



# Workplace Bullying and Sexual Harassment **Policy**

Adopted by resolution of the Board on  
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## 1. Policy Statement

Millennium Services Group (**Millennium**) supports equal employment and the elimination of unlawful discrimination, bullying and harassment (including, so far as is possible, unlawful sexual harassment and unlawful sex-based harassment) in the workplace.

This Policy is intended to provide employees, workers, subcontractors, clients and visitors with information to help the Group achieve its policy objectives by outlining expectations of behaviour.

## 2. Scope and Purpose

Millennium is committed to providing a safe and healthy workplace for all our employees, workers, subcontractors, clients and visitors.

Under relevant health and safety legislation Millennium is committed to providing a safe workplace aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying or harassment, sexual or otherwise, while at work.

Everyone at the workplace has a legal responsibility to prevent bullying and harassment from occurring.

This policy applies to all employees and workers as defined in the Work Health and Safety Act 2011 (Cth) (whether full-time, part-time or casual) and any persons performing work at the direction of, or in connection with or on behalf of Millennium (e.g. subcontractors, temporary staff) (**workers**).

This policy extends to all functions and places that are work related for e.g., training, conferences, Christmas parties and client functions.

Millennium recognises the right of all workers to work in an environment where they are treated fairly, with dignity and respect. Millennium is committed to maintaining a working environment that is free from harassment and bullying. Any display of these behaviours will not be tolerated and may result in instant dismissal, counselling, or other disciplinary action.

The policy forms a part of a wider commitment to ensure a safe and productive work environment and an anti-bullying and harassment ethos within Millennium.

## 3. Bullying and Harassment

### 3.1. Bullying

Bullying occurs when an individual (or a group of individuals) repeatedly behaves unreasonably towards another in a way that is hostile, intimidating, degrading, humiliating or offensive. The behaviour need not be intentional.

Bullying may also constitute unlawful discrimination and/or harassment when it relates to a protected attribute. Bullying may create a risk to the health, safety, or welfare of persons at work (including putting at risk a person's psychological wellbeing).

Bullying may involve physical or verbal abuse, aggression, or intimidation, but it may also be more subtle or indirect.

Bullying can include, but is not limited to:

- threatening, abusive emails;
- pictures;
- threatening, abusive text messages;
- psychological harassment;
- social isolating behaviours;
- verbal threats, abuse, shouting;
- physical intimidation;
- initiation rituals;
- coercion;
- inappropriate blaming;
- deliberate change of work duties for the purpose of victimisation; and
- deliberate withholding of information which is required to undertake their job.

However, there are many things that happen in any workplace which are not generally considered bullying, including:

- differences of opinion;
- performance management;
- disciplinary action in accordance with policies;
- allocation of work in compliance with systems and role requirements; and
- conflicts and personality clashes.

Reasonable management actions, such as general performance monitoring, reasonable constructive criticism, check-ins, setting reasonable goals and KPIs, putting in place performance improvement plans, completing investigations, and justified disciplinary action up to and including termination of employment, is not bullying.

### 3.2. Harassment

Harassment is any uninvited or unwelcome behaviour that is based on one of the unlawful reasons that a reasonable person would anticipate might offend, humiliate or intimidate another person, whether that effect is intended.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behaviour:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments.

- Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures.
- Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work because of sex, race, or any other protected basis.
- Physical or verbal abuse concerning an individual's gender, gender identity or gender expression.
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss and offers of employment benefits in return for sexual favours.
- Retaliation for having reported or threatened to report harassment.
- Communication via electronic media with evidence of hate speech, discrimination, racism, bullying, harassment, threats of violence or any type that is prohibited by local, state or federal law or Company policy.

Millennium is committed to providing a work environment free of harassment, disrespectful or unprofessional conduct. Millennium's policy prohibits conduct that is disrespectful or unprofessional, as well as unlawful harassment based on race, religious creed (which includes religious dress and grooming practices), colour, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding, and related conditions), gender, gender identity, gender expression, age, sexual orientation, military or veteran status, or any other consideration made unlawful by federal, state or local laws, ordinances, or regulations. All such harassment is unlawful.

Millennium's anti-harassment policy applies to all persons involved in the operation of Millennium and prohibits harassment by any employee or worker of Millennium, including supervisors and workers.

Millennium commits to taking steps to eliminate, so far as is possible, harassment by non-employees, including customers, clients, and suppliers, who have workplace contact with our employees and workers.

### 3.3. Sexual Harassment

Millennium is committed to maintaining a working environment which is free from unlawful sexual harassment. Unlawful sexual harassment will not be tolerated under any circumstances and disciplinary action, up to and including termination of employment or engagement, will be taken against any employees and workers who are found to have engaged in unlawful sexual harassment.

Millennium has a legal obligation to eliminate, so far as is possible, unlawful sexual harassment in its workplace, and Millennium is committed to maintaining a working environment which is free from sexual harassment. Millennium regards unlawful sexual harassment as a serious issue and aims to treat any complaints in a sensitive and confidential manner.

Unlawful sexual harassment includes any unwelcome sexual advance, unwelcome request for sexual favours or other 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.

Unlawful sexual harassment can be physical, spoken or written and may include, but is not limited to:

- Comments about a person's private life, intrusive questions or statements about a person's private life or the way they look
- Sexually suggestive behaviour, such as leering or staring
- Brushing up against someone, touching, fondling or hugging
- Sexually suggestive comments or jokes
- Displaying sexually offensive materials, photos and sexually explicit posts on social networking sites
- Repeated unwanted requests to go out, including via social media networking sites
- Requests for sex
- Sending sexual innuendos and/or sexually explicit messages, emails or texts
- Accessing sexually explicit materials on internet sites or on computer systems, or downloading or storing such images on work resources, including on smart phones, tablets and other work-provided devices

Unlawful sexual harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated it is not unlawful sexual harassment.

### 3.4. Sexual Based Harassment

Millennium is committed to maintaining a working environment which is free from unlawful sex-based harassment. Unlawful sex-based harassment will not be tolerated under any circumstances and disciplinary action, up to and including termination of employment or engagement, will be taken against any employees and workers who are found to have engaged in unlawful sex-based harassment.

Millennium has a legal obligation to eliminate, so far as is possible, unlawful sex-based harassment (also, unlawful harassment on the ground of sex) in its workplace, and Millennium is committed to maintaining a working environment which is free from unlawful sex-based harassment. Millennium regards unlawful sex-based harassment as a serious issue and aims to treat any complaints in a sensitive and confidential manner.

Unlawful sex-based harassment (also, unlawful harassment on the ground of sex) includes any unwelcome conduct of a demeaning nature in relation to another person by reason of another person's sex, or a characteristic that generally appertains or that is generally imputed to a person of that sex, which makes a person feel humiliated, intimidated or offended, where a reasonable person would anticipate the possibility of that reaction in the circumstances, regardless of the intention of the offender.

Unlawful sex-based harassment is conduct that is demeaning but is not necessarily sexual. This could include making sexist remarks or harassing on the grounds of gendered stereotypes.

It could also include harassing someone based on a characteristic associate with a person's sex, for example, jokes or invasive questions about menstruation or menopause.

Unlawful sex-based harassment can be physical, spoken or written and may include, but is not limited to:

- Asking intrusive personal questions based on the person's sex
- Making inappropriate comments and jokes to a person based on their sex
- Displaying images or materials that are sexist, misogynistic or misandrist
- Making sexist, misogynistic or misandrist remarks about a specific person
- Requesting a person to engage in degrading conduct based on their sex

Unlawful sex-based harassment is not mild forms of inappropriate conduct based on a person's sex that are not of a sufficiently serious nature to meet the threshold of offensive, humiliating or intimidating, as well as demeaning.

*Circumstances in which Sexual Harassment and Sex Based Harassment can Occur –*

Unlawful sexual harassment and unlawful sex-based harassment is not just unlawful during working hours or in the workplace itself. The behaviour is unlawful in any work-related context, including conferences, work functions, office Christmas parties and business or field trips and includes interactions with clients and customers. The behaviour is also unlawful when it occurs away from the workplace but is a culmination or extension of events in the workplace.

Unlawful sexual harassment and unlawful sex-based harassment can occur between people who do not fall within the definition of employer and employee, but who nevertheless have a workplace relationship. The *Sex Discrimination Act 1984* (Cth) makes it unlawful for:

- A person conducting a business or undertaking to sexually harass or harass on the ground of sex, a worker in the business or undertaking
- A worker in a business or undertaking to sexually harass, or harass on the grounds of sex, a fellow worker

A worker may also be protected if they are exposed to sexual harassment by someone who is not a worker (eg. a visitor to the workplace, like a customer), but to whom they were exposed by engaging in activities in connection with their work.

The worker need not be performing their work duties at the time the conduct occurs, but are engaged in some form of activities or visiting a particular place, as a worker. This may include:

- Attending a hospitality venue to continue a discussion begun at the principal workplace
- Visiting the workplace out of hours because of a connection to work, for example to check the roster, collect payslips or collect belongings from a locker

- Conduct that occurs out of work hours, such as through text message
- Remaining in the workplace on a lunch break or after a shift has finished

*What are options available for dealing with unlawful sexual harassment or unlawful sex-based discrimination?*

If an employee or worker believes that they have been subjected to any unlawful harassment (including sexual harassment or sex-based harassment), they may raise their concerns with the person responsible to attempt to resolve the matter (if they feel comfortable to do so) and/or they may raise their concerns with their supervisor, manager and/or People and Culture, to assist with resolving the matter appropriately.

Millennium is committed to investigating any incident, complaint or allegation of unlawful harassment (including unlawful sexual harassment or unlawful sex-based harassment) promptly, sensitively and in a consultative manner.

### 3.5. Retaliation and Victimisation

Retaliation and victimisation against a person, because they have complained of unlawful sexual harassment or unlawful sex-based harassment, is prohibited.

*What Support Services are available in relation to Sexual Harassment –*

Millennium encourages all employees and other workers to make a complaint in accordance with this policy, where they feel there has been a breach of this policy in relation to unlawful sexual harassment or unlawful sex-based harassment.

Where an employee or other worker requires support services, third-party support services are available, and Millennium encourages employees and other workers to use those services as necessary.

The Australian Human Rights Commission provides a list of recommended services on its website – <https://humanrights.gov.au/our-work/sex-discrimination/list-support-services>.

*What are the consequences of a breach of this policy?*

In addition to being against the law, unlawful sexual harassment and unlawful sex-based harassment is also a breach of this policy, and may result in formal disciplinary action, up to and including termination of employment or engagement.

Depending on the severity of the circumstances, consequences of a breach of this policy may include an apology, counselling, transfer, dismissal, demotion or other forms of disciplinary action. A breach of this policy may also result in a report to police.

Disciplinary action will also be taken against anyone who is found to have victimised or retaliated against a person because they have complained of unlawful sexual harassment or unlawful sex-based harassment is prohibited.

*Unlawful sexual harassment and unlawful sex-based harassment is against the law*

Unlawful sexual harassment and unlawful sex-based harassment is prohibited and



unlawful under federal, state and territory legislation (as set out below), and legal action can be taken against individual workers if it is found that a worker engages in conduct that constitutes unlawful sexual harassment or unlawful sex-based harassment.

Anyone who causes, instructs, induces, aids, or permits someone else to engage in unlawful sexual harassment or unlawful sex-based harassment can also be found to have engaged in unlawful conduct.

Millennium can also be found vicariously liable for unlawful sexual harassment and unlawful sex-based harassment that has occurred in the workplace by a worker.

### 3.6. Legislation

Discrimination, bullying, harassment, and/or sexual harassment and sex-based harassment is unacceptable at Millennium and is unlawful under the following federal, state and territory legislation:

#### **Federal**

*Age Discrimination Act 2004 (Cth)*

*Disability Discrimination Act 1992 (Cth)*

*Fair Work Act 2009 (Cth)*

*Racial Discrimination Act 1975 (Cth)*

*Sex Discrimination Act 1984 (Cth)*

*Work Health and Safety Act 2011 (Cth)*

#### **South Australia**

*Equal Opportunity Act 1984 (SA)*

*Work, Health and Safety Act 2012 (SA)*

#### **Tasmania**

*Anti-Discrimination Act 1998 (TAS)*

*Work Health and Safety Act 2012 (TAS)*

#### **Northern Territory**

*Anti-Discrimination Act 1992 (NT)*

*Work Health and Safety (National Uniform Legislation) Act 2011 (NT)*

#### **New South Wales**

*Anti-Discrimination Act 1977 (NSW)*

*Work Health and Safety Act 2011 (NSW)*

#### **Victoria**

*Equal Opportunity Act 1995 (VIC)*

*Occupational Health and Safety Act 2004 (VIC)*

#### **Queensland**

*Anti-Discrimination Act 1991 (QLD)*

*Work Health and Safety Act 2011 (QLD)*

#### **Western Australia**

*Equal Opportunity Act 1984 (WA)*

*Work Health and Safety Act 2020 (WA)*

#### **Australian Capital Territory**

*Discrimination Act 1991 (ACT)*

*Work Health and Safety Act 2011 (ACT)*

## 4. Management Responsibilities

Millennium Management will:

- Senior Management, which is defined as all roles from the Managing Director and Chief Executive Officer to Account Management level has a proactive obligation to ensure Millennium workplaces are free of discrimination, harassment, bullying, vilification, and victimisation. This is referred to as an 'upstander' obligation.
- Take steps to eliminate, so far as is possible, unlawful bullying and harassment (including unlawful sexual harassment, and unlawful sex-based harassment) through a risk management process
- Treat all employees fairly and with respect
- Create a work environment, as far as reasonably practical, free from discrimination, harassment, bullying, vilification and victimisation
- Provide employees with information about unlawful bullying and harassment (including unlawful sexual harassment, and unlawful sex-based harassment) , how to deal with it and its impact on the workplace
- Have an appropriate mechanism for prompt investigation and resolution of any alleged bullying or harassment complaint
- Address allegations of unlawful bullying or harassment (including unlawful sexual harassment, and unlawful sex-based harassment) , responding in a manner which respects and maintains the dignity and confidentiality of all workers involved
- Conduct a thorough investigation into any allegation made and determine appropriate action required
- Give any worker who has a bullying or harassment claim brought upon them, a fair and reasonable opportunity to respond to the allegation
- Take appropriate disciplinary action against a worker who has been found to breach this policy. In serious cases this may result in termination of employment or the contract terminated
- Provide all supervisory staff with appropriate training relevant to their area of responsibility to assist in developing a workplace culture that does not tolerate bullying and harassment
- Employees and workers who become aware of a breach or suspected breach of this policy are encouraged to discuss the matter with their immediate supervisor, manager and/or People and Culture on a confidential basis.

## 5. Worker Responsibilities

Millennium workers will:

- Respect and abide by this policy and all other policies of Millennium
- Report any breaches of this policy to their Manager

- Take all reasonable care for their own health and wellbeing, as well as that of others
- Treat all fellow Millennium workers at all levels, fairly and with respect
- Support and actively participate in creating a work environment free from discrimination, harassment, bullying, vilification and victimisation
- Respect the rights of others and refrain from any form of bullying or harassment
- Not put themselves in a position whereby there can be potential for alleged bullying or harassment, in any form
- Not make a false complaint, a complaint in bad faith, or a complaint where there is no foundation
- Cooperate with an investigation, if such a situation occurs and recognise that Millennium must investigate any complaints, not taking preference to any party.