Discrimination, Bullying and Harassment Policy

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COVERAGE

This policy applies to all employees and workplaces of Ramsay Health Care.

OUTCOME STATEMENT

Ramsay Health Care is committed to ensuring a workplace free of discrimination, bullying and harassment.

The objectives of the Discrimination, Bullying and Harassment Policy are to:

- Meet the requirements of equal employment opportunity and anti-discrimination laws;
- Provide a pleasant, harassment-free working environment for all employees;
- Endeavour to ensure that all employees are treated with fairness, respect, equality and dignity and treat others with these ideals;
- Encourage good working relationships between employees;
- Apply the key principles of equitability to all of Ramsay’s current and future people management policies and practices; and
- Encourage all staff to accept responsibility for ensuring that the principles outlined in this policy are an integral part of the culture of the workplace, including reporting of behaviour that breaches the policy.
POLICY STATEMENT

The Discrimination, Bullying and Harassment Policy establishes the organisation’s behavioural expectations of its employees with regard to:

- Equal Opportunity;
- Discrimination;
- Sexual Harassment;
- Racial Harassment;
- Workplace Bullying;
- Victimisation; and
- Vilification.

Ramsay Health Care (Ramsay) believes the quality of work life is about cooperation, communication, coordination, teamwork and respect for other people within the organisation. Ramsay also recognises the need to respect and value the diversity of the workforce and is committed to facilitating that diversity by preventing and eliminating discrimination, bullying and harassment.

Ramsay’s commitment to a workplace free of any kind of bullying, discrimination or harassment aims to ensure that all staff and prospective employees receive equitable treatment in all aspects of the employment relationship including:

- Recruitment and selection;
- Procedural justice;
- Employment conditions; and
- Career development.

The equitable treatment of people is fair and just treatment, not the same treatment.

Ramsay will endeavour to ensure that in all company policies, practices and procedures, no discrimination takes place and that all employees enjoy equal access to opportunities within the company. The basis of employment decisions is on the individual merit of employees.

Ramsay will endeavour to ensure that no sexual, racial or other form of harassment, including bullying, occurs in the workplace. The policy applies to Ramsay employees and their dealings with other people including colleagues, patients and their families, external health care workers, clients, students, customers and suppliers.

It is the responsibility of all staff to monitor their own behaviour. Any reports of discrimination, harassment or bullying will be treated seriously and investigated promptly, confidentially and impartially in accordance with the RHC – Grievance Policy. A written complaint is not required to initiate an investigation.
ROLES AND RESPONSIBILITIES

Managers’ Responsibilities

Managers are responsible for:

- Promoting a culture free from Discrimination, Bullying and Harassment;
- Making employees are aware of what action to take if they believe they have been subjected to, or witness to, inappropriate behaviour as defined above; and
- Treating all complaints seriously, investigating and resolving issues in so far as they are able.

Employees’ Responsibility

Employees are responsible for complying with the RHC - Discrimination, Bullying and Harassment Policy i.e. they are not to discriminate against others, harass, bully or vilify others, and must cooperate with their employer with respect to any action taken to comply with requirements under all relevant legislation.

Consequences for non-compliance may include some or all of the following:

- A disciplinary procedure;
- Demotion;
- Transfer or suspension of employment;
- Enforcement of a probationary period;
- Dismissal;
- Formal training and coaching;
- Note on employment records; and
- The requirement for a formal apology.

RESOURCES

Ramsay has in place guidelines and procedures to address all aspects of discrimination, bullying and harassment. All managers and staff must familiarise themselves with these resources.

The RHC - Discrimination, Bullying and Harassment Policy and associated guidelines and procedures will be covered as part of all orientation programs and will be made available to employees at all times for the purposes of revision.

Workplace Discrimination, Bullying and Harassment resources are available on the HR Intranet here and include:

- Discrimination, Bullying & Harassment Guidelines for Employees;
- Discrimination, Bullying & Harassment Guidelines for Managers;
- Managers’ Tips for Dealing with Discrimination, Bullying & Harassment;
- RHC Policy – Grievance Policy;
- RHC Policy – Disciplinary Policy; and
- Whistleblower Guidelines.
PROCEDURE

Complaints of discrimination, bullying or harassment should be raised as soon as possible so that the situation can be dealt with quickly, impartially and confidentially. Where there is no on-site HR representative, the State HR Manager and/or Group HR are available for advice and confidential consultation at every stage.

Complaints in relation to discrimination, bullying and harassment should be made in line with the Grievance Policy as outlined below. These stages do not need to be followed sequentially and involvement of the Executive at any or each stage is recommended.

**Stage 1 – Discussion with other party**

Many problems can be sorted out quickly and informally by speaking directly with the person concerned. Therefore in the first instance, the employee should attempt to resolve the matter with the other party if they feel comfortable doing so.

Contact your HR representative, Group HR or your state Human Resources Manager to discuss the matter and to seek advice on the situation and some strategies for engaging in the discussion.

**Stage 2 - Referral to Manager**

If Stage 1 does not resolve the situation or, if the employee is not comfortable approaching the other party directly, the employee may refer the matter to their manager for discussion. Where the grievance involves another party, the manager may assist in facilitating a discussion, and hopefully a resolution, between the parties and can help the employee to decide whether or not to make a formal complaint.

If the employee believes that their Department Manager is not the appropriate person then the matter should be raised with an alternative appropriate member of management, senior corporate manager, or the relevant State/Hospital HR Manager.

It is still possible to achieve an informal resolution at this stage, however the manager is required by law to investigate as soon as they become aware of an issue, regardless of whether the complaint is made formally and to deal with any safety or criminal matters as appropriate.
**Stage 3 – Formalise the complaint**

If no effective resolution has been achieved in Stage 1 or 2, or if the employee or manager believes that more serious intervention/support is required, a formal complaint should be lodged with the manager (preferably in writing). A full investigation is likely to follow which collects documentation including statements provided by the parties, records of interview with the complainant, the alleged harasser and any witnesses, personal notes and reports. It is highly recommended that you contact your HR representative, Group HR or your state HR Manager to discuss the matter and to seek advice on the situation before progressing.

If a formal complaint is made, all parties must agree to:

- Give a true and accurate disclosure and cooperate in establishing the facts;
- Maintain confidentiality at all times to avoid defamation;
- Conduct themselves in a professional manner and observe appropriate workplace behaviours; and
- Refrain from the victimisation of anyone during or after the investigation process.

If a formal complaint against an employee is substantiated, a formal record of the complaint, the investigation, the outcome and the action implemented will be lodged on the relevant employee’s personnel file. Other documentation relating to the investigation may be kept in a separate confidential file.

Outcomes that may result if a formal complaint is substantiated include:

- An apology;
- An undertaking that the behaviour will cease;
- Formal counselling of the alleged harasser;
- Formal training or coaching;
- Disciplinary action, e.g. transfer, formal warning, dismissal (dismissal will commonly be the outcome of gross acts of sexual harassment);
- Notifying the Police (for criminal matters).

All parties involved may request the attendance of a support person at any interview(s).

**Stage 4 - Referral to Executive**

If the matter is still unresolved and has not already been referred to the appropriate hospital Executive staff member or senior corporate manager, this must be done at this stage.

**Stage 5 - External Complaint Procedures**

If the employee considers that the matter has not been dealt with adequately through processes outlined in Stages 1-4 above, they can report the matter through an external complaint procedure.
**Ramsay Whistleblower Hotline**

The Ramsay Whistleblower Hotline can be contacted using the details below:

- **Telephone** – 1800 058 644
- **Email** – email details of your report to ramsaywhistleblowerhotline@deloitte.com.au
- **Post** – Reply Paid 12628 A’Beckett Street, Victoria 8006.

**Other External Bodies**

If the dispute remains unresolved after the parties have genuinely attempted to achieve a settlement, then notification of the existence of the dispute can be given to an external body. The body receiving the complaint will attempt to resolve the issue by conciliation between the parties.

Disputes of an industrial nature can be given to the Fair Work Ombudsman or an agreed private alternative dispute resolution provider.

Complaints of discrimination, bullying and harassment can be made with the Fair Work Ombudsman or the relevant EEO authority. Jurisdictions under each state are as follows:

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<td>Federal</td>
<td>Australian Human Rights Commission / Fair Work Ombudsman</td>
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<tr>
<td>New South Wales</td>
<td>Anti-discrimination Board of NSW</td>
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<td>Victoria</td>
<td>Victorian Equal Opportunity and Human Rights Commission</td>
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If conciliation is unsuccessful or not possible, the complainant can elect to refer the complaint to a tribunal for legal resolution. If the tribunal upholds the complaint, remedies include, but are not limited to, damages, financial compensation, and issuing an apology.

**CONFIDENTIALITY**

All complaints, investigations and documentation will be kept strictly confidential and information to parties subject to the need to properly investigate complaints wherein co-workers will be involved only to the extent necessary to establish facts and on a “need to know” basis. Management will observe the principles of maximising confidentiality to the fullest extent possible. All employees and support persons involved in the process will also maintain strict confidentiality and will not discuss the matter with anyone outside the process. Breaches of confidentiality by any party may result in disciplinary action being taken.
TIMEFRAMES

The process is to be completed in a timely manner. Discussions at any stage of the procedure shall not be unreasonably delayed by any party, subject to acceptance that some matters may be of such complexity or importance that it may take a reasonable amount of time for the appropriate response to be made.

DEFINITIONS

Discrimination:
Any practice, which makes distinctions between individuals or groups on grounds other than merit, so as to disadvantage some and to advantage others.

Direct discrimination and indirect discrimination are both covered by this policy and both forms of discrimination are unlawful.

Discrimination may occur on the basis of:

- Sex;
- Disability;
- Age;
- Race;
- Colour;
- ethnic origin;
- social origin;
- national extraction;
- religion;
- sexual preference;
- marital status;
- pregnancy or potential pregnancy;
- breastfeeding;
- family or carer’s responsibilities;
- trade union activity;
- criminal record;
- immigration;
- physical or mental disability;
- gender identity or transgender reassignment;
- political opinion or affiliation;
- medical record;
- impairment;
- personal associations;
- any other attribute covered under State and Commonwealth anti-discrimination laws.

Harassment / Sexual Harassment:

Harassment is any behaviour which is unwelcome and belittling and which has the effect of offending, humiliating or intimidating the person at whom it is directed, even if harassment was not intended, or which a reasonable person would anticipate might have the possibility of offending, humiliating or intimidating a person. Harassment can be based on any personal attributes such as the grounds for discrimination listed above. Harassment will usually be repeated behaviour, but can also consist of a single act.

Sexual Harassment encompasses any sexual attention that is unwanted. Sexual harassment can be a single incident - depending on the circumstances. It includes:

- Either verbal or physical conduct; or
- Actions or remarks that are so offensive that they may constitute sexual harassment in themselves, even if they are not repeated.
Other single incidents, such as an unwanted invitation or compliment, may not constitute harassment if they are not repeated. Sexual harassment has nothing to do with mutual attraction. Such friendships are a private matter.

Sexual harassment and harassment are against the law in the workplace itself and in any work-related context e.g. conferences, work functions / business trips.

Examples of sexual harassment and harassment prohibited by this policy include, but are not limited to:

- Physical assault;
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status or promotion;
- Direct propositions of a sexual nature;
- Subtle pressure for sexual favours;
- A pattern of conduct that discomforts or humiliates the person at whom the conduct is directed which includes one or more of the following:
  - Comments of a sexual nature;
  - Sexually explicit statements, questions, jokes, or anecdotes;
  - Unnecessary touching, patting, hugging, kissing, or brushing against a person's body;
  - Remarks of a sexual nature about a person's clothing or body; or remarks about sexual activity or speculations about previous sexual experience.
- Non-Physical Harassment – e.g. Sending of inappropriate information via email such as jokes, inappropriate pictures etc.;
- Persistent, unwanted attempts to change a professional relationship to an intimate one.

**Workplace Bullying:**

Workplace bullying refers to unreasonable or inappropriate behaviour at the place of work or in the course of employment that could reasonably be regarded as intimidating, insulting, offensive, demeaning, or abusive to others, and which occurs repeatedly.

Bullying includes behaviour and language that offends, degrades or humiliates a worker, possibly but not necessarily in front of co-workers, clients or customers.

Bullying may be the use of loud threatening language/behaviours, yelling or screaming abuse, or subtle forms of intimidation, such as inappropriate comments about personal appearance, criticism, inappropriate use of authority, isolation of workers from normal work events.

Bullying may occur between:

- Co-workers;
- A worker and another person in the workplace e.g. a visitor, contractor, student, patient or doctor etc.; or
- A worker and a manager (or supervisor).

Management interaction to address employee poor performance or misconduct, conducted in a fair manner and in accordance with relevant Ramsay policies, is not bullying. Furthermore a reasonable request from a co-worker will also not be considered as bullying.
Vexatious Complaints:

A vexatious complaint means that the person making the complaint does not have sufficient grounds for action and is seeking only to annoy the defendant. This type of complaint may render the individual liable to disciplinary action by Ramsay. If a vexatious complaint is not substantiated, nothing is noted on the personnel file of the alleged offender.

Vilification:

Vilification is making a vicious or defamatory statement about a person or group of people. It is an act of public hatred, or incitement of others to hatred, usually because of race or religion but it can be because of another attribute such as gender or sexuality. Vilification can include graffiti, speeches, abuse, gestures, posters, stickers, or remarks on internet sites or public notice boards.

REFERENCES

Commonwealth
- Sex Discrimination Act 1984
- Racial Discrimination Act 1975
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Australian Human Rights Commission Act 1986
- Equal Opportunity for Women in the Workplace Act 1999
- Fair Work Act 2009

State – Equal Opportunity
- Anti-Discrimination Act 1977 (NSW)
- Criminal Records Act 1991 (NSW)
- Equal Opportunity Act 2010 (VIC)
- Racial and Religious Tolerance Act 2001 (VIC)
- Anti-Discrimination Act 1991 (QLD)
- Equal Opportunity Act 1984 (SA)
- Racial Vilification Act 1996 (SA)
- Equal Opportunity Act 1984 (WA)
- Spent Convictions Act 1988 (WA)

Commonwealth – Occupational Health & Safety
- Safe Work Australia Act 2008

State – Occupational Health & Safety
- Work Health & Safety Act 2011 (NSW)
- Occupational Health & Safety Act 2004 (VIC)
- Work Health & Safety Act 2011 (QLD)
- Occupational Health, Safety, & Welfare Act 1986 (SA)
- Safework SA Amendment Act 2005 (SA)
- Occupational Health & Safety Act 1984 (WA)
FURTHER INFORMATION

For a copy of any of the policies or guidelines mentioned in this policy, please go to the HR Intranet or contact Group HR on (07) 3394 7624 or email hrenquiries@ramsayhealth.com.au.

Information and support is also available at the Australian Human Rights Commission online at http://humanrights.gov.au/about/index.html.

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<td>October 2012</td>
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