

## ACCESS AND EQUITY STATEMENT

In accordance with the State and Federal equal opportunity legislation, Master Builders SA is committed to providing equitable and accessible services to all people that are inclusive of culture, gender, and disability. Master Builders SA values diversity and respects social and cultural difference.

*For further information, please review the Master Builders SA Access and Equity Policy.*

## 1 PURPOSE

Master Builders SA is committed to providing a safe work environment that is free from workplace bullying, discrimination and harassment.

The objectives of this Policy are to:

- Identify the obligations of Master Builders SA and workers in relation to appropriate workplace behaviour;
- Assist apprentices and host employers understand what are acceptable and unacceptable forms of behaviour;
- Set out a fair and transparent process in the event of alleged inappropriate behaviour.

## 2 APPLICATION

This Policy applies to employees of Master Builders SA who are employed as apprentices under the Master Builders SA Group Training Scheme ('Scheme'), and host employers who engage apprentices through the Scheme.

## 3 PROHIBITED BEHAVIOURS

### 3.1 Discrimination

Discrimination occurs where a person or group of people is treated less favourably than others because of a particular characteristic or attribute that pertains to a person, such as:

- race;
- colour;
- sex;
- sexual orientation;
- age;
- physical or mental disability;
- marital status;
- pregnancy;
- religion;
- political opinion;
- national extraction;
- social origin;
- 'spent' convictions;
- membership of an employee association (i.e. union).
- family or carer's responsibilities'

Direct discrimination is when someone is treated less favourably on the grounds of a characteristic that pertains to a person, regardless of the discriminator's motive and whether they are aware of the discrimination or consider the treatment less favourable.

Indirect discrimination is when a requirement (or rule) that appears to be neutral and the same for everyone in fact has the effect of disadvantaging someone because they have a particular characteristic.

Master Builders SA is committed to providing a workplace that is free from unlawful discrimination. Master Builders SA applies equal opportunity principles, including in respect of:

- the recruitment of workers;
- the terms and conditions for work including the payment of wages and other benefits;
- training, promotion and other opportunities;
- the allocation of work duties;
- the application of reasonable management action.

Host employers are required to apply equal opportunity principles in relation to the engagement of apprentices and must not engage in practices that may be considered to be discriminatory.

## 3.2 Workplace Bullying

Workplace bullying is *repeated and unreasonable behaviour* by an individual or group of individuals directed towards a worker or group of workers that creates a risk to health and safety.

*Repeated behaviour* refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

*Unreasonable behaviour* means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

The following types of behaviour may constitute workplace bullying:

- abusive, insulting or offensive language or comments;
- aggressive and intimidating conduct;
- belittling or humiliating comments;
- victimisation;
- 'initiation' practices
- practical jokes or initiation;
- displaying offensive material about a person;
- unjustified criticism or complaints;
- deliberately excluding someone from work-related activities;
- withholding information that is vital for effective work performance;
- setting unreasonable timelines or constantly changing deadlines;
- setting tasks that are unreasonably below or beyond a person's skill level;
- physical harm or violence
- denying access to information, supervision, consultation or resources to the detriment of the worker;
- spreading misinformation or malicious rumours; and
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

This is not an exhaustive list; other types of behaviour may also constitute bullying if it creates a risk to health and safety. Conduct may constitute bullying even if it was not intended to victimise, humiliate, intimidate or threaten.

## **Reasonable management action carried out in a reasonable manner**

Reasonable management action taken in a reasonable manner will not constitute workplace bullying.

Examples of reasonable management action include:

- Setting realistic and achievable performance goals;
- Fair and appropriate rostering and allocation of working hours;
- Electing not to select a worker for promotion after a fair and transparent process;
- Informing a worker about unsatisfactory work performance in an honest, fair and constructive way;
- Informing a worker about unreasonable behaviour in an objective and confidential way;
- Investigating alleged misconduct;
- Directing a worker to carry out a lawful and reasonable direction;
- Implementing organisational changes or restructuring;
- Transferring a worker to another area or role for genuine operational reasons;
- Disciplining a worker, including suspension or termination of employment, where appropriate.

# Group Training Policy and Procedures



## BULLYING AND HARRASSEMENT POLICY: 2.10/ V2.4

### 3.3 Harassment and Sexual harassment

Harassment is any unwelcome or uninvited behaviour that causes or has the potential to cause offence, intimidation or humiliation and it is reasonable in the circumstances for the person to feel that way.

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances. Examples of sexual harassment include, but are not limited to:

- Uninvited physical contact;
- Verbal remarks with sexual connotations;
- Any action or comment of a sexual nature;
- Display of inappropriate objects or pictures, written emails or text messages;
- Repeated requests to go out on dates;
- Questions or insinuations about a person's private life or sexual activity;
- Sexually explicit jokes, banter or innuendo;
- Inappropriate staring or leering;
- Viewing, downloading, sending, or printing sexually explicit or other inappropriate material, and
- Offensive or unwanted communication including phone calls, emails, text messages or messages sent via other forums including Messenger, social media etc.

Harassment and sexual harassment may occur even if it is not intentional, and can be the result of a single incident or more than one incident.

### 3.4 Victimization

Victimization means treating someone unfairly because they have exercised their rights under this Policy to make a complaint, or under some other workplace law, or because they have supported someone else who acted upon those rights.

It is unlawful to victimise a person who:

- intends to, or does, make a complaint;
- intends to, or does, provide information as part of an investigation process; or
- otherwise supports a person who intends to make a complaint, or has made a complaint.

### 3.5 Outside of Work Behaviour

The prohibited behaviours described Part 3 of this Policy are not limited to behaviour only occurring inside of the normal workplace. The Policy also applies to any behaviours that occur outside the normal workplace, where there is a connection to work. For example, during training, at work related events or functions, or communications sent to other employees outside of work hours, including on social media.

## 4 RESOLUTION OF COMPLAINTS

### 4.1 Complaints

Any apprentice who feels that they have been subjected to inappropriate behaviour of the kind identified in Part 3 of this Policy may make a complaint about the behaviour. The complaint may be dealt with as an informal complaint (see self-help and informal intervention below), or as a formal complaint.

Master Builders SA encourages apprentices to make attempts to resolve complaints informally by raising the issue with the other party (where it is appropriate to do so having regard to the nature of the behaviour).

Where necessary, Master Builders SA may take action to investigate a matter that has not been instigated by a complainant, or that has been notified to Master Builders SA by another person.

### 4.2 Self-help

An apprentice may elect to seek to resolve a matter by discussing the matter with the perpetrator or host employer representative. This may involve the individual informing the perpetrator that they consider their behaviour to be inappropriate, and request that the behaviour stop. Self-help may be appropriate in circumstances where the perpetrator may not realise that the individual considers their behaviour to be inappropriate, or that it has had a negative effect on the individual.

### 4.3 Informal intervention

Where a matter is not capable of being resolved through self-help, the apprentice may notify the Master Builders SA Field Coordinator, or Manager (Training and Apprentices), or his or her delegate.

Where a Field Coordinator is notified, the Field-Coordinator shall notify the Manager (Training and Apprentices).

The Field Coordinator or Manager (Training and Apprentices) shall discuss the issue with the worker and consider options to resolve the matter.

The Manager (Training and Apprentices) shall notify the Director (Membership & Business Development) or another member of the Executive Team, where appropriate.

The informal resolution of the matter may involve the Manager (Training and Apprentices), or his or her delegate:

- Facilitating an informal discussion between the individual and perpetrator;
- Notifying the perpetrator and/or other relevant persons of the standards of appropriate behaviour;
- Notifying the perpetrator that the behaviour must stop and not occur again;

- Considering appropriate measures to prevent the behaviour from occurring again, including the placement of the apprentice at another worksite or with another host employer.

## 4.4 Formal complaint

If the matter is not resolved through informal processes, a formal complaint may be made.

A formal complaint is to be made in writing by the apprentice.

Where a formal complaint is made, the Manager (Training and Apprentices) shall notify the Director (Membership & Business Development) or another member of the Executive Team, where appropriate.

Master Builders SA shall take appropriate action to address the issue, which may involve investigating the matter. An investigation may involve taking statements from the complainant, any witnesses and the person alleged to have engaged in offensive behaviour.

While a matter is being investigated, Master Builders SA may take any action as necessary, such as placing the apprentice at another worksite or ensuring that the apprentice and alleged perpetrator are not working directly with each other.

After the investigation is completed (if applicable), Master Builders SA will make a determination relating to the complaint and take appropriate action. This may include removing the apprentice from the host employer on a temporary or permanent basis and/or terminating the host employer agreement. Where the perpetrator is an employee of Master Builders SA, disciplinary action (including termination of employment), may be taken against the perpetrator.

Where a formal complaint is made and it is determined from the investigation that the complaint is vexatious or has been made without proper cause, the person making the complaint may be subject to disciplinary action (including dismissal).

## 4.5 External complaints or claims

Where a worker lodges a complaint or claim with an external agency or Commission (such as SafeWork SA or the Fair Work Commission), the Master Builders SA complaints and/or disciplinary process may be suspended or postponed as necessary.

## 5 RESPONSIBILITIES AND OTHER MATTERS

### 5.1 Host employers

Host employers are responsible for providing a safe workplace for apprentices and ensuring that workers engaged by the host employer do not engage in inappropriate behaviour that may affect the health and safety of Master Builders SA apprentices.

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Host employers must report all incidents of inappropriate behaviour that affects Master Builders SA apprentices, to the Manager (Training and Apprentices).

## 5.2 Confidentiality

Other than as required by law or for the disciplinary process, all details of complaints will remain confidential unless specific permission from the complainant is granted, or the disclosure of the information is necessary for the investigation process or some other lawful reason.

## 5.3 Records

Confidential records of complaints and related documents shall be maintained by Master Builders SA for a period as determined by Master Builders SA.

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