

1. Purpose

This policy establishes an organisational framework for the management of workplace discrimination, bullying, sex-based harassment and sexual harassment at DMTC Limited. DMTC unequivocally affirms its zero-tolerance stance against all forms of discrimination, bullying, sex-based harassment and sexual harassment and denounces such unlawful conduct and behaviours in the strongest terms.

These actions are unlawful under the *Sex Discrimination Act 1984* (Cth), *Racial Discrimination Act* (Cth), *Disability Discrimination Act 2004* (Cth), *Age Discrimination Act 2004* (Cth), *Australian Human Rights Commission Act 1986* (Cth), *Occupational Health and Safety Act 2004* (Cth) and equivalent State legislation, such as the *Equal Opportunity Act* (Vic) and any other state and territory laws that apply in our workplace.

DMTC recognises the detrimental impact that discrimination, bullying, sex-based harassment and sexual harassment has on fostering an enjoyable, safe, diverse and inclusive workplace.

DMTC is committed to providing an environment, both physical and virtual, free from all forms of discrimination, bullying, sex-based harassment and sexual harassment. Discrimination, bullying, sex-based harassment or sexual harassment represent unlawful serious misconduct and may result in disciplinary action.

Furthermore, we are firmly committed to preventing any conduct that fosters a hostile workplace environment on the basis of sex. It is essential that all staff members treat one another with dignity, courtesy, and respect.

The purpose of this policy is:

- a) To set a clear standard of behaviour that promotes a safe and respectful work environment aligned with DMTC's organisational values;
- b) To establish an appropriate, sensitive, and unambiguous pathway for victims and witnesses of discrimination, bullying, sex-based and sexual harassment to report concerns around, and incidents of, misconduct; and
- c) To articulate and respond to DMTC's legal and positive duty obligations, taking reasonable steps to prevent workplace discrimination and sexual harassment as mandated by the *Sex Discrimination Act 1984* (Cth).

2. Policy Scope

This policy applies to:

- Board members and members of any DMTC/HSSA Stakeholder Group or Advisory Panel;
- All staff, regardless of employment type: leadership team, managers, supervisors, full-time, part-time, casual, temporary, permanent, seconded, and contracted; and

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- Consultants, independent contractors, work experience, volunteers and interns for the relevant duration of their engagement with DMTC.

(“DMTC Personnel”)

This policy governs various contexts, including but not limited to:

- How DMTC Personnel engage with each other, partners, clients, stakeholders, and members of the general public;
- Interactions that occur outside working hours where there is a clear link to a person’s employment or association with DMTC.

This policy applies to various workplace settings in connection with work, including but not limited to:

- DMTC Head Office;
- Coworking space utilised by DMTC Personnel for duties relevant to their employment or association with DMTC;
- Work-related travel;
- Team breakfasts, lunches, dinners, and after-hours work-related social events (e.g., Christmas party);
- Off-site training, workshops or professional development sessions, even if conducted by a third party;
- Conferences or expositions; and
- Online where there is a clear link to a person’s employment or association with DMTC.

3. Personnel Rights and Responsibilities

All DMTC Personnel are entitled to:

- Recruitment and selection decisions based on merit and not influenced by irrelevant personal characteristics;
- Work in an environment that is not hostile on the ground of sex;
- A work environment free from discrimination, bullying and harassment, including sex-based and sexual harassment; and
- Raise issues, make enquiries or report misconduct without fear of victimisation (refer to Whistleblower Policy).

Additionally, all DMTC Personnel must:

- Adhere to this policy;
- Offer support to individuals who experience discrimination, bullying, sex-based

harassment and sexual harassment, including providing information on how to report misconduct; and

- Avoid gossip and respect the confidentiality of complaint resolution procedures;
- Treat everyone with dignity, courtesy, and respect;
- Respectfully and professionally call out any disrespectful behaviour to people in the workplace;
- Role model positive and respectful workplace behaviours.

10.2. Additional Responsibilities for Managers and Supervisors

Managers and supervisors have additional responsibilities and must:

- Role model appropriate standards of behaviour;
- Promote awareness of this policy and take steps to educate DMTC Personnel on issues relating to contents under this policy and the law;
- Take all complaints and instances of inappropriate behaviour seriously and respond promptly and appropriately;
- Resolve issues fairly, ensuring all relevant parties are heard and understood;
- Refer to this policy and *Policy – Whistleblower* (“*Whistleblower Policy*”) when handling reports of misconduct;
- Ensure DMTC Personnel who raise concerns or file complaints are not victimised; and
- When required, seek the advice and counsel of DMTC’s HR providers and/or legal counsel, as appropriate, for further assistance with managing reports of discrimination, bullying, sex-based harassment and sexual harassment in accordance with this policy.

4. Discrimination

DMTC is dedicated to fostering diversity within its workforce and is committed to establishing a working environment that is free from all forms of discrimination.

Discrimination occurs when a person treats, or proposes to treat, another person unfavourably as a result of personal characteristics protected by law.

Discrimination can manifest in two ways:

- Directly, when a person or group is treated less favourably than another person or group because of a personal characteristic protected by law; and
- Indirectly, when an unreasonable requirement, condition or practice is imposed that has,

or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

10.1. Protected Personal Characteristics under Federal Discrimination Law

Protected personal characteristics include:

- Disability, disease, or injury, including work-related injury;
- Parental status or status as a carer for children or other family members;
- Race, colour, descent, national origin, or ethnic background (unless otherwise required pursuant to DMTC's security requirements);
- Age;
- Sex;
- Industrial activity, including membership of industrial organisations;
- Religion;
- Pregnancy and breastfeeding;
- Sexual orientation, intersex status or gender identity;
- Marital status;
- Political opinion;
- Social origin;
- Medical record; and
- An association with someone who has, or is assumed to have, one of the above characteristics.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

5. Bullying

Bullying is a form of discrimination broadly defined as repeated unreasonable behaviour directed toward another person or group which creates a risk to health and safety.

Bullying can manifest in various ways and can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Without limitation, the following behaviours may constitute bullying:

- Sarcasm and other demeaning language;
- Threats and abuse;
- Coercion;
- Isolation;
- Inappropriate blaming;
- Ganging up on a person or group of people;
- Constant unconstructive criticism;
- Deliberately withholding information;
- Unreasonably denying requests for leave, training or workplace benefits.

Bullying represents a breach of the duties of care owed by both employer and employee. Persons found guilty of such behaviour can face prosecution under the *Occupational Health and Safety Act 2004* (Cth).

6. Sexual Harassment and Harassment on the Ground of Sex

DMTC acknowledges that employers must safeguard the health and safety of personnel in the workplace, including protection against sex-based discrimination and sexual harassment.

Sexual harassment, as defined by the *Equal Opportunity Act 2010* (VIC) and *Sexual Discrimination Act 1984* (Cth), occurs when a person is subject to unwelcome conduct of a sexual nature that a reasonable person, having regard to all the circumstances, would anticipate to be offensive, humiliating or intimidating. There is no requirement for the conduct to be repetitive, a one-off incident can amount to sexual harassment. Furthermore, a person's failure to object to inappropriate behaviour at the time it occurs does not imply consent to the behaviour or consent to its continuation.

It is essential to note that comments and behaviours that do not offend, humiliate or intimidate one person may offend, humiliate or intimidate another. DMTC Personnel must treat others with dignity, courtesy and professionalism at all times, and respect each other's personal boundaries, and are entitled to an expectation of same in their professional activities.

Sexual harassment and sex-based harassment can be in many forms including physical, spoken and/or written.

10.2. What May Constitute Sexual Harassment?

Sexual harassment can take various forms, including but not limited to:

- Comments and questions of a sexual or intrusive nature about a person's private life or physical characteristics;

- Sexually suggestive behaviour such as leering, staring or offensive gestures;
- Unwelcome physical contact, such as brushing up against a person, touching and hugging;
- Sexually suggestive comments, jokes and displays;
- Displaying offensive images and objects including on social networking sites;
- Repeated requests for dates or unwelcome displays of affection;
- Requests for physical contact and sexual favours;
- Requests for sex;
- Inappropriate advances and sending sexually explicit emails, text messages and posts on social media or other communication platforms;
- Sexual assault, indecent exposure, physical assault and stalking (which are also criminal offences);
- Actions and comments of a sexual nature in a person's presence, even if not directed at that person; and
- Intrusive questions or statement about a person's private life

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sex-based harassment is where someone:

- subjects another person to unwelcome conduct of a demeaning nature; and
- does so because of the person's sex or a characteristic that is generally imputed to persons of that sex.

10.3. What is Not Sexual Harassment

Behaviours and comments that do not constitute sexual harassment include but are not limited to:

- Consensual and acceptable behaviours
- Company Reward and Recognition programs
- Being asked to complete the inherent requirements of the role
- Receiving feedback on the role
- Allocation of work in accordance with position description, policies and procedures and workplace systems
- Disciplinary action

- Genuine performance management
- Consensual romantic or dating relationships between co-workers.
- Discussion or debate of sexual or adult related topics that are relevant to the work being performed.
- Social events or gatherings where people may be dressed in a way that is considered more revealing or casual than usual.

7. Positive Duty to eliminate Sexual Harassment

DMTC is committed to comply with the positive duty requirements under the Sex Discrimination Act 1984 (Cth) to take reasonable and proportionate measures to eliminate, as far as possible:

1. Sexual harassment (being unwelcome conduct of a sexual nature);
2. Harassment on the ground of sex (being unwelcome conduct based on the sex of the person, but not necessarily sexual in nature);
3. Discrimination on the ground of a person's sex (being differential treatment based on the sex of the person);
4. Conduct that subjects a person to a hostile workplace environment on the ground of sex (being, conduct that results in an offensive, intimidating, and humiliating environment for people of one sex, but not necessarily directed at a person);
5. Acts of victimisation that relate to complaints, proceedings, assertions, or allegations in relation to conduct in points 1 to 4 above.

The steps the Company will take to eliminate all forms of sexual harassment, sex-based harassment, discrimination and victimisation include:

1. Undertaking periodic risk assessments to identify the risk of sexual harassment, discrimination, and victimisation in the workplace;
2. Taking reasonable and proportionate steps to address those risks including implementing prevention plans;
3. Implementing appropriate policies to specify expected behaviours in the workplace including this policy;
4. Ensuring there is an effective grievance handling framework in place to address any reports of sexual harassment, discrimination, and victimisation;
5. Providing appropriate training to all staff in relation to sexual harassment and discrimination in the workplace;
6. Promoting a workplace culture in which all forms of sexual harassment, discrimination and victimisation are not tolerated and in which staff are encouraged to report any forms of such behaviour that they are subject to or witness.

10.4. Criminal Offences

Some forms of sexual harassment may constitute criminal offences. Such incidents must

be immediately reported to the relevant law enforcement authority. Relevant state and territory police contacts can be found at the following [link](#).

8. Victimization

Victimization will arise when a person is subjected or threatened with a detriment because they have asserted their right to report misconduct, aided a person making a report, declined to participate in an action constituting discrimination, bullying, sexual harassment or victimisation or as a bystander, have intervened in or called out incidents of behaviour covered by this policy.

Victimization is unlawful and represents a serious violation of DMTC's expected standards of behaviour and will result in disciplinary action against perpetrators.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

9. Bystander Intervention

DMTC Personnel who witness or become aware of instances of discrimination, bullying or sexual harassment can play a pivotal role in preventing such behaviours in the workplace.

DMTC Personnel that are aware of instances of discrimination, bullying, sex-based harassment and sexual harassment must:

- Extend support to those subjected to discrimination, bullying and sexual harassment;
- Address harmful behaviours, either formally or informally, to deter such conduct; and
- Report instances of discrimination, bullying and sexual harassment in accordance with this policy and reference to the Whistleblower Policy.

In certain situations, witnesses may prefer to remain anonymous. It is important to note that complete anonymity might not be feasible in all circumstances, however, every effort will be made to respect confidentiality whenever practicable.

10. Complaints Process

DMTC will treat all complaints related to this policy consistently, confidentially and with the utmost seriousness, prioritising the well-being of the person reporting the misconduct.

DMTC strongly urge any DMTC Personnel who believe they have experienced or witnessed discrimination, bullying, sex-based harassment, sexual harassment, or victimisation to take appropriate action by reporting misconduct.

DMTC Personnel reporting misconduct should maintain the confidentiality of a report and share details of the complaint only with those who need the information to facilitate its resolution.

For DMTC Personnel who do not feel secure or confident in taking direct action, assistance can be sought from the following for guidance, support, or intervention on their behalf.

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- Within the workplace
- DMTC’s external Human Resources Contact
- By applying to the Fair Work Commission
- By lodging a complaint with another government body, like the Australian Human Rights Commission.

All complaints will be dealt with in a fair, timely and confidential manner.

10.1. Reporting

Notwithstanding the reporting obligation detailed in section 7.1, when reporting misconduct, DMTC Personnel are required to file a complaint following the established reporting procedure outlined in the *Whistleblower Policy*.

Investigations that result from a complaint will be conducted following the guidelines outlined in sections 3.4-3.8 of the *Whistleblower Policy*.

10.2. Confidentiality

In appropriate circumstances, reports made in accordance with this policy will be handled confidentially to safeguard the personal privacy of DMTC Personnel, aligned with the guidelines set out in DMTC’s *Whistleblower Policy*. However, a matter may need to be referred externally without the complainant’s agreement when the alleged misconduct may:

- Constitute a criminal offence; or
- Pose an occupational health and safety risk;

Only relevant persons within DMTC will be informed about a complaint and any necessary arrangements for managing it. When misconduct is reported, DMTC should inform the DMTC personnel concerned as to who within the company will have access to this information.

11. Disciplinary Action

DMTC may take disciplinary action against personnel who are found to be in contravention of this policy following a report of misconduct.

Depending on the circumstances surrounding an allegation of discrimination, bullying, sex-based harassment and sexual harassment – and at the ultimate discretion of the CEO (or the Chair in circumstances where a complaint is made against the CEO) – the consequences for DMTC Personnel found in contravention of this policy may include the requirement to issue an apology, warning, suspension, counselling, demotion, termination of employment or other forms of disciplinary action deemed appropriate, taking into account the facts and outcome of the

investigation process.

Immediate disciplinary action, which may include dismissal, will be taken against anyone who victimises or retaliates against a person who has reported misconduct.

DMTC may take legal advice in relation to its obligations to report to and cooperate with law enforcement or other appropriate authorities, as appropriate.

12. Employee Assistance Program

DMTC employees impacted by issues raised in this policy are encouraged to access DMTC's Employee Assistance Program (EAP). DMTC employees are entitled to short-term counselling services through the EAP, which provides up to 6 sessions per employee.

EAP counselling is entirely confidential – nothing discussed with a counsellor will be disclosed to DMTC, unless an employee provides prior written consent to DMTC's EAP provider to release confidential information related to a counselling session

Further information and contact details about DMTC's EAP can be found here at [Contact Us - EAP Counselling](#).

13. Linked Policies, Procedures and Forms

- [DMTC Code of Conduct](#)
- [Policy – Diversity and Inclusion](#)
- [Policy – Privacy](#)
- [Policy – Whistleblower](#)
- [Procedure - Recruitment](#)

14. Resources

- Australian Human Rights Commission www.humanrights.gov.au
- Fair Work Ombudsman www.fairwork.gov.au
- Respect @ Work www.respectatwork.gov.au
- Safe Work Australia www.safeworkaustralia.gov.au
- 1800Respect www.respect.org.au