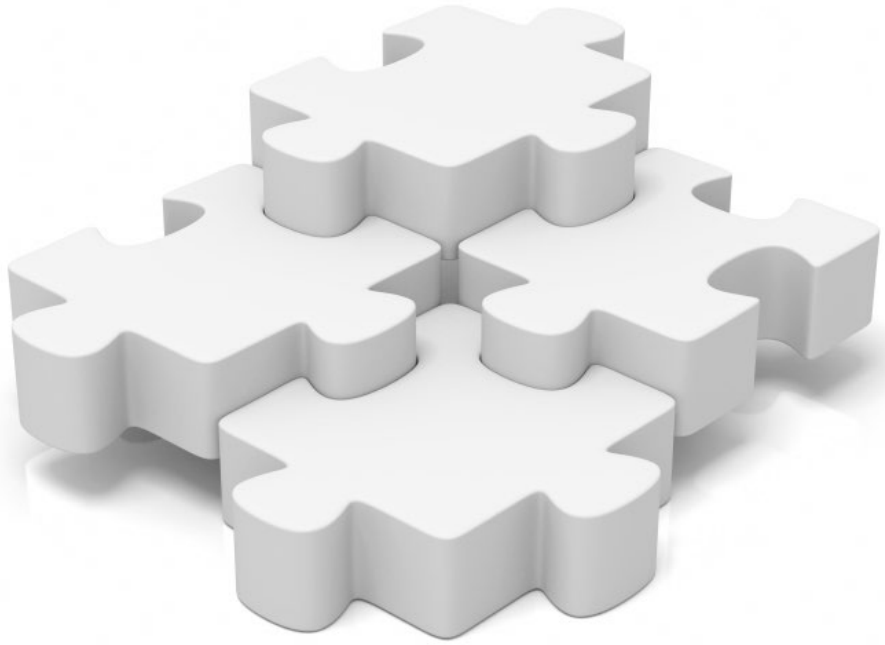
WorkPac

A TASMEA COMPANY

The WorkPac System

Sexual Harassment Prevention Plan



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1. PURPOSE

Sexual and sex or gender-based harassment in the workplace is an unacceptable hazard that can inflict significant psychological and physical harm on employees.

WorkPac is committed to providing a safe, inclusive and respectful work environment that puts the safety and wellbeing of its people first. This includes providing work environments that are free from sexual and sex or gender-based harassment, with a focus on the prevention of inappropriate behaviour before it happens.

To achieve this, WorkPac has implemented a comprehensive, written prevention plan that identifies risks, control measures for managing those risks if elimination is not practicable, and processes for employees to safely report any behaviour they feel is inappropriate or harmful.

This plan will be reviewed and updated as required. Under the *Work Health and Safety Regulation 2011* the plan must be reviewed:

(a) As soon as practicable if a report of sexual harassment or sex or gender-based harassment at work is made;

(b) As soon as practical if a health and safety committee or health and safety representative requests a review; and

(c) every 3 years at a minimum.

1.1 Scope

The terms of this plan 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.

This plan covers:

- Conduct in the workplace (including both WorkPac controlled workplaces and workplaces controlled by third parties (i.e. 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 employee's employment (i.e. onboarding training, promotion, remuneration benefits, etc.) through to the end of an employee's employment with WorkPac;
- Online spaces, including email, direct messaging and conferencing services (i.e. Microsoft Teams), and social media platforms where the conduct is in connection with the employment or involving online communication between employees or between an employee and a third party;
- Situations directly connected with employment such as work-related travel, business meetings, and social events such as Christmas or end of year functions;
- Private functions at private residences, if there has been sexual 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 company, the employment relationship or the workplace.

2. WHAT IS SEXUAL HARRASSMENT AND SEX OR GENDER-BASED HARRASSMENT?

Sexual harassment is any unwelcome sexual behaviour that a reasonable person could anticipate may make another person feel offended, intimidated, or humiliated in that situation.

Sex or gender-based harassment means the harassment of a person on the basis of the person's sex or gender, by unwelcome conduct of a demeaning nature, with the intention of offending or humiliating the person. This includes circumstances where a reasonable person would have anticipated the person would be offended, humiliated or intimidated by the conduct.

Sexual harassment and sex or gender-based harassment can be a one-off incident or repeated behaviour that can be overt or subtle. Some acts, such as unwanted physical conduct and sexual assault are also criminal offences.

3. RISKS

WorkPac employs a diverse workforce of individuals with unique characteristics including but not limited to, age, gender, race, nationality, disability, relationship status, religion, and political affiliation. Our employees also work in a diverse range of environments that may not always be under the direct control of WorkPac, including mine sites and camps.

In managing the safety and wellbeing of all employees across all sites, WorkPac has identified the following risks of sexual and sex or gender-based harassment that may occur. These risks can occur in person and/or online.

3.1 Higher Risk Groups

While anyone can experience sexual or sex or gender-based harassment, there are certain groups of people who are more likely to experience it. Both men and women experience sexual harassment, however women are significantly more likely to experience it than men, and men are significantly more likely to commit sexual or sex or gender-based harassment than women. Factors which may increase the likelihood of an employee experiencing sexual or sex or gender-based harassment include but are not limited to:

- Individuals who are new to the workforce.
- Individuals under 30 years of age.
- LGBTIQA+ individuals.
- Individuals who do not conform to traditional gender stereotypes.
- Aboriginal or Torres Strait Islander individuals.
- Individuals with a disability.
- Individuals from culturally and linguistically diverse backgrounds.
- Migrant individuals.
- Individuals holding temporary visas.
- Individuals in insecure working arrangements.

3.2 Risks of Exposure to Verbal Harassment

Behaviours that constitute verbal harassment include (but are not limited to):

- Sexualised comments about an individual's appearance or clothing.

- Derogatory, offensive, or demeaning comments about an individual because of their sex, sexuality or gender.
- Comments, insults or jokes of a sexually suggestive or explicit nature, or which are sexist.
- Deliberately misgendering someone, including using incorrect pronouns to belittle them.
- Intrusive questions or comments about an individual's private life, physical appearance, or bodily functions.
- Abuse or threats targeted at an individual because of their sex, gender or sexuality.
- Spreading sexual rumours about an individual .
- Comments about an individual's sexual performance or appearance (i.e. rating people on their sexual desirability).

3.3 Risks of Exposure to Unwelcome Physical Contact

Behaviours that constitute unwelcome physical contact include (but are not limited to):

- Inappropriate physical contact including unwelcome touching, hugging, kissing, or cornering.
- Actual or threatened physical assault, targeted at an individual because of their sex, gender or sexuality.
- Actual or attempted rape or sexual assault.

3.4 Risks of Exposure to Other Unwelcome Behaviour

Behaviours that constitute other unwelcome behaviour include (but are not limited to):

- Following, either in person or via technology.
- Sexual gestures or indecent exposure.
- Inappropriate staring or leering that makes an individual feel uncomfortable.
- Sharing or threatening to share an intimate image or video without consent.
- Giving, offering, or exposing others to sexually explicit gifts, images, videos, cartoons, drawings, photographs, jokes, etc.
- Gendered double-standards or different repercussions for the same actions.

4. CONTROL MEASURES

WorkPac is committed to ensuring that as far as reasonably practicable, employees and other third-parties are not exposed to risks to their psychological or physical health and safety through sexual and sex or gender-based harassment. To achieve this, WorkPac has initiated the following:

- Implementation of this plan which outlines and provides examples of employee behavioural expectations and reporting procedures. This plan is distributed to all employees and is available at all times on the WorkPac public website. This plan is periodically reviewed and updated when required.
- Implementation of other policies, outlining company values and expectations, are available on the WorkPac public website, such as the *Sexual Harassment Policy*, *Code of Conduct, Equal Employment Opportunity and Workplace Equity and Diversity Policy* and the *Harassment, Discrimination and Bullying Policy.* These policies are periodically reviewed and updated when required.
- WorkPac completes a *Client Risk Evaluation* and a *Workplace Hazard Register* for every client that WorkPac supplies employees to. These involve an analysis of employee exposure to identified risks such as psychosocial hazards (sexual and sex or gender-based harassment is considered a psychosocial hazard), and the controls in place by the client in minimising employee's exposure to

these risks. These are periodically re-evaluated with an automated notification of upcoming expiry. A copy of the client specific *Workplace Hazard Register* is provided to employees at the time of placement on each new assignment.

- Provide managers and supervisors with the authority and resources to implement and effectively maintain control measures, with clear accountabilities for monitoring, reviewing, and maintaining these controls.
- Avoid having employees work alone where possible and maintaining communications with those employees who do work alone or remotely.
- Ensure that employees have conducted site specific safety inductions, including the site-specific risks and control measures for psychosocial hazards and the factors that may increase the risk of exposure (i.e. an increased risk to a female employee walking around a camp alone).
- WorkPac offices are designed to have an open layout where possible. This ensures visibility of employees, the space and access to support when required. It also provides space for employees to conduct their tasks and move about freely without physical contact.
- WorkPac has a zero-tolerance approach to sexual and sex or gender-based harassment.
- Provide employees with clear, safe, and confidential reporting channels (i.e. Stopline) to ensure that any alleged incidents are promptly and thoroughly investigated.

5. RESPONSIBILITIES

5.1 Responsibilities of all employees

It is the responsibility of all employees to:

- Understand this plan and seek further information if unclear.
- Understand what constitutes an act of sexual and sex or gender-based harassment.
- Not engage in any behaviour that may be perceived as sexual and sex or gender-based harassment against anyone.
- Comply with all the requirements of this plan.
- Report any incidents of sexual and sex or gender-based harassment they see or experience to a relevant manager.
- Do not victimise any person involved in a complaint of sexual and sex or gender-based harassment.
- Ensure that, if involved in a complaint, confidentiality is maintained.

5.2 Responsibilities of Managers

In addition to the responsibilities set out above in section 5.1, 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 or disciplinary action, apply non-discriminatory screening and interviewing processes.
- Model appropriate behaviour.
- Ensure that all direct reports are aware of this plan and WorkPac's expectations that they behave respectfully and tolerantly.
- Understand WorkPac's procedures for the resolution of complaints.
- Treat all complaints seriously and follow appropriate procedures for investigating complaints of sexual and sex or gender-based harassment.
- 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 WorkPac's policies and procedures.
- Ensure victimisation does not occur.
- Take suitable disciplinary action against any person found to have breached this plan.

5.3 Responsibilities of the Chief Executive Officer and the Executive Committee

In addition to the responsibilities set out above in section 5.1 and 5.2, it is the responsibility of the Chief Executive Officer and the Executive Committee to:

- Understand and commit to the rights and entitlements of all employees to attend their workplace and perform their duties, without fear of experiencing or being exposed to sexual and sex or gender-based harassment in any form.
- Take all reasonable steps to eliminate sexual and sex or gender-based harassment.
- Ensure all employees are regularly made aware of their obligations to ensure a workplace that is free from sexual and sex or gender-based harassment.
- Provide an environment which discourages sexual and sex or gender-based harassment and set an example with their own behaviour.
- Ensure that this procedure is regularly reviewed and updated (if required) to drive continuous improvement in eliminating sexual and sex or gender-based harassment in the workplace.
- Treat all complaints seriously and confidentially.
- Take immediate, appropriate and proper corrective action if they become aware of any offensive action or illegal behaviour.

6. HOW TO REPORT

6.1 Reporting to Managers and Others

Employees, contractors and clients of WorkPac can report any allegations or concerns to the relevant manager, supervisor or to the WorkPac Employment Relations Team.

6.2 Confidential Reporting

Confidential reporting may be made under the *Whistleblower Policy and Procedure*. In addition, employees, contractors and clients of WorkPac can contact Stopline (24 hours a day, 365 days a year) to make a disclosure about incidents of sexual and sex or gender based harassment. Stopline provides an independent and confidential whistleblowing service. Stopline can be contacted via:

Phone: 1300 304 550

Email: makeareport@stopline.com.au

Website: workpac.stoplinereport.com

7. INVESTIGATION PROCEDURE

7.1 Method of Handling Complaints

WorkPac's investigation process focusses on protecting employees and others from harm by identifying whether there is a risk of sexual and sex or gender-based harassment that has not been controlled so far as is reasonably practicable, or there are more effective and reliable control measures available. There does not need to be a formal complaint for an investigation to be carried out.

The following procedure is designed to help address any complaints raised by employees about incidents of sexual and sex or gender-based harassment in the workplace.

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 it is made in good faith. WorkPac will take all necessary steps to ensure that no victimisation occurs against anyone who makes or is involved in a complaint.
- **Timely** - all complaints will be dealt with as quickly as possible in the circumstances.

7.2 Complaint Resolution Procedure

The following procedure sets out the complaint resolution options where employees are subject to alleged sexual and sex or gender-based harassment.

The person making the report may be represented by a representative at any or all stages of the process.

Note: the terms *informal* and *formal* are not a reflection of how serious a concern is but relate 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 perceived to be offensive and not acceptable to them. 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.
    - Focusing on the unwanted behaviour rather than the person.
    - 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 arranging a mediation if appropriate in the circumstances).

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

Employees should be aware that if serious unacceptable behaviour is raised with a manager, the manager might need to raise this with the other person, conduct an investigation, or raise the matter with WorkPac's Employment Relations Team, even if the employee does not want them to. This is because the safety and wellbeing of its employees is WorkPac's upmost priority. WorkPac has a duty of care to take all reasonable steps to ensure that unacceptable behaviour does not continue or happen to others.

- **Formal Resolution**

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

  An employee may formally raise their complaint in the following manner:

  - Raising with WorkPac's Employment Relations Team. This can be done by the complainant themselves, a manager, or a witness; or
  - Lodging a report with Stopline as per section 6.2 of this plan.

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's Employment Relations Team.

7.3 Formal Resolution Process - Investigation

The formal process is an investigation of a complaint with the 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 plan. Irrespective of whether the complaint is 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.

7.4 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.

7.5 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.
- Encouraging a workplace participant to report a matter to the police if appropriate.

The person who made the report and other involved parties will be informed of the results of the investigation. This may be verbal or written or both.

7.6 External Resources

Whilst investigating sexual and sex or gender harassment complaints, it may be necessary for WorkPac to utilise additional resources to help resolve the situation. These may include:

- Independent investigator.
- Independent mediator (where both parties agree to mediation).

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

8. CONSULTATION

8.1 Consultation with Host Employers

WorkPac ensures that before placing its employees at a client (host employer) site, that it consults with and coordinates its activities with the host employer pursuant to this plan.

WorkPac undertakes site specific risk assessments at all host employer work sites prior to providing employees to them . These risk assessments include identification of any Psychosocial hazards which employees may encounter.

WorkPac reserves the right to take appropriate action, including not placing, or the withdrawal of its employees from the host employer, if it determines that the host employer has failed to provide a safe and harassment free environment.

8.2 Consultation with Employees

This plan has been developed by WorkPac's Safety and Risk Management, Employment Relations and Legal teams. WorkPac consults with its employees via the following methods:

- Conducting anonymous workplace surveys to gather feedback on safety, harassment prevention measures and the effectiveness of existing policies and procedures. WorkPac uses these survey results to identify areas of improvement and inform policy and procedure review.
- Holding conversations at safety toolbox meetings at the worksites where WorkPac employees are working.
- Providing regular updates when any changes to existing policies and/or procedures that are affected.

WorkPac will be seeking additional feedback from employees after publication of this plan.

9. EMPLOYEE ASSISTANCE

WorkPac encourages employees to seek assistance and support 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.

Further information about the Employee Assistance Program, is available from Gryphon Psychology on 1800 056 076 or https://gryphonpsych.com.au/.

10. DOCUMENTS THAT RELATE TO THIS PROCEDURE

- Code of Conduct
- Employee Assistance Program
- Equal Employment Opportunity and Workplace Equity and Diversity Policy
- Harassment, Discrimination and Bullying Policy
- Harassment, Discrimination and Bullying Procedure
- Managing Performance and Misconduct Procedure - FTMs
- Managing Performance and Misconduct Procedure - Internal Employees
- Sexual Harassment Policy
- Sexual Harassment Procedure
- Whistleblower Policy and Procedure