

EQUAL EMPLOYMENT OPPORTUNITY, ANTI-DISCRIMINATION, BULLYING AND HARASSMENT AT HUDSON

Hudson does not tolerate unlawful discrimination, harassment or bullying in any form and is committed to ensuring our workplace is one where all employees can carry out their duties in a safe environment of mutual respect and fairness.

You have a responsibility to behave in a way that contributes to the achievement of a productive, safe and equitable work environment, ensuring your actions are in line with our Hudson values.

Any breach of this policy may result in disciplinary action, up to and including termination of your employment.

Who does this Policy Cover?

All Hudson Employees and Workers when they are at Work.

Definitions used in this Policy

Employee means a person employed by Hudson.

Work means any time at which an Employee or other Worker is:

- (a) carrying out, or acting in the course of his or her duties for, or with respect to, Hudson (this includes when working on an on-hire basis for a Hudson client);
- (b) at work functions (even if out of hours) such as team dinners, Christmas parties or client functions or any other function that Hudson has facilitated or that take place in connection directly or indirectly with Hudson's activities;
- (c) representing Hudson, for example, at a conference (including after hours behaviour at such conference), or entertaining clients on an informal basis; or
- (d) otherwise acting within the course of his or her employment (Employees) or within the scope of his or her engagement (non-Employees).

For the avoidance of doubt, the above incorporates events outside of working hours.

Worker means an individual performing Work in any capacity for Hudson, including as an Employee, a contractor, a subcontractor, a labour hire worker, a work experience student or a trainee.

Hudson Processes Hudson

This policy applies to all Hudson processes, including:

- Recruitment, selection and hiring;
- Promotion and job changes;
- Learning and development opportunities;
- Performance reviews;
- Allocation of work;

- Reward and recognition;
- Leave arrangements; and
- Termination.

Equal Employment Opportunity

Hudson is an equal opportunity employer committed to making sure there is no unlawful conduct in its employment practices or in its workplaces whilst Employees and other Workers are at Work.

Hudson may be held vicariously liable for the unlawful conduct of its Employees and for any unlawful discrimination or harassment of its Employees in breach of equal opportunity and anti-discrimination legislation in Australia. Any party (including Hudson) may also have accessory liability for unlawful conduct where they induce, permit or otherwise authorise unlawful conduct.

Hudson strives to make decisions based on suitability, experience and merit and to avoid unlawful discrimination in hiring and promotion. Hudson's management promotes a positive environment for all Employees which provides encouragement and opportunity to set personal goals within the framework of Hudson's objectives and achieve satisfaction in what they do while at Work. All Employees and job applicants will be assessed according to their skill, qualifications, abilities, prior work performance, aptitude and general ability to perform the inherent requirements of a role in question where a decision is to be made about hiring, job allocation or promotion.

What is Discrimination?

Discrimination is when a person is treated less favourably to others because of a particular trait that they possess or their personal attributes. Hudson does not condone or authorise practices that are unlawfully discriminatory in the processes of hiring, assignment, performance assessment and promotion.

Discrimination can occur in a direct or indirect capacity.

Direct Discrimination means less favourable treatment in the same or similar circumstances on the basis of one or more of the unlawful grounds described in anti-discrimination legislation (for instance, on the basis of sex, age, race or disability).

Indirect discrimination is in general terms a condition, requirement or practice that:

- (a) is more difficult for one person or a group of persons to comply with because of one of the characteristics or attributes set out in the anti-discrimination legislation in circumstances in which others are able to comply with that condition, requirement or practice; and
- (b) is unreasonable in the circumstances.

It is unlawful to discriminate against someone on the following grounds (**Prohibited Grounds**):

- Age;
- Gender identity;
- Ethnicity;
- Religion, religious beliefs or activity;
- Physical features (Victoria only);
- Race;
- Political beliefs/ activities;
- Sexual preference or orientation;
- Physical or mental disability (including any imputed disability);
- Gender identity or intersex status;
- Marital or relationship status;
- Parental or carer status;

- HIV/Aids;
- Pregnancy (including potential pregnancy);
- Breastfeeding;
- Industrial, trade union or employer association activity;
- Colour;
- Immigration;
- National or ethnic origin or extraction or social origin;
- Compulsory retirement; and
- Medical records

It is also unlawful to discriminate against another person because they are associated with a person who has attributes relating to one of the Prohibited Grounds.

Exceptions to the rule

Discrimination in the area of employment may not be unlawful where:

- a) the ground of discrimination constitutes a “genuine occupational qualification”; or
- b) the Employee cannot perform the inherent requirements of the position in question, or requires services, facilities or other adjustment to do so, but the provision of those will impose an unjustifiable hardship on Hudson.

There are also other exceptions under relevant state and territory laws.

What is Harassment?

Harassment is any behaviour that is unwelcome or uninvited that relates to a Prohibited Ground, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harasses would be offended, humiliated or intimidated.

Harassment may consist of a single incident or a repeating pattern of events.

Even if the harasser did not intend to humiliate, offend or intimidate, if it is reasonable for a person to feel humiliated, offended or intimidated then the behaviour may constitute harassment.

It is unlawful for harassment to occur on any of the Prohibited Grounds noted above.

Examples

Examples of harassment may include, but are not limited to

- Material that is racist, sexist, sexually explicit, homophobic, etc. that is circulated or put in someone's workspace;
- Jokes based on sex, pregnancy, marital status, gender identity, age, etc. If you are not clear if anyone is or may be offended, the behaviour should stop immediately; or
- Ignoring, isolating or segregating a person because of a particular characteristic.

What is Sexual Harassment?

Sexual harassment is a discrete form of unlawful harassment. Unlawful sexual harassment will occur if an Employee or other Worker engages in any behaviour of a sexual nature that is unwelcome, uninvited and unwanted and which is likely to humiliate, offend or intimidate another person. It may be physical, psychological, visual or verbal. Sexual harassment may consist of a single incident or a repeating pattern of events.

Sexual harassment is against the law and a breach of this policy.

Examples

Examples of sexual harassment may include, but are not limited to:

- Staring or leering in a sexual manner;
- Unwelcome physical contact such as slapping, kissing or touching inappropriately; or
- Repeated sexual invitations when the person has refused similar invitations previously.

Where the behavior is invited, consensual or reciprocated, it is not unlawful. Note, also, that simply because a person is in a consensual relationship or maintains a friendship with another person, does not mean that sexual behavior will be consensual. Sexual behavior which has not been consented to by a friend or partner may still be unlawful.

Victimisation

Hudson will not tolerate any behavior whereby an Employee or other Worker victimizes another person because they are involved in a complaint about alleged unlawful discrimination or harassment.

It is unlawful to victimize another person because they have made a complaint, are about to make a complaint or are otherwise involved in a complaint (e.g. are a witness).

Victimisation may include (but is not limited to), treating someone detrimentally, creating a hostile working environment or verbal abuse/derogatory comments.

What is Bullying?

Bullying is repeated and unreasonable behaviour directed towards another person that creates a risk to health and safety. Bullying can occur in a direct or indirect capacity. It may be face to face, physical, over email communications, through text or instant messaging, via social media channels or psychological behaviour or behaviour where strength and / or a position of power is misused.

Repeated behaviour refers to the persistent nature of the behaviour, and can involve a range of behaviours. Unreasonable behaviour includes behaviour that is victimising, humiliating, intimidating threatening or undermining.

Hudson does not condone bullying in its workplace or at any time while an Employee or other Workers are at Work.

Bullying may constitute unlawful harassment where it is related to a Prohibited Ground.

Examples

Examples of bullying may include:

- Insulting or offensive language or comments;
- Shouting; or
- Repeated and unreasonable criticism or complaints.

Reasonable Management Action

Hudson may take reasonable management action to make decisions about poor performance, take disciplinary action, and effectively direct and control the way in which work is carried out. Reasonable management action that is carried out in a reasonable way is not considered bullying or harassment.

Examples of reasonable management action may include:

- Setting reasonable performance goals, standards and deadlines;

- Monitoring ongoing performance;
- Transferring an employee for operational reasons; or
- Implementing organisational changes or restructures.

Management action that is not carried out in a reasonable way may be considered bullying.

One off instances of rudeness, insensitivity or other inappropriate behavior will also not constitute bullying however may be behavior that is deemed inappropriate in accordance with Hudson policies.

Complaint Procedure

If you feel you have been discriminated against, harassed or bullied you should tell the person that you feel their behaviour is offensive or inappropriate and ask that it stop.

If the behaviour doesn't stop, or you don't feel comfortable to approach the person, you should raise your concerns immediately in accordance with the *Workplace Grievances at Hudson Policy*.

Investigating complaints about discrimination, harassment, victimisation or bullying

When Hudson receives a written complaint from an Employee or other Worker, it may undertake a variety of actions such as investigating the complaint (if Hudson deem this to be appropriate in all the circumstances). Different types of complaints may call for different types of action.

To the extent that an Employee or other Worker wishes to make what he/she considers to be an "informal" complaint of any behaviour that is unlawful or otherwise in breach of Hudson policies, please be advised that Hudson may nonetheless investigate the facts alleged in such "informal" complaint or take other action.

Employees who make complaints which are found to be malicious or vexatious will also be subject to disciplinary action up to and including termination of employment. Other Workers who make malicious or vexatious complaints may have their engagement terminated.

Employees found to have engaged in unlawful behavior

Employees who are found to have engaged in unlawful behaviour or who are otherwise in breach of Hudson policies will be subject to disciplinary action, up to and including termination of employment. Other Workers who have engaged in unlawful behaviour, or behaviour otherwise in breach of Hudson policies may have their engagement terminated

Where can I go for Help or for more Information?

If you require assistance, have any questions about the content of this policy or are not sure how this might apply to you, please speak to your leader in the first instance or alternatively to your Human Resources Representative.

Policy Amendments or Feedback