

DISCRIMINATION & HARRASSMENT POLICY (DRAFT)

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QHSE POLICY

Viking Industrial

Approval and revision status

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Rev	Originator	Approved	Date	Pages affected & reason for revision

Areas affected by recent revision are recorded in the above table

Viking Industrial is committed to creating a work environment which is free from discrimination and sexual harassment and where all members of staff are treated with dignity, courtesy and respect. We have developed a policy on discrimination and sexual harassment, provide regular staff training on discrimination and sexual harassment, and have procedures for complaints.

This policy applies to all staff

full-time, part-time, casual, permanent or temporary contract or commission workers, volunteers, vocational and work experience placements.

It applies to staff in all their work-related dealings with each other, and with customers, contacts or clients.

It applies to staff while in the workplace or off site, at work-related functions (including social functions and celebrations), while on trips and attending conferences.

Discrimination and equal opportunity

Viking Industrial is an equal opportunity employer. At all stages of the employment relationship (recruitment and selection, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement, retrenchment and termination) staff will be treated on their merits and valued according to how well they perform their duties.

Viking Industrial believes that all staff should be able to work in an environment free from discrimination, victimisation, sexual harassment, vilification and the seeking of unnecessary information on which discrimination might be based. We consider these behaviours unacceptable and they will not be tolerated.

Responsibility of staff

All staff contribute to maintaining a discrimination free and inclusive workplace and a healthy workplace culture.

Managers have an obligation to model appropriate behaviour, promote this policy, treat all complaints seriously and attend to them promptly, monitor the work environment and seek expert help for complex or serious matters.

All staff have the responsibility to comply with this policy; report incidents to their managers and not to participate in discriminatory or harassing behaviour.

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Consequences of breach of the policy

Staff who make a complaint of discrimination or sexual harassment will not suffer any victimisation by Viking Industrial for making the complaint. This also applies to staff who agree to be a witness in a complaint or have a complaint made against them. Disciplinary action will be taken by Viking Industrial against any staff member found to have breached this policy. Action will be appropriate to the breach and may include: an official warning and note on the person’s personnel file, a formal apology, counselling, demotion, transfer, suspension, or dismissal for very serious matters.

Anti-discrimination legislation

Under the Queensland Anti-Discrimination Act 1991 (the Act) discrimination, victimisation, sexual harassment, vilification and seeking unnecessary information on which discrimination might be based are illegal. Discrimination on the following grounds is against the law:

Race, (including colour, descent or ancestry, nationality, national or ethnic origin), age (whether young or older), impairment (including biological, functional, learning, physical, sensory, mobility, cognitive, psychological, psychiatric impairment or the presence of an organism capable of causing disease), religious belief or activity (including not holding a religious belief), sex and gender identity, relationship status (including being married, single, divorced, separated, de facto or in a same sex relationship), sexuality, pregnancy and breastfeeding, parental status (including being or not being a parent, guardian, foster parent, adoptive parent, or stepparent), family responsibilities (including the responsibility to care for and support a dependent child or immediate family member), lawful sexual activity as a sex worker, trade union activity, political belief or activity, association with someone else who is identified because of one of the above attributes.

Other behaviour that is against the law includes seeking unnecessary information on which discrimination might be based, victimisation because a person has made a complaint, agreed to be a witness or has had a complaint made against them, or because they refused to do something that would contravene the Act. Sexual harassment is prohibited wherever it happens, even in ‘private’.

Federal anti-discrimination legislation prohibits discrimination on the basis of criminal record, medical record or social origin.

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What is discrimination?

Direct discrimination happens when a person is treated worse than others in similar circumstances, because of one or more of their attributes.

Direct discrimination may involve:

Making offensive ‘jokes’ about another worker’s racial or ethnic background, sex, sexuality, age or impairment.

Expressing negative stereotypes about particular groups or using stereotypes as a basis for decisions about work e.g. ‘Women with young children shouldn’t work.’ or ‘Older workers can’t learn new skills.’

Using selection processes based on irrelevant attributes such as age, race or impairment rather than on skills really needed for the job

Indirect discrimination occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute listed above. The fact that the disadvantage was not intended is not an excuse. For example:

Requiring everyone to be available for all shifts might not be possible for a person with responsibilities to care for children or an elderly parent.

Only hiring people who have never had a back injury or a workers compensation claim might rule out an employee whose health has returned and can do the job well. Not considering the provision of some reasonable adjustments would disadvantage a person with an impairment who may be able to perform the essential parts of the job in a different way.

What is sexual harassment?

Sexual harassment is any form of unwelcome sexual attention towards another person, done with the intention, or possibility, of offending, humiliating or intimidating the other person. It may be experienced by women or men. Sexual harassment has nothing to do with mutual attraction, and such friendships are a private matter.

It includes uninvited touching or physical contact, leering at a person or at parts of their body, talking about your sex life or asking about another person’s sex life, sexual jokes or propositions, sexually offensive communications (phone, email, SMS or social media.)

Sexual harassment is against the law wherever and whenever it occurs. Viking Industrial will not tolerate sexual harassment in the workplace or in any work-related context such as conferences, work functions and business trips.

Sexual harassment does not have to be repeated or continuous to be against the law. A single incident might offend, humiliate or intimidate the other person, even if not repeated. Other single incidents, such as an unwanted invitation or compliment, may not be sexual harassment. Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure, are also criminal offences.

The person being harassed does not need to say that the behaviour is unwelcome. Many people find it difficult to speak up. All employees are responsible for their own behaviour. If you think the behaviour may offend, then don’t do it.

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Vicarious liability

Under the Act the person who discriminates against, victimises, sexually harasses, vilifies or asks for unnecessary information can be liable for the unlawful behaviour as well as their employer, Viking Industrial, unless Viking Industrial can show we have taken reasonable steps to prevent it.

Viking Industrial provides all staff with brochures and information about discrimination and sexual harassment at induction and conducts regular awareness training. Managers must ensure that all staff are treated fairly and are not subject to any of the behaviours mentioned in this policy. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way.



Anthony Jensen
Chief Executive Officer

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