

## Standard

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## 1 PURPOSE

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This document defines Downer’s approach and obligations in relation to the prevention of sex-based discrimination and sexual harassment in its workplaces.

Sex based discrimination and sexual harassment is unlawful and prohibited by legislation in Australia and New Zealand.

Downer is committed to providing a safe, flexible and respectful environment for Downer workers and customers that is free from all forms of sex based discrimination and sexual harassment. This standard applies to Downer workers and customers of Downer and sets out the responsibilities and obligations for Downer and its Downer workers.

All requirements in this standard are consistent with the documents listed in section [13 Referenced & Associated Documents](#).

## 2 SCOPE

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This standard applies to the Downer Group across Australia and New Zealand, hereafter referred to as Downer.

The target audiences for this standard are Responsible Managers, People and Culture Representatives, Investigation Officers, involved/ impacted third parties and all Downer workers.

This standard applies to people and circumstances (including but not limited to):

- Board members
- all Downer workers including: managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers
- How Downer provides services to customers and how it interacts with other members of the public.
- All aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport.
- On-site, off-site, work-related social functions, conferences or situations where Downer workers are brought together as a consequence of their attendance at work or in the course of their employment – wherever and whenever Downer workers may be as a result of their working duties.
- Out of work hours interaction where there is a connection to the employment relationship; and
- Downer workers’ treatment of other Downer workers, customers and members of the public encountered in the course of their working duties.

When managing reports of sex based discrimination and sexual harassment, Downer will also refer to relevant industrial instruments.

## 3 DEFINITIONS

The following terms are used in this document and are included in the [Definitions Register](#).

<b>Customer</b>	A party that has contracted with an entity to obtain goods or services that are an output of the entity's ordinary activities in exchange for consideration
<b>Downer Worker</b>	All individuals working for Downer or related entities as: employees, contingent labour hire, contractors, subcontractors, apprentices, trainees, work experience students, and casual labour.
<b>Employee Assistance Program (EAP)</b>	A private counselling service provided by Downer to assist employees with the resolution of personal and work-related problems which may affect their work performance or quality of life.
<b>Industrial Instrument</b>	A document that has legal application with respect to minimum entitlements to those employees covered within its scope. Industrial Instruments include Enterprise Agreements (AU), Collective/ Individual Employment Agreements (NZ) and Awards.
<b>Investigations Officer</b>	A person appointed by Downer to investigate formal complaints providing facts of investigations; and who is a neutral and credible investigator. This may be someone either internal or external to Downer.
<b>Responsible Manager</b>	The manager or supervisor assigned with the authority, responsibility and control of a specific workplace area or function, or personnel.
<b>Sex Based Discrimination</b>	A person is treated less favourably, or not given the same opportunities as a person of a different sex, because of their sex.
<b>Sexual Harassment</b>	An unwelcome sexual advance or request for sexual favours to the person who is harassed or other unwelcome conduct of sexual nature in relation to the person who is harassed.
<b>Whistle-blower Complaint</b>	A complaint relating to reportable conduct that does not include any practice or behaviour that is related solely to a personal work-related complaint.

## 4 PRINCIPLES

The principles associated with this standard are that:

- Sex based discrimination and sexual harassment is unlawful and will not be tolerated in the workplace.
- Reports of sex based discrimination and sexual harassment will be taken seriously and treated consistently, confidentially and with procedural fairness, with prioritisation given to the wellbeing of the persons involved.
- Sex based discrimination and sexual harassment disproportionately affects some groups of Downer workers and is often experienced with other forms of discrimination on the basis of disability, race, gender identity, sexual orientation, marital status and age. Sex based discrimination and sexual harassment against people in these groups is driven by harmful attitudes and stereotypes, as well as structures or systems that maintain existing power disparities.
- Sexual harassment can be a form of gendered violence.

- Downer has a positive duty to ensure a safe system of work as well as the health and safety of Downer workers.
- Downer recognises that comments and behaviour that do not offend one person can offend another. All Downer workers are required to treat others with dignity, courtesy, respect and professionalism and must not engage in unlawful conduct, including sexual harassment. The intention of the offender is irrelevant in determining whether sexual harassment has occurred.

## 5 ROLES AND RESPONSIBILITIES

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### 5.1 Downer Workers

All Downer workers must:

- comply with this standard
- model appropriate behaviour
- participate in any sexual harassment or respectful workplace behaviour training provided by Downer, including completing any assessments
- treat information in relation to reports of sex based discrimination and sexual harassment with confidentiality
- ensure that a person is not victimised for making, or being involved in, a sex based discrimination or sexual harassment report; and
- cooperate fully with any preliminary or formal investigation and disclose all relevant information in a complete and truthful manner.

### 5.2 Responsible Manager

In addition to their responsibilities as Downer workers, those with management responsibilities must also:

- monitor the work environment and identify and address any behaviour that may be inconsistent with this standard
- actively identify and manage the work environment to prevent the workplace from being, or becoming, a 'hostile workplace environment'
- promote awareness of this standard within their area of responsibility including ensuring Downer workers are aware of how and where to make a report
- treat all reports seriously and take prompt and appropriate action to address them
- offer support to any Downer worker who discloses or reports sex based discrimination or sexual harassment to them, or who is the subject of a report, including the Employee Assistance Program (EAP), recognising the personal and potentially traumatic impact of such an incident
- discuss any report with their responsible manager as appropriate; and
- contact People & Culture for further detail on management of all reports of sex based discrimination and sexual harassment.

### 5.3 People & Culture

In the context of this standard, People & Culture is responsible for:

- providing advice in relation to matters covered by this standard
- assisting Downer workers and responsible managers in understanding their roles and responsibilities
- conducting reviews and/or engaging an independent external reviewer to do so; and
- assisting with assessing whether a report of sex based discrimination or sexual harassment requires action under a different process.

## 6 LEGISLATION

Sex based discrimination, including sexual harassment, is a specific and serious form of harassment that is unlawful and prohibited by Australian and New Zealand legislation.

There are a number of laws that are relevant to workplace sexual harassment, including:

### Australia

- *The Sex Discrimination Act 1984 (Cth)*
- *The Fair Work Act 2009 (Cth)*
- *State and territory anti-discrimination, equal opportunity and human rights laws*
- *Commonwealth, state and territory Work Health and Safety (WHS) laws*
- *Commonwealth, state and territory Downer workers' compensation laws*
- *Criminal law*
- *Convention of the Elimination of All Forms of Discrimination Against Women*

### New Zealand

- *The Human Rights Act 1993*
- *Employment Relations Act 2000*
- *Harassment Act 1997*
- *Health and Safety at Work Act 2015*
- *Accident Compensation Act 2001*
- *Crimes Act 1961*
- *Convention of the Elimination of All Forms of Discrimination Against Women*

These laws seek to create a safer and more respectful workplace.

### 6.1 What constitutes sexual harassment?

A person sexually harasses another person (the "person harassed") if:

- the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- engages in other unwelcome conduct of a sexual nature in relation to the person harassed;

In circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

The relevant circumstances to be taken into account may include, but are not limited to, the following:

- the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;
- the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
- any disability of the person harassed;
- any other relevant circumstance.

'Conduct of a sexual nature' includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

It is unlawful for:

- a person to sexually harass an employee of the person, or a person who is seeking to become an employee of the person;
- an employee to sexually harass a fellow employee or a person who is seeking employment with the same employer;
- a person to sexually harass a contract Downer worker of the person, or a person who is seeking to become a contract Downer worker of the person;
- a contract Downer worker to sexually harass a fellow contract Downer worker;
- a workplace participant to sexually harass another workplace participant at a place that is a workplace of either or both of those persons.

## 7 STANDARDS OF BUSINESS CONDUCT

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Downer workers are required to conduct themselves in a manner that is consistent with Downer's values. These values and principles are further defined through the [Standards of Business Conduct](#). In the context of sex based discrimination and sexual harassment, demonstrating the following values are particularly relevant:

- **Sustainability** – Safety is our first priority. Zero Harm of our people, communities and environment is embedded in our culture. We will leave a positive legacy for future generations.
- **Delivery** – We build trust by delivering on our promises with excellence, while focussing on sustainability, value for money and efficiency.
- **Relationships** – We collaborate to build and sustain enduring relationships with our customers, our people and our communities based on trust and integrity.

## 8 SEX BASED DISCRIMINATION, SEXUAL HARASSMENT AND THE WORKPLACE

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### 8.1 What is sex based discrimination?

Sex based discrimination in the workplace may take various forms and can be directed at, and perpetrated by, all persons including men, women, transgender people, and those who identify as non-binary. It is unlawful to discriminate against a person because of their sex, gender identity, intersex status, sexual orientation, marital or relationship status, family responsibilities, because they are pregnant or might become pregnant or because they are breastfeeding.

It may include, but is not limited to:

- not hiring a woman because the employer thinks she won't fit into a 'traditionally' male workplace;
- not paying a woman the same salary as a man for doing the same work on the basis of their sex, recognising that salaries do vary in some circumstances due to factors like, experience, skills and geographic location;
- not providing the same opportunities for training, mentoring or promotion on the basis of their sex; or
- allocating work tasks based on a person's sex.

### 8.2 What is sexual harassment?

Sexual harassment in the workplace may take various forms and can be directed at, and perpetrated by, all persons including men, women, transgender people, and those who identify as non-binary. It may be physical, spoken or written and may include, but is not limited to:

- unwelcome physical contact of a sexual nature

- comments or questions of a sexual nature about a person's private life, their appearance or their gender or gender identity
- sexually suggestive behaviour, such as leering or staring or offensive gestures
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated requests to go out
- unwanted displays or declarations of affection
- requests for sex
- sexually explicit emails, text messages or posts on social networking sites
- sexual assault, indecent exposure, physical assault and stalking (which are also criminal offences); and
- actions or comments of a sexual nature in a person's presence (even if not directed at that person).

Sexual harassment occurs in circumstances in which the conduct is unwelcome and where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated. The intention of the offender is irrelevant in determining whether sexual harassment has occurred.

There is not necessarily a requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.

Just because someone does not object to sexual harassment in the workplace at the time it occurs does not mean that they are consenting to the behaviour or consenting for the behaviour to continue at another time.

## 8.3 What is a hostile workplace environment?

A 'hostile workplace environment' is an environment that is offensive, intimidating or humiliating (to a person) on the basis of their sex or other characteristic. Examples of a hostile workplace environment include, but are not limited to, displaying obscene or pornographic materials, general sexual banter, or innuendo and offensive jokes.

It is unlawful to subject another person to a workplace environment that is hostile on the ground of sex.

## 8.4 What is the Workplace?

### 8.4.1 Within the workplace

For the purposes of sex based discrimination and sexual harassment, a workplace is any place a person attends for the purpose of carrying out functions in connection with, or in the course of their employment or prospective employment. It does not need to be the person's principal place of business or employment. It includes a place that is a workplace of either or both people involved in an incident of sex based discrimination or sexual harassment. For example, this standard also pertains to Downer workers who visit other offices i.e., the same behavioural standards that exist in their workplaces, apply in other offices that Downer workers visit.

The workplace is not confined to the actual physical location used by the Downer workers. It also extends to common areas such as lifts, entrances, vehicles, reception areas, corridors, kitchens and toilets of the premises.

### 8.4.2 Beyond the workplace and outside working hours

Behaviour constituting sex based discrimination and sexual harassment can occur beyond the usual workplace and outside normal working hours. For example, workplace sexual harassment can occur where there is a link to employment including (but not limited to):

- at social functions sponsored and paid for by Downer;

- at social functions in connection with the team/workplace but not sponsored or paid by Downer;
- in vehicles while on the way to work functions or meetings;
- at after-parties to such events (regardless of their location);
- in accommodation (including hotel rooms) associated with or provided by Downer;
- online via use of technology and social media (this includes where Downer workers are working remotely and using Downer tools such as Outlook and Microsoft Teams) and including all electronic communications; and
- any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa.

Consumption of alcohol at work functions or at a work-related event outside the usual workplace and hours of work is not an excuse for conduct that constitutes sex based discrimination or sexual harassment. Downer workers should regulate their own behaviour and consumption of alcohol (noting that Downer workplaces have a zero tolerance approach to alcohol) to ensure their behaviour does not adversely impact others.

## 9 REPORTING SEX BASED DISCRIMINATION AND SEXUAL HARASSMENT

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Downer strongly encourages Downer workers who believe they have been subject to sex based discrimination or have been sexually harassed or have witnessed sex based discrimination or sexual harassment to report their experience (subject to the [DG-HR-ST016 Raising and Managing Complaint Standard](#)) in one of the following ways:

- Emailing or speaking to your responsible manager;
- If you are not comfortable talking to your responsible manager, you may contact:
  - Your People & Culture representative.
  - Downer's Investigations Officer by emailing [respect@downergroup.com](mailto:respect@downergroup.com).
  - Our Voice - Downer's independent whistle-blower service – on 1800 448 041 (Australia) or 0800 404 509 (New Zealand) / online at <http://www.ourvoice.deloittedigital.com/> / by email [ourvoice@deloittedigital.com](mailto:ourvoice@deloittedigital.com).
- Talk to the respondent directly - this should be done only if the individual feels comfortable and safe doing so (noting this approach may suit some situations and people but not others).

Downer workers can consider how they want their report resolved and provide this information along with an account of what happened, as part of their report. This will be considered in Downer's assessment of the most appropriate action to take.

Reports of sex based discrimination and sexual harassment can also be lodged with the relevant Commissions or Tribunals and in some circumstances, with a union, Health and Safety authorities, the Fair Work Commission (Australia), the Employment Relations Authority (New Zealand) or the Australian Human Rights Commission (Australia).

In cases of sexual assault, indecent exposure, stalking, obscene communications or any other criminal conduct, Downer workers are encouraged to make a report to the police. If the assault occurred in the workplace, Downer may be required to report the matter to police. Downer workers are encouraged to report the incident to their responsible manager or People & Culture, regardless of whether a report is made to the police or not.

### 9.1 Confidentiality

Where appropriate, disclosures/reports of sex based discrimination or sexual harassment will be treated in confidence to protect a Downer worker's personal privacy as much as possible. However, allegations of sex based discrimination, sexual harassment or potential criminal conduct are serious and will be treated



accordingly. In some instances, a matter may need to be escalated or referred without agreement from the Downer worker, particularly in circumstances that may:

- constitute a criminal offence
- constitute a workplace health and safety risk; or
- require disciplinary action.

Only necessary persons in Downer will be advised of the declaration/report and any arrangements necessary for the purpose of managing the disclosure/report. At the time a disclosure/report is made, Downer will notify the parties who, within the organisation, will be privy to this information.

## 9.2 Bystander Intervention

Bystanders, including colleagues, who witness or are aware of sex based discrimination or sexual harassment, play an important role in responding to sex based discrimination or sexual harassment in the workplace. When grounded in behaviours of integrity and respect, action taken by colleagues can positively impact on defining workplace culture.

Bystanders that are aware of sex based discrimination or sexual harassment should consider:

- providing support to the colleague subjected to the sex based discrimination or sexual harassment.
- where appropriate, formally or informally challenging concerning behaviour.
- reporting sex based discrimination or sexual harassment.

The standard that people walk past is the standard that people accept.

## 9.3 Anonymous reports

In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided. However, it may not be possible in all circumstances to keep the identity of a person, or people providing information, confidential. In some situations, it may be the case that a respondent may need to be provided with the full details of allegations when consideration of procedural fairness are taken into account.

## 9.4 Accessibility

Downer will ensure that reasonable adjustments to the reporting process are provided to help a Downer worker with a disability make their report and participate in the process as well as connecting to appropriate support services. Any assistance will be done so in the strictest of confidence to ensure confidentiality is maintained. Downer will communicate with the Downer worker who they will be seeking assistance from and why, prior to doing so. Please contact the People & Culture team for assistance and support.

## 9.5 Victimisation and other workplace rights

Downer has a zero-tolerance approach to victimisation or detrimental treatment of any person who has made a report or witnesses an incident.

It is unlawful to victimise a person, which means treat them badly or unfairly, because they have made a report about sex based discrimination, sexual harassment or vilification, or have witnessed and / or helped someone else to make a report. Any Downer worker found to have engaged in victimisation will be subject to discipline action, up to and including termination of employment.

Legislation protects Downer workers from being punished, or treated unfairly, for asserting workplace rights. It is against the law for an employer to treat a Downer worker unfairly, or to punish them because they:

- Made, or did not make, a complaint about workplace sex based discrimination or sexual harassment
- Proposed to make a complaint
- Helped someone else make a complaint
- Raised an issue about sex based discrimination or sexual harassment in their workplace.

Some examples of unfair treatment include:

- Ending your employment
- Offering fewer shifts or fewer hours
- Not allowing you to attend training
- Threatening you to try to stop you from making a complaint.

Please contact People & Culture immediately if you have experienced any unfair treatment or detriment as a result of making a report of sex based discrimination or sexual harassment or helping another person to make a report.

Reports can also be made to:

- Downer's Investigations Officer by emailing [respect@downergroup.com](mailto:respect@downergroup.com)
- **Our Voice** - Downer's independent whistle-blower service – on 1800 448 041 (Australia) or 0800 404 509 (New Zealand) / online at <http://www.ourvoice.deloittedigital.com/> / by email [ourvoice@deloittedigital.com](mailto:ourvoice@deloittedigital.com).

## 10 RESPONDING TO SEX BASED DISCRIMINATION AND SEXUAL HARASSMENT

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### 10.1 Employer's responsibility

If a report of sex based discrimination or sexual harassment is made, or sex based discrimination or sexual harassment is observed or brought to the attention of Downer, it must be acted upon as soon as practicable. Reports will be managed with consideration to the sensitive and confidential nature of the reports and ensuring procedural fairness to those against whom the report is made.

All Downer workers with management responsibilities, regardless of level, have a responsibility to improve the work culture by adopting a zero-tolerance approach to sex based discrimination and sexual harassment. Responsible Managers must take active steps to prevent sex based discrimination and sexual harassment in a workplace, not just respond to reports if they arise.

The appropriate action for management to take when a report is raised, or when a matter is otherwise brought to their attention, will vary on a case-by-case basis. However, taking no action on a report may not be appropriate, even where the person who has made the report states that they do not want any further action to be taken. This is because in some instances, the conduct to which the subject of the report relates may constitute a workplace health and safety risk, or a criminal offence, or require disciplinary action to be taken. In all cases advice must be sought from the relevant People & Culture representative.

Downer must ensure the safety and well-being of all Downer workers as per the applicable work health and safety legislation.

Downer will also ensure that the person who has made the report and the respondent are informed of the supports available to them, such as the EAP, as early as possible.

### 10.2 Process

Reports of sex based discrimination and sexual harassment will be considered by Downer with advice from People & Culture or, where appropriate, an external consultant. Investigations will be undertaken in line with relevant industrial instruments (e.g., an enterprise agreement,) and Downer policies and procedures, where applicable.

Responsible managers are required to contact People & Culture for assistance in dealing with a report or for advice as to the best way to address and manage a report.

The responsible manager, in consultation with People & Culture, must conduct a risk assessment of both the circumstances of the report and the person making the report, to determine an appropriate course of action/s, with the safety of the person who has made the report a priority e.g., interim organisational changes may need

to be made if it is likely the discrimination or harassment will continue. The person who has made the report will be advised how their report will be managed and the anticipated timeframes of any process. The person who has made the report will be informed of delays or changes to anticipated timeframes.

## 10.2.1 Informal process

In some instances, it may be appropriate to address a report of sex based discrimination and sexual harassment at a local level, such as conducting or facilitating discussions to address the behaviour, or refresher training for the general work area on the requirements of this standard. Any decision to proceed with an informal process can only be made in conjunction with People & Culture.

## 10.2.2 Formal process

In other cases, a more formal approach may be appropriate. Formal processes typically involve investigating the report, making a finding, and deciding on an appropriate outcome.

Such process will be undertaken in line with relevant Downer policies, procedures and industrial instruments.

In some instances, it may be necessary or appropriate to temporarily change operations within a team or office to ensure a safe workplace and maintain the integrity of any review process.

Changes may include:

- operational change to reporting lines and team composition
- change to seating arrangements
- performing alternative duties
- change to physical work location
- taking periods of approved leave; or
- directing a Downer worker not to work.

It will not be presupposed that the temporary change will involve the person who has made a report. It is important that the measures do not result in any detriment to the person who has made the report (as this may amount to victimisation, which is unlawful). Safety and confidentiality of the process are key considerations in identifying appropriate temporary changes.

Any operational change should only be enacted in collaboration with People & Culture to ensure it is an appropriate and proportionate response to the matter and approved at the necessary delegate level (if required). People & Culture can assist with conducting discussions with affected Downer workers about any operational changes.

## 10.3 Outcomes of substantiated claims

A substantiated report of sex based discrimination or sexual harassment may result in a number of outcomes against a Downer worker, up to and including termination of employment.

## 10.4 Procedural fairness

Both the person who made the report and respondent are to be afforded procedural fairness.

When considering the report of sex based discrimination or sexual harassment the person who made the report and the respondent will be:

- treated fairly and respectfully; and
- allowed the opportunity to respond to any allegations made against them, including any evidence, before a report is finalised and a final decision is made.

## 10.5 Findings

A substantiated report of sex based discrimination or sexual harassment may result in a number of outcomes against a Downer worker, including termination of employment. Depending on the severity of the case, actions

following a finding of sex based discrimination or sexual harassment can range from an apology to disciplinary action against the person found to have engaged in the discrimination or harassment.

Determination of outcomes will be undertaken in line with Downer's policies and procedures and where relevant, industrial instruments. Each case will be assessed on its own merits.

## 10.6 Criminal matter

Although sexual harassment is generally a civil matter, not a criminal offence, some types of harassment may also be offences under criminal law. These include, but are not limited to:

- physical molestation or assault.
- indecent exposure.
- sexual assault.
- stalking.
- obscene communications (telephone calls, letters, emails etc).

If an allegation appears to be a matter relevant to the police, Downer is obliged to report this to the police regardless of whether the person who has made the allegation has made a report to the police or not.

Responsible managers are required to speak with People & Culture for advice on individual matters, as each matter must be considered on its merits.

## 10.7 Legal liability

Downer workers may be personally liable if allegations of sex based discrimination or sexual harassment are substantiated against them.

Legal action (civil and/or criminal) may be taken against a person who has engaged in sex based discrimination or sexual harassment and/or any other person who requests, instructs, induces, encourages, authorises or assists the unlawful conduct.

# 11 ADDITIONAL CONSIDERATIONS

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## 11.1 Consent

A key element of sexual harassment is that it is unwelcome.

It is important to note that if a person does not object to sexual harassment at the time; it must not be assumed that they are giving their consent or that the conduct is welcomed. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

## 11.2 Intent

Legislation provides that sexual harassment occurs in circumstances in which the conduct was unwelcome and a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, or intimidated.

Motive is irrelevant; the test focuses on how the behaviour is received by the other person. It is the responsibility of every Downer worker to ensure that they do not engage in any behaviour that could amount to sexual harassment. Sexual harassment can occur even when a respondent does not intend to offend or humiliate.

Downer will not tolerate sexual harassment which was intended as a joke if it meets the legal definition of sexual harassment.

## 11.3 Technology and social media

Sex based discrimination and sexual harassment can occur through electronic means (such as Microsoft Teams, work emails, personal emails or text messages, or by viewing pornographic websites) and through

social media, regardless of whether the post was made during work hours or not. Where there is a link to employment, Downer workers are subject to the same rules about sex based discrimination and sexual harassment in the virtual world as they are in the real world.

As such, Downer workers are required to use technology and social media responsibly in the workplace and in relation to anything or anyone associated with the workplace. This extends to the use of technology and social media outside the workplace where there is a connection to the employment relationship (for example, between colleagues where the foundation of the relationship is a common workplace). For further information, please refer to the Downer [Social Media Usage policy](#).

## 11.4 Behaviour not considered to be sexual harassment

Sexual or romantic interactions that are entered into freely and are reciprocated between consenting Downer workers, is not a form of sexual harassment. This includes sexual interaction, flirtation, attraction or friendship which is invited, mutual, consensual or reciprocated. However, this may constitute sexual harassment if this conduct is witnessed by another person who is offended or uncomfortable.

This does not mean that sexual or romantic interactions in the workplace are always appropriate. Downer workers should familiarise themselves with Downer's [Standards of Business Conduct](#) with respect to appropriate workplace behaviours and conflict of interest.

## 11.5 Reprisals and harassment

Any Downer worker found to victimise, harass or take reprisal action against people participating in procedures associated with this standard may be subject to disciplinary action, up to and including termination of employment.

## 11.6 Information or claims without substance

Downer workers found to have knowingly provided false information, or knowingly made allegations of sex based discrimination or sexual harassment without any substantive merit, may be subject to disciplinary action, up to an including termination of employment.

# 12 SUPPORT OPTIONS

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A range of options are available to provide support in regard to sex based discrimination and sexual harassment. Downer workers are encouraged to speak to their responsible manager or People & Culture for further information.

## 12.1 Support / welfare

Disclosure of information or making a report can be very difficult for the affected Downer worker. Responsible Managers will take necessary welfare steps following the making of a report of sex based discrimination or sexual harassment. This may include allowing a Downer worker to go home for the rest of the day, ensuring they have safe transport, connecting them with a support person and with the [Employee Assistance Program](#) (EAP) or equivalent as well as supporting alternative work arrangements or other reasonable work adjustments for as long as is necessary.

## 12.2 Downer worker Assistance Program

Downer provides an [Employee Assistance Program](#) (EAP), which is a short-term, confidential, counselling service designed to offer a problem-solving, solution-oriented approach to support Downer workers with personal or work-related issues. The EAP is staffed by independent qualified practitioners.

All Downer workers (and their immediate family) have access to the EAP, which provides for a limited number of counselling sessions at no cost to the Downer worker and can be provided over the phone or face-to-face. Responsible Managers can access Manager Assist through the EAP, to help with workplace issues.

Downer's EAP provider is Converge International and can be contacted 24/7 on 1300 687 327 (Aust) or 0800 666 367 (NZ).

## 12.3 External support

A Downer worker may wish to access external support services, such as:

Organisation	Description	Contact Details
<b>Australia</b>		
1800 RESPECT	1800RESPECT provides information, referral and counselling services to people experiencing or at risk of experiencing sexual assault, domestic or family violence. It is also available to friends, family and professionals. 1800RESPECT provides a confidential service 24 hours a day, 7 days a week.	Website: <a href="http://www.1800respect.org.au">www.1800respect.org.au</a> Phone: 1800 737 732
Centres Against Sexual Assault	Centres Against Sexual Assault are non-profit, government-funded organisations that provide support, counselling and crisis care to child and adult victims of sexual assault and their family.	Website: <a href="http://www.casa.org.au">www.casa.org.au</a> .
Lifeline	Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24-hour crisis support and suicide prevention services.	Website: <a href="http://www.lifeline.org.au">www.lifeline.org.au</a> Phone: 13 11 14 Text: 0477 131 114
<b>New Zealand</b>		
Manaaki Tangata (Victim Support)	Manaaki Tangata is a free, 24/7 nationwide support service for people affected by crime, trauma and suicide in New Zealand.	Website: <a href="http://www.victimsupport.org.nz">www.victimsupport.org.nz</a> . Phone: 0800 842 846

A Downer worker may also wish to contact their union for representation and support.

## 13 REFERENCED & ASSOCIATED DOCUMENTS

### POLICIES

<a href="#">DG-CA-PO003</a>	Social Media Usage Policy
<a href="#">DG-CS-PO003</a>	Business Integrity Policy
<a href="#">DG-CS-PO008</a>	Standards of Business Conduct
<a href="#">DG-HR-PO004</a>	Anti-discrimination, Harassment and Bullying Policy
<a href="#">DG-HR-PO007</a>	Inclusion and Belonging Policy

### PROCEDURES

[DG-ZH-PR150](#)

Just Culture Procedure

## STANDARDS

[DG-HR-ST001](#)

Inclusion and Belonging Standard

[DG-HR-ST015](#)

Managing Performance Standard

[DG-HR-ST016](#)

Raising and Managing Complaints Standard

[DG-HR-ST017](#)

Managing Misconduct Standard

[DG-HR-ST033](#)

Prevention of Bullying, Harassment and Discrimination Standard

## FORMS

[DG-HR-FM002](#)

Investigation Record – Complaint - Misconduct

## TEMPLATES

[DG-HR-TP005](#)

Investigation Outcome Letter – Complaint – Misconduct

## REGISTERS

[Definitions Register](#)

## GUIDES

[DG-HR-GU006](#)

Managing Misconduct Guide

## LEGISLATIVE REQUIREMENTS

### Australia

*The Sex Discrimination Act 1984 (Cth)*

*The Fair Work Act 2009 (Cth)*

*State and territory anti-discrimination, equal opportunity and human rights laws*

*Commonwealth, state and territory Work Health and Safety (WHS) laws*

*Commonwealth, state and territory workers' compensation laws*

*Criminal law*

*Convention of the Elimination of All Forms of Discrimination Against Women*

### New Zealand

*The Human Rights Act 1993*

*Employment Relations Act 2000*

*Harassment Act 1997*

*Health and Safety at Work Act 2015*

*Accident Compensation Act 2001*

*Crimes Act 1961*

*Convention of the Elimination of All Forms of Discrimination Against Women*