

DISCRIMINATION & HARASSMENT PREVENTION POLICY & PROCEDURE

1. Purpose

The objectives of this policy are to

- specify the principles governing Hotelstaff commitment to providing a workplace free of unlawful discrimination and harassment.

2. Scope

This policy and procedure is applicable to all employees, contractors and subcontractors of Hotelstaff Pty Ltd, HS Personnel Australia Pty Ltd and all subsidiaries ('Hotelstaff').

It is expected that the Executive endorse and support this policy in the execution of their responsibilities.

This policy applies during all hours of work at Hotelstaff as well as outside of working hours when dealing with members and clients of the organisation, including attending social engagements.

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version.

3. Definitions

Client	means any person/entity who enters into an agreement with Hotelstaff for the provision of labour hire or other services
Direct Discrimination	Direct discrimination occurs if a person treats, or proposes to treat, a person with a protected attribute unfavourably because of that attribute.
Employee	employees, contractors and subcontractors of Hotelstaff Pty Ltd, HS Personnel Australia Pty Ltd and all subsidiaries ('Hotelstaff')
Harassment	The act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. Harassment includes actions such as stalking.
Indirect Discrimination	Indirect discrimination occurs if a person imposes, or proposes to impose, a requirement, condition or practice: that has, or is likely to have, the effect of disadvantaging persons with a protected attribute; and that is not reasonable.
Protected Attributes	Personal attributes, on the basis of which discrimination is unlawful. These are as listed in the Equal Opportunity Act 2010.

4. Policy Statement

Hotelstaff values and respects the diverse personal characteristics and backgrounds of our employees and is committed to providing a workplace free of unlawful discrimination and harassment.

We live up to this commitment through ensuring we are aware of and avoid any behaviour that may be unlawfully discriminatory or harassing, and treat colleagues, clients and employees with dignity and respect.

5. Procedures

5.1. Unlawful Discrimination

Discrimination may be direct or indirect. Direct discrimination occurs when you treat, or propose to treat, someone with a protected personal characteristic unfavourably because of that personal characteristic. Indirect discrimination occurs when you impose an unreasonable requirement, condition or practice that disadvantages a person or group because of a protected characteristic.

Discrimination on the basis of protected characteristics is unlawful under the Equal Opportunity Act (Vic) 2010. Hotelstaff employees are not to engage in behaviour that constitutes unlawful discrimination.

5.2. Lawful Discrimination

Not all discrimination is unlawful. Discrimination on the basis of a reasonable difference that is not a personal protected characteristic may be both lawful and necessary.

Hotelstaff understands it is reasonable to discriminate between employment applicants, on the basis of skills, experience and employment background, in making recruitment decisions.

5.3. Harassment

Harassment occurs when a person or group engages in systematic and/or continued unwanted and annoying actions, including threats and demands.

Harassment may be sexual or non-sexual in nature. Sexual harassment is dealt with in HOTELSTAFF Policy - Sexual Harassment.

Harassment may take multiple forms and have a variety of motivations. Common forms of harassment seen within, or associated with, a workplace include:

- Stalking;
- Badgering
- Use of belittling, aggressive or threatening language;
- "Hazing" (this may also be bullying if the behaviour is repeated);
- Threats to a person's employment, status at work, or professional reputation

Harassment of any kind is behaviour which will not be accepted or tolerated by Hotelstaff under any circumstances.

5.4. Protected Attributes

Discrimination is unlawful if it is based on one of the following protected personal attributes:

- age;
- breastfeeding;
- employment activity;
- gender identity;
- disability;
- industrial activity;
- lawful sexual activity;
- marital status or relationship status;
- parental status or status as a carer;
- physical features;
- political belief or activity;
- pregnancy;
- race;
- religious belief or activity;
- sex;
- sexual orientation;
- an expunged homosexual conviction;
- intersex status;
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes

5.5. Discrimination in Recruitment Processes

Hotelstaff applies specific consideration avoiding unlawful discrimination within our recruitment processes. Recruiters are encouraged to follow established processes in HOTELSTAFF Policy - Recruitment and Induction.

Employees are further encouraged to ensure,

- employment advertising does not publish or display that a person intends to engage in discrimination, sexual harassment or victimisation.
- recruitment processes do not request information from applicants that could be used to discriminate against them, unless it can be shown that the information is needed for a non-

discriminatory purpose. This includes verbal or written requests, interview questions, and application forms whether printed or online

- specifically that requesting sensitive or personal information is done only if needed to assess whether the applicant will be able to meet the genuine job requirements, or to assess the health and safety risks for the potential employee or others, when the applicant is pregnant, has a disability or physical features that will affect the health and safety of themselves or others in the workplace.
- recruitment accommodates people with disability by making reasonable adjustments for them, including
 - making materials such as position descriptions, selection criteria and application forms available in other formats if an applicant requests it
 - arranging for interpreters or other supports during interviews if requested by an applicant
 - making the assessment process accessible you may need to make adjustments for a person with a vision impairment to participate
- recruitment processes consider reasonable adjustments are required for the applicant to perform the role

Hotelstaff employees are reminded that in line with positive duty requirements of the Equal Opportunity Act recruitment processes are in some cases able to limit a job offer to people with a particular attribute.

This process is referred to as taking special measures and is used to target applicants with certain personal attributes or protected attributes in an effort to actively address discrimination or disadvantage.

5.6. Breaches of this Policy

Hotelstaff recognises its duty to ensure that employees and clients are aware of the potential for unlawful discrimination, harassment, vilification and victimisation to occur and to put controls in place to prevent them.

Hotelstaff treats all allegations of unlawful discrimination and harassment as serious matters.

Hotelstaff will investigate any reported incidents of unlawful discrimination or harassment through our HOTELSTAFF Policy Grievance/Dispute Resolution.

Hotelstaff reserves the right to act to address any potential incidents of unlawful discrimination or harassment, including conducting an investigation, even if no complaint has been made.

Employees against whom an allegation is made that discrimination or harassment has occurred will be given an opportunity to know the case against them and have the opportunity to respond to allegations made.

The consequences for substantiated breaches of this Policy will depend on the seriousness of the case however include disciplinary action including the prospect of employment termination.

Disciplinary action will also be taken against anyone who retaliates against or victimises a person who has made a complaint.

6. Guidelines

7. Related Documents and Further Information

7.1. Legislation

Fair Work Act 2009 (cth)
Equal Opportunity Act 2010

7.2. Documents

Employee Code of Conduct
Policy Grievance/Dispute Resolution
Policy Occupational Health and Safety

7.3. Links

Nil

8. Revision History

Effective	Version	Amendment
01/06/2021	1.0	Initial

9. Document Information

Effective	Version	Authorised
01/06/2021	1.0	SZPRINC, Nathan
Location	https://hotelstaf.sharepoint.com/sites/Hotelstaff-Shared/Shared Documents/Human Resources/Policies and Procedures/HOTELSTAFF Policy - Discrimination and Harassment Prevention and Management Policy.docx	