

ADCORP AUSTRALIA – ADCORP ANTI-DISCRIMINATION, HARASSMENT, AND BULLYING POLICY

Process Area	People & Culture	Policy Owner:	Head: AHA People and Culture
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This policy is applicable to the Adcorp Group of companies, its affiliates and subsidiaries in Australia in which it operates hereinafter referred to as "Adcorp".

Policy Summary:

The Anti-Discrimination, Harassment, and Bullying Policy establishes Adcorp's commitment to providing a safe and respectful workplace free from all forms of unlawful discrimination, harassment, bullying, and victimisation. As the Person Conducting a Business or Undertaking (PCBU), Adcorp acknowledges its primary duty to protect the psychological health and safety of all workers and its positive duty under the Sex Discrimination Act 1984 (Cth) to proactively eliminate sexual harassment and discrimination. The policy defines protected attributes—such as age, race, disability, and gender identity—and outlines a clear framework for reporting misconduct through confidential or anonymous channels, including a direct line to People & Culture or a whistleblower system. Breaches are treated as serious misconduct that may result in termination, with external resolution pathways available through the Fair Work Commission or the Australian Human Rights Commission.

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1. POLICY STATEMENT

Adcorp is committed to providing a workplace that is safe, respectful, and free from all forms of unlawful discrimination, harassment, bullying, and victimisation. As the Person Conducting a Business or Undertaking (PCBU), Adcorp recognizes its primary duty of care to ensure the health and safety of all workers and others in the workplace, as far as is reasonably practicable. This includes protecting against psychological harm. Adcorp also recognises its positive duty under the Sex Discrimination Act 1984 (Cth) to take reasonable and proportionate measures to eliminate, as far as possible, sexual harassment, discrimination, and victimisation. This includes implementing proactive controls, leadership accountability, and monitoring systems to prevent misconduct before it occurs.

This policy applies to all employees, contractors, volunteers, and visitors. It covers all work-related activities, including those conducted outside of the usual workplace, such as business trips, conferences, work-related social functions, and online communications.

2. PURPOSE

The purpose of this policy is to:

- Outline Adcorp's commitment to creating a respectful workplace culture.
- Clearly define what constitutes discrimination, harassment, and bullying, including gender-based harassment.
- Detail the responsibilities of all individuals in the workplace.
- Establish a clear and confidential process for reporting and addressing complaints.
- Ensure that all complaints are handled fairly, impartially, and in accordance with the law.
- Promote early intervention and proactive prevention by identifying and addressing workplace behaviours or practices that could contribute to discrimination, harassment, or bullying before they escalate.

3. DEFINITIONS

Discrimination: Occurs when a person is treated less favourably than another person because of a protected attribute.

- **Direct Discrimination:** Treating someone less favourably because of a protected attribute.
- **Indirect Discrimination:** Having an unreasonable rule or policy that is the same for everyone but has an unfair effect on people with a protected attribute.
- **Harassment:** Any unwelcome behaviour that a reasonable person would anticipate would make a person feel offended, humiliated or intimidated. Harassment can be a single incident or a series of incidents.

- **Sexual Harassment:** Unwelcome conduct of a sexual nature that a reasonable person would anticipate would make the person who is harassed feel offended, humiliated or intimidated. This includes, but is not limited to:
 - Unwelcome sexual advances or requests for sexual favours.
 - Unwelcome physical contact, such as touching, hugging, or brushing up against someone.
 - Making sexually suggestive comments, jokes, or gestures.
 - Displaying sexually explicit material.
 - Intrusive questions about a person's private life.

Gender-Based Harassment: Harassment directed at a person because of their gender, gender identity, or gender expression. It does not have to be of a sexual nature. This includes, but is not limited to:

- Offensive or derogatory comments, jokes, or insults about a person's gender.
- Displaying material that ridicules or demeans a particular gender.
- Treating someone with disrespect because of traditional gender stereotypes.
- Excluding or isolating someone from work-related activities based on their gender.
- **Bullying:** Repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Note: Reasonable management action carried out in a reasonable manner is not bullying.

- **Victimisation:** Treating someone unfairly because they have made a complaint, supported a complaint, or acted as a witness under this policy. Victimisation is a serious breach of this policy and is unlawful.

4. PROTECTED ATTRIBUTES

Under Australian law, it is unlawful to discriminate against a person on the basis of certain attributes. These include, but are not limited to:

- Age
- Disability (including physical, intellectual, or psychiatric disability)
- Race, colour, descent, national or ethnic origin
- Sex, sexual orientation, gender identity, intersex status
- Marital or relationship status
- Pregnancy or breastfeeding
- Family or carer's responsibilities
- Religion or religious belief
- Political opinion
- Social origin
- Irrelevant criminal or medical record

5. RESPONSIBILITIES

Adcorp: As the PCBU, Adcorp has a primary duty to ensure, so far as is reasonably practicable, the health and safety of its workers and others in the workplace. This includes:

- Taking all reasonable steps to prevent and respond to discrimination, harassment (including gender-based and sexual harassment), and bullying.
- Developing and implementing this policy and associated procedures.
- Providing information, instruction, and training to all workers on their rights and responsibilities.
- Conducting regular workplace culture assessments and reviewing the effectiveness of control measures designed to prevent discrimination, harassment, and bullying.
- Ensuring that psychosocial risks arising from inappropriate workplace behaviour are managed in accordance with the organisation's Work Health and Safety risk management framework.
- Investigating all complaints promptly, impartially, and confidentially.
- Taking appropriate disciplinary and remedial action where a breach of this policy occurs.

Managers and Supervisors: In addition to the responsibilities of all staff, managers and supervisors are responsible for:

- Modelling respectful and inclusive behaviour.
- Proactively preventing and addressing inappropriate conduct.
- Taking all complaints seriously and acting promptly to address them in line with this policy.
- Ensuring a safe working environment and escalating concerns to senior management or HR as necessary by participating in periodic training on inclusive leadership and psychosocial hazard prevention, and ensuring team-based risk factors (e.g., workload, culture, conflict) are identified and mitigated.

All Staff: All Adcorp workers are responsible for treating their colleagues and others with respect and dignity, and for ensuring their own behaviour does not contribute to a hostile, unsafe, or discriminatory workplace. If you witness or experience discrimination, harassment (including gender-based and sexual harassment), or bullying, you are encouraged to report it. Reports can be made confidentially or anonymously through the company's reporting channels, including a direct line to the People & Culture team or via the confidential whistleblower system. Anonymous reports will be treated with the same seriousness and procedural fairness as identified complaints.

6. COMPLAINT AND RESOLUTION PROCESS

If you believe you have been subjected to discrimination, harassment, or bullying, you have a number of options:

Direct Approach: If you feel comfortable and safe, you may speak directly to the person involved and explain that their behaviour is unwelcome and must stop.

Informal Complaint: You can raise the issue with your manager, a more senior manager, or a nominated contact person in the organisation (e.g., HR Manager). They will listen to your concerns and, with your consent, may speak to the other party to resolve the issue informally. All discussions will be kept as confidential as possible.

Formal Complaint: If an informal approach is not appropriate or has not been successful, you can make a formal complaint in writing. Adcorp will conduct a thorough, impartial, and confidential investigation. Both the complainant and the respondent will have an opportunity to be heard. Upon receiving a formal complaint, Adcorp will acknowledge receipt within three (3) business days, and the investigation will generally be completed within 30 calendar days, unless circumstances reasonably require more time. Both parties will be kept informed of progress and outcomes where appropriate.

7. CONSEQUENCES

Any breach of this policy will be treated seriously and may result in disciplinary action, which could include counselling, a formal warning, demotion, or termination of employment. In serious cases, a breach may also lead to legal action. Victimisation of a person who has made a complaint is also a serious breach and will result in disciplinary action. Managers and leaders are accountable for demonstrating compliance with this policy and the organisation's positive duty obligations. Failure to take reasonable and proportionate measures to prevent discrimination or harassment may also result in disciplinary consequences.

8. EXTERNAL RESOURCES

If you are not satisfied with the outcome of an internal complaint, or if you feel uncomfortable making a complaint internally, you can seek advice or lodge a complaint with an external body. These include:

1. Fair Work Commission (FWC)

The Fair Work Commission is Australia's national workplace relations tribunal. It has a key role in handling complaints about workplace bullying, harassment, and discrimination.

- **Stop Bullying Orders:** If an employee reasonably believes they are being bullied at work, and they are still employed, they can apply to the FWC for an order to stop the bullying. The FWC cannot award financial compensation for bullying, but it can make orders for the behavior to cease. For bullying, sexual harassment, and psychosocial risks, the Fair Work Commission's Stop Orders process can operate alongside WHS and AHRC mechanisms. Employees may pursue one or multiple avenues depending on the nature of the conduct.
- **Stop Sexual Harassment Orders:** The FWC can also issue orders to stop sexual harassment in the workplace. This includes both a one-off event and a course of conduct. Unlike bullying, there is no need to prove a risk to health and safety for a sexual harassment application.

- **General Protections:** The Fair Work Act provides general protections for employees against discrimination. If an employee has been subjected to "adverse action" (e.g., dismissal, demotion, or disciplinary action) for a discriminatory reason, they can make a claim to the FWC.

2. Australian Human Rights Commission (AHRC)

The AHRC is a federal body that investigates complaints of discrimination and human rights breaches. Its process is generally free, flexible, and confidential.

- **Jurisdiction:** The AHRC can investigate complaints about discrimination and harassment that are based on federal anti-discrimination laws (e.g., the Sex Discrimination Act 1984, Racial Discrimination Act 1975, Disability Discrimination Act 1992, and Age Discrimination Act 2004).
- **Complaint Process:** The AHRC's process typically involves conciliation, where a neutral third party helps the employee and the employer reach a voluntary resolution. This can include an apology, a change in policy, or financial compensation.
- **Court Action:** If conciliation is unsuccessful, the AHRC may terminate the complaint, which then allows the employee to take the matter to a federal court.

3. State and Territory Anti-Discrimination Bodies

Each state and territory in Australia has its own anti-discrimination body that can investigate complaints under its specific legislation. These bodies often have similar functions to the AHRC, including conciliation and investigation.

- **Jurisdiction:** These bodies can handle complaints about discrimination, sexual harassment, and bullying that fall under their respective state or territory laws. For example:
- **New South Wales:** Anti-Discrimination Board of NSW
- **Victoria:** Victorian Equal Opportunity and Human Rights Commission
- **Queensland:** Anti-Discrimination Commission Queensland
- **Complaint Process:** Like the AHRC, these bodies often focus on resolving disputes through conciliation.

4. Work Health and Safety Regulators

Workplace bullying and harassment can also be considered a work health and safety (WHS) issue, as they pose a risk to an employee's psychological health and safety.

- **Jurisdiction:** The WHS regulator in each state or territory (e.g., SafeWork NSW, WorkSafe Victoria) has a duty to ensure that PCBUs are meeting their legal obligations.
- **Complaint Process:** An employee can report a WHS issue to their state or territory regulator. The regulator can then investigate the workplace, issue notices to compel the employer to make changes, and in serious cases, initiate legal action.

Note: While a WHS regulator can't resolve an individual dispute or award compensation, their intervention can lead to systemic changes that improve the safety of the entire workplace.

5. Other Resources

Unions: For union members, their union can provide advice, support, and advocacy throughout a complaint process.

- **Legal Professionals:** An employee can seek advice from an employment lawyer to understand their legal rights and options. Some community legal centres also offer free or low-cost legal advice.
- **Employee Assistance Programs (EAPs):** Many employers offer EAPs, which provide confidential counselling services for employees dealing with personal or work-related issues, including the stress of a workplace dispute.

9. DISPUTE RESOLUTION

Any disputes arising under this policy, including concerns about discrimination, harassment, or bullying, will be managed through Adcorp's grievance procedure. Where internal resolution is not possible, parties may seek assistance from the Fair Work Commission or relevant anti-discrimination authority.

10. POLICY REVIEW

This policy will be reviewed periodically or as required, to ensure its ongoing effectiveness and compliance with legislative changes. Reviews will include assessment of compliance with current anti-discrimination, harassment, and psychosocial risk legislation, and evaluation of the effectiveness of preventive measures and training programs.

ANNEXURE A – RELATED DOCUMENTATION AND LEGISLATION

This policy should be read in conjunction with the following legislation and other Adcorp policies and documentation:

Australia:

Legislation applicable to Australia:

I. Federal Legislation (Commonwealth)

- Age Discrimination Act 2004 (Cth): Protects against discrimination on the basis of age.
- Disability Discrimination Act 1992 (Cth): Protects against discrimination on the basis of disability.
- Racial Discrimination Act 1975 (Cth): Protects against discrimination on the basis of race, colour, descent, or national or ethnic origin.
- Sex Discrimination Act 1984 (Cth): Protects against discrimination on the basis of sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy, and breastfeeding. It also makes sexual harassment unlawful. The Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 introduced a positive duty for employers to prevent sexual harassment.
- Australian Human Rights Commission Act 1986 (Cth): Establishes the Australian Human Rights Commission and outlines its role in handling complaints under the above Acts.
- Fair Work Act 2009 (Cth): Includes general protections against discrimination in the workplace and a jurisdiction for the Fair Work Commission to make orders to stop bullying.
- Work Health and Safety Act 2011 (Cth): Imposes a duty on the PCBU to ensure the health and safety of their workers, which includes protecting them from psychological harm caused by bullying, harassment, and exposure to unreasonable job demands.
- Safe Work Australia – Code of Practice: Managing Psychosocial Hazards (2022): Provides practical guidance for identifying and controlling workplace behaviours and conditions that could harm psychological health.

II. State and Territory Legislation

Each state and territory has its own anti-discrimination and equal opportunity legislation that operates concurrently with federal law.

- Australian Capital Territory: Discrimination Act 1991 (ACT)
- New South Wales: Anti-Discrimination Act 1977 (NSW)
- Northern Territory: Anti-Discrimination Act 1992 (NT)
- Queensland: Anti-Discrimination Act 1991 (Qld)
- South Australia: Equal Opportunity Act 1984 (SA)
- Tasmania: Anti-Discrimination Act 1998 (Tas)
- Victoria: Equal Opportunity Act 2010 (Vic)
- Western Australia: Equal Opportunity Act 1984 (WA)