

EQUAL OPPORTUNITY/HARASSMENT/BULLYING POLICY

PURPOSE:

This policy covers all Costa employees.

Costa encourages and supports diversity, inclusiveness and equality in all aspects of the workplace. We recognise the right of all employees to work in a safe and productive environment free from discrimination, harassment, bullying and victimisation.

Costa considers discrimination, harassment, bullying and victimisation by or towards staff, contractors, suppliers or customers as unacceptable behaviour which will not be tolerated under any circumstances.

Costa supports the principles of natural justice and will ensure a fair process for the parties involved.

The objective for a discrimination free and harassment free working environment needs the involvement, commitment and complete support of management and all employees.

The acceptance by management and all employees of these responsibilities is an essential step towards that objective.

DEFINITION OF TERMS:

EMPLOYEE: For the purposes of this policy, employee refers to any individual employed by a Costa company either directly or indirectly. This includes permanent, fulltime, part-time, contract, and casual employees.

DISCRIMINATION: Occurs when a person is treated differently because he or she possesses a certain attribute.

DIRECT DISCRIMINATION: Treating or proposing to treat another person less favourably, on the basis of an attribute covered by equal opportunity law, than the person treats or would treat someone without that attribute in the same or similar circumstances.

INDIRECT DISCRIMINATION: When a practice or policy appears to be fair because it treats everyone in the same way, but in effect it disadvantages a higher proportion of people from one group and is not reasonable in the circumstances.

HARASSMENT: Unwanted, uninvited, and unwelcome behaviour which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.

BULLYING: Unreasonable behaviour (which may be one-off or repeated) directed towards an employee or group of employees that creates a risk to health and safety.

UNACCEPTABLE CONDUCT: Unlawful discrimination or harassment, workplace bullying and victimisation

VICTIMISATION: When one person subjects, or threatens to subject, someone else to some form of detriment or harm.

HOW THIS POLICY APPLIES:

This Policy applies to the conduct of everyone working at Costa in their treatment of employees, contractors, customers, clients and visitors in all Costa business units.

The Policy also applies when people are working outside normal working hours, are working off-site, and during work related functions.

DISCRIMINATION:

It is unlawful under state and federal law to discriminate on the basis of actual or assumed attributes including:

- Race (including colour, descent, nationality, national or ethnic origin)
- Sex
- Marital/domestic status
- Pregnancy or potential pregnancy
- Family responsibilities and status as a parent or carer
- Disability/impairment (including physical, intellectual or psychiatric)
- Religion, religious belief or activity
- Political opinion, belief or activity
- Age
- Medical record
- Irrelevant criminal record
- Requests for flexible working arrangements
- Trade union activity (including where a person is or is not, or was or was not, an officer or member of an industrial association)
- Industrial activity (including where a person engages, or has at any time engaged or proposed to engage, in industrial activity or does not engage, or has at any time not engaged or proposed to not engage, in industrial activity)
- Workplace rights (adverse action)
- Employer Association activity
- Lawful sexual activity
- Physical features
- Breastfeeding
- Gender identity
- Sexual, transsexual, or transgender orientation
- Personal association (where a person has suffered detriment due to their association with somebody who has one of the aforementioned protected attributes)

HARASSMENT:

- Can be based on any of the discrimination grounds listed above
- Can include, but is not limited to derogatory comments, offensive jokes, threats or insults, spreading gossip, sexual innuendo, or unwelcome physical contact
- May be one act or a pattern of unwelcome behaviour
- Can occur inside or outside the workplace
- Can be intentional or unintentional

SEXUAL HARASSMENT:

Sexual harassment is prohibited under state and federal law. A person sexually harasses another person if:

- the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person
- the person engages in other unwelcome conduct of a sexual nature in relation to another person and the person engaging in the conduct does so with the intention of offending, humiliating or intimidating the other person; or
- in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

The following behaviours may constitute sexual harassment:

- making a statement of a sexual nature directed at another person or in the presence of another person, either orally or in writing;
- touching, patting or fondling;
- staring or leering;
- making sexually suggestive comments and jokes;
- making invitations or requests for sex
- showing lewd pictures; and
- showing unnecessary familiarity with someone

BULLYING:

Bullying is defined as behaviour directed at a person that:

- is repeated (or one-off), unwelcome and unsolicited
- is considered by the person to be offensive, intimidating, humiliating or threatening; and
- which a reasonable person would consider to be offensive, intimidating, humiliating or threatening

A range of behaviours may amount to bullying including:

- abusing a person or other punishment without reason;
- threatening a person with dismissal or other punishment without reason;
- ridiculing, humiliating, criticising or insulting someone;

- sabotaging a person's work performance;
- excluding a person from group workplace activities; or
- spreading gossip or malicious rumours about a person.

Bullying does not arise or occur where the employer takes reasonable action in a reasonable manner in respect to an employee, including in respect to their behaviour and performance.

VICTIMISATION:

Victimisation is being treated inappropriately or threatened because a person has made, intends to make, or has helped someone else make a complaint, refused to breach a law or because they have provided information about a complaint. It also includes someone who has agreed to be a witness.

A range of behaviours may amount to victimisation including:

- A manager telling an employee that they have a week to withdraw their complaint about an issue or they will lose their overtime;
- A workmate sexually harassing an employee and threatening to get them sacked if they lodge a complaint;
- An employee who agrees to be a witness for a workmate's discrimination claim who is threatened with harm if they give such evidence.

A person can still be victimised even if the original complaint is rejected, is dropped or can't be substantiated.

EMPLOYEE RESPONSIBILITIES:

Employees must:

- Treat their colleagues, customers, Costa visitors or anyone else associated with the workplace, with dignity and respect
- Not unlawfully discriminate against anyone in the workplace i.e. treat anybody less favourably because of their sex, sexual orientation, age, race, ethnic origin, religion or disability, or other attributes protected by anti-discrimination or any other applicable laws
- Not bully, harass or victimise anyone in the workplace
- If they see or experience any unacceptable conduct, report it as soon as possible to a line manager/supervisor or HR representative
- Only make complaints of unacceptable conduct based on truth and fact, and not intentionally make false or vexatious allegations of unacceptable conduct
- Understand and accept their personal involvement in the practical application of the Equal Opportunity Policy
- Exercise their rights and responsibilities under equal opportunity law in a fair and reasonable manner

If you are told that your behaviour is perceived to be unwelcome, you must respect that and stop immediately.

Complaints that found to be vexatious will result in disciplinary being taken action against the complainant.

EMPLOYER RESPONSIBILITIES:

It is the responsibility of all Costa managers and supervisors to:

- Lead by example and actively promote equal opportunity initiatives within their business units;
- Ensure that all management and supervisory staff are familiar and comply with all Equal Opportunity policies, procedures, and legislation;
- Act immediately on any issue that comes to their notice and seek specialist advice when required;
- Ensure that no employee is victimised for making or assisting with a complaint; and
- Provide assistance where necessary to ensure that complaints are investigated and resolved promptly and confidentially.

If you observe discrimination, harassment, bullying, victimisation or are asked for help, treat the matter seriously, impartially, with empathy and confidentiality.

All complaints will be acted upon, and will be treated seriously, impartially and empathically.

FURTHER INFORMATION/ASSISTANCE:

Queries:

Requests for further information and/or clarification of equal opportunity law should in the first instance be directed to a HR representative.

Complaints:

Where it is considered that grounds for discrimination, harassment, bullying or victimisation exist, the matter is to be discussed with your HR representative.

It is the policy of Costa that every effort be made to resolve such complaints within the company, however nothing in this policy is intended to limit any employee's right to seek external help from the relevant external authority such as the Equal Opportunity Commission.

The investigation of all complaints should be carried out in accordance with the Equal Opportunity, Harassment and Bullying Complaint Guidelines.