

Equal Employment Opportunity

HRM-POL-L-028

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1.0 PURPOSE

Equal Employment Opportunity (EEO) refers to an individual's right to attain and maintain employment. Federal and States / Territories legislation is in place to protect people from discrimination based on their personal characteristics, such as age, gender, race, religion and marital status. Such discrimination is considered to breach a person's right to equal employment opportunity.

Lycopodium recognises that a diverse workforce is important and acknowledges the individual strengths of each employee and the potential they bring. Lycopodium values the differences and strengths of others which gives us a competitive advantage and adds to our culture.

Lycopodium is committed to conducting business in a manner which achieves fair, equitable and non-discriminatory employment and practices, and providing a workplace that is free of discrimination, bullying and harassment of any kind. All employment decisions will be based on the merit of the individual and requisite job requirements.

We endeavour to provide all existing and future employees with equal access to employment opportunities and reflect these principles of equality in our policies and procedures.

2.0 SCOPE

This policy applies to all employees and contractors of Lycopodium.

Equal employment opportunity applies to all aspects of the employment relationship, including but not limited to, recruitment, selection, employment, promotion, transfers, training, remuneration, benefits and all other terms and conditions of service.

3.0 RESPONSIBILITIES

3.1 Lycopodium

Lycopodium has a responsibility under this policy and the relevant legislation to:

- Maintain policies and procedures which provide equal opportunity for employment for all employees and potential employees (candidates / applicants) and non-discriminatory practices.
- Provide a safe workplace and access to safe systems of work.
- Respond to concerns regarding unequal employment practices, unlawful discrimination, harassment, sexual harassment, bullying or victimisation appropriately.
- Take action to prevent and stop unlawful discrimination, bullying, harassment, sexual harassment, victimisation or vilification.

To help achieve this we will:

- Use multiple avenues when recruiting new staff to attract a variety of applicants from different backgrounds.
- Develop workplace policies and implement training to promote inclusion and cross-cultural awareness.
- Have compliant workplace investigation and grievance handling procedures in place to manage any issues that may arise despite the above, such as allegations of unlawful discrimination, bullying, harassment, victimisation and vilification.

3.2 Managers

Lycopodium Management personnel are responsible for:

- Promoting and developing a workplace free of unlawful discrimination, bullying, harassment, sexual harassment and victimisation.
- When recruiting applying non-discriminatory and non-bias advertising, screening, shortlisting and interviewing processes.
- When making employment related decisions about existing employees, future or potential employees applying non-discriminatory processes.
- When using labour hire or temporary staff, requesting that agencies apply non-discriminatory screening and interviewing processes.
- Modelling appropriate standards of behaviour at all time.
- Making themselves and all employees who report to them aware of this policy, the Workplace Bullying and Harassment Policy (HRM-POL-L-020) and the Grievance Procedure (HRM-PRC-L-001).
- Understanding and following Lycopodium's procedures for the resolution of complaints, including the Grievance Procedure (HRM-PRC-011).
- Monitoring the work environment and taking immediate action to deal with any behaviour which breaches the organisation's policies.
- Preventing discrimination or victimisation and taking appropriate measures to address such behaviour in accordance with the Performance Counselling and Discipline Procedure (HRM-PRC-010).

3.3 Employees

Lycopodium expects all employees to demonstrate our values of respect, integrity and diligence in all workplace interactions. It is also the responsibility of Lycopodium employees to:

- Understand and comply with Lycopodium policy and to seek further information if unclear.
- When making employment related decisions about existing employees, future or potential employees apply non-discriminatory processes.
- Behave in accordance with expected standards as outlined in the Workplace Bullying and Harassment Policy (HRM-POL-L-020), ensuring that unacceptable behaviour does not occur.
- Report any breaches of this policy that they experience or observe to an appropriate manager.
- Not victimise any person involved in a complaint or breach of this policy.
- Maintain, if involved in or aware of complaints, confidentiality.

4.0 DEFINITIONS

Diversity is recognising and valuing the unique contribution people can make because of their individual background and different skills, experiences and perspectives. Diversity encompasses differences in ethnicity, gender, language, age, sexual orientation, religion, socioeconomic status and education.

Discrimination occurs where a person distinguishes between individuals or groups because of a characteristic that applies, or is assumed to apply, to that individual or group, and which results in some being advantaged, whilst others are disadvantaged.

There are two types of discrimination:

- **Direct discrimination** - occurs when a person treats (or proposes to treat), someone with a particular characteristic less favourably than they would treat someone without that characteristic. It doesn't matter whether or not the person is aware of the discrimination or that they are being treated less favourably.
- **Indirect discrimination** - occurs when there is a policy, procedure, requirement, condition or practice, that is the same for everyone but has an unfair or adverse effect on people who share a particular characteristic whereby:
 - a person with a certain characteristic cannot, or does not, comply with

- it is not reasonable having due regard to the circumstances of the situation.

Discrimination on any of the following grounds is illegal (unlawful):

- age
- family or carer responsibilities
- gender, gender identity and gender reassignment
- marital status
- physical, intellectual or psychological impairment or disability
- political beliefs and activities
- pregnancy and potential pregnancy
- breastfeeding
- race, colour, national, ethnic or social origin
- religious beliefs and activities
- sexual preference or orientation
- intersex status
- trade union membership
- personal association with a person or people identified by reference to any of these characteristics.

Equal Employment Opportunity ensuring that workplaces are free from all forms of unlawful discrimination, bullying, harassment and intimidation in relation to an individual's right to attain and maintain employment, and to protect people from discrimination based on their personal characteristics.

Grievance may result from any concern or complaint about an act or behaviour that someone perceives to be unfair, discriminatory, or unjustified. It may relate to a decision, situation, omission, or problem related to employment decisions, employment practices and the work environment that a person feels to be unfair. A grievance is also known as a complaint.

Unreasonable Behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as bullying, harassing, discriminating, victimising, humiliating, undermining or threatening.

Employees should refer to the Workplace Bullying and Harassment Policy (HRM-POL-L-020) in relation to acceptable and unacceptable behaviour in the workplace.

5.0 COMPLAINT HANDLING PROCEDURE

In the first instance staff should refer to the Grievance Procedure (HRM-PRC-L-001) for guidance on attempting to resolve a grievance. They may also contact their manager, one-up manager or the General Manager – People for support.

Lycopodium acknowledges that some concerns may arise from misunderstandings and/or interactions where the individual(s) are unaware of the impact of their behaviour. Employees are encouraged to address concerns directly with the other party, where it may be appropriate, and they feel safe to do so.

Lycopodium will take all complaints of unlawful discrimination and/or unacceptable workplace behaviour seriously, and respond with impartiality, confidentiality and in a timely manner in accordance with the Grievance Procedure, either informally or formally as appropriate. This may involve encouraging the complainant to undertake amicable resolution to address the matter informally with the respondent, management support to address and resolve the matter with the parties, mediation, undertaking internal enquiries or a formal workplace investigation.

All complaints and reports must be treated in the strictest of confidence.

Staff will not be disadvantaged or victimised for making a complaint in good faith.

There must be no victimisation of any party involved in the matter.

6.0 BREACHES OF POLICY

All individuals covered by this policy are expected to adhere to the standards of behaviour contained herein at all times. Unlawful discrimination and breaches of confidentiality will not be tolerated by Lycopodium.

Employees found to have breached this policy will be subject to appropriate disciplinary action in accordance with the Performance Counselling and Discipline Procedure (HRM-PRC-010), up to and including termination of employment.

If a contractor of Lycopodium is found to have breached this policy, their contract stands to be terminated, or may not be renewed in the future.

6.1 Unsubstantiated Breaches

If an investigation into alleged breach of this policy finds the allegation has not occurred or is unable to be substantiated, Lycopodium reserves the right to take reasonable and appropriate action to address any workplace issues that lead to the report.

False or vexatious complaints may result in disciplinary action in accordance with the Performance Counselling and Discipline Procedure (HRM-PRC-010), up to and including termination of employment.

7.0 LEGISLATION

Lycopodium and its employees have responsibilities under the below listed State and Federal legislation to prevent staff from being subject to behaviour that may constitute unlawful discrimination, harassment, bullying or victimisation, and not to adversely affect the health and safety of others:

- Equal Opportunity Act 1984 (WA)
- Anti-Discrimination Act 1991 (QLD)
- Sex Discrimination Act 1984 (Commonwealth)
- Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Age Discrimination Act 2004 (Commonwealth)
- Fair Work Act 2009 (Commonwealth)
- Fair Work Act Amendment 2013
- The Charter of Human Rights and Responsibilities Act (Vic) 2006
- Work Health and Safety Act 2020 (WA)
Work Health and Safety Act 2011 (QLD)
Work Health and Safety Act 2011 (NSW)
Occupational Health and Safety Act 2004 (VIC)

To achieve this Lycopodium will provide policies and procedures consistent with this legislation. Lycopodium will also ensure compliance with The Privacy Act 1988 in relation to an individual's right to access personal information held by Lycopodium in relation to their recruitment process.

8.0 REFERENCES

HRM-PRC-L-001 Grievance Procedure

HRM-POL-L-020 Workplace Bullying and Harassment Policy

HRM-PRC-001 Recruitment and Transfers Procedure

HRM-PRC-010 Performance Counselling and Discipline Procedure