

1. Purpose

The purpose of this Policy is to protect Maxima employees and provide a framework for addressing harassment and bullying in the workplace.

2. Scope

This Policy applies to all Maxima employees.

This policy does not apply to:

- Customer feedback about Maxima, Maxima employees or services provided;
- Performance Management processes or Performance Development Reviews;
- Health and Safety incidents.

3. Definitions

Harassment means a form of discriminating behaviour aimed to humiliate, offend, intimidate or otherwise make a person feel unwelcome or inadequate, and includes sexual harassment.

Bullying means repeated or unreasonable behaviour directed towards an employee(s) that creates a risk to health and safety

Employee means a person who carries out work in any capacity for Maxima.

Manager or supervisor for the purpose of this policy and procedure means an employee's direct manager or supervisor at Maxima, a Maxima representative at the host employer's premises, or an employee's manager or supervisor in their workplace at the host employee.

4. Principles

4.1 Harassment

Harassment is a term used to describe overtly or covertly aggressive, uninvited and unreasonable behaviours that intend to discriminate, intimidate, offend or humiliate the target.

Harassment can include behaviour such as:

- Offensive or insulting 'jokes' or comments about a person's racial or ethnic background, gender, sexuality, age, disability or appearance;
- Inappropriate requests and propositions of a sexual or personal nature;
- Expressing stereotypes of particular groups that can be offensive or undermining
- Undermining a person's authority, work performance, abilities or worth based on political or religious beliefs, personal preferences or other unrelated characteristic;
- Invading personal space, such as touching, standing too close; taking, moving or damaging personal items and work equipment, accessing personal correspondence or discussing personal matters with others without consent.

All employees have an obligation to report any incidents of harassment to their relevant supervisor/manager or the Human Resources Department via the Grievance, Complaints and Compliments reporting system which is available on the Maxima Intranet.

4.2 Discrimination

Discrimination is when an employee, or group of employees are treated less favourably than another employee or group of employees because of their background or certain personal characteristics.

There are federal laws in place which protect employees from discrimination on the basis of their;

- Race, colour, national or ethnic origin or immigrant status;

- Sex, pregnancy, marital status or breastfeeding;
- Aged;
- Disability;
- Sexual orientation, gender identity and intersex status

All employees have an obligation to report any incidents of discrimination to their relevant supervisor/manager or the Human Resources Department via the Grievance, Complaints and Compliments reporting system which is available on the Maxima Intranet.

4.3 Sexual Harassment

Sexual harassment is inappropriate, unwanted, or unwelcome conduct of a sexual nature.

Examples of sexual harassment could be:

- Repeated or insistent advances which are not reciprocated or are rejected;
- Showing or discussing sexual attraction to a person, e.g. staring, making comments about appearance, sharing romantic or sexual fantasies
- Initiating conversations that are of a personal or sexual nature;
- Stalking
- Using status or power to pressure or manipulate an employee into an unwanted personal or sexual relationship;
- Requesting or expecting sexual favours in exchange for benefits;
- Taking and distributing photographs, text message, emails or video of a compromising or intimate nature;
- Making derogatory sexist jokes, jokes about sexual violence or jokes with sexual innuendo.

Sexual harassment, as well as gender-based discrimination, can be targeted against female, male, transgender and gender diverse individuals.

All employees have an obligation to report any incidents of sexual harassment to their relevant supervisor/manager or the Human Resources Department via the Grievance, Complaints and Compliments reporting system which is available on the Maxima Intranet.

4.4 Bullying

Bullying can range from verbal, physical or psychological behaviours and can be;

- Repeated behaviours that occur over a period of time;
- Unreasonable behaviours which target an employee or group of employees. The behaviour may be considered as unfair, harsh, intimidating, or disrespectful;
- Harmful behaviours which can cause distress, creating a threat to an employee's mental and physical health.

Behaviours that constitute as bullying can include;

- Raising voice including yelling or screaming, speaking in a harsh, rude or provocative manner;
- Using offensive or inappropriate language;
- Negative comments about characteristics such as appearance, character, professional qualities and abilities;
- Making jokes or playing 'pranks' that are offensive, damaging, or embarrassing;
- Intimidating or threatening behaviours, both verbally and physically;
- Excluding or isolating employees;
- Making unreasonable or impossible requests or demands;
- Isolating or rejecting;
- Deliberately withholding information or equipment that an employee needs for effective work performance

Work interactions of a reasonable nature are not considered as bullying:

- Lawful and reasonable requests from managers or colleagues to perform tasks that form part of the employee's job, and/or are necessary for safety or compliance;

Bullying/Harassment Policy & Procedure



- Lawful and reasonable performance management in compliance with Performance Management Policy and Procedure;
- Constructive feedback and suggestions for improvement;
- Disagreement in personal opinions.

All employees have an obligation to report any incidents of bullying to their relevant supervisor/manager or the Human Resources Department via the Grievance, Complaints and Compliments reporting system which is available on the Maxima Intranet.

4.5 Victimization

Victimization occurs when a person has made a complaint and/or taken action against someone who has been harassing, bullying or discriminating against them, and is made a target of threats, further harassment, or any adverse action because of this.

Protective measures against victimisation are considered when dealing with a grievance or complaint.

All employees have an obligation to report any incidents of victimisation to their relevant supervisor/manager or the Human Resources Department via the Grievance, Complaints and Compliments reporting system which is available on the Maxima Intranet.

5. Governing Documents

This policy was made in compliance with Fair Work Act 2009

Maxima acknowledge the compliance requirements under both Commonwealth and State Work Health and Safety legislation and our relevant compliance commitments. For a complete list of legislation refer to the Legal and Other Requirements Register. You must contact the Risk and Quality team to provide the specific legislation (Act / Regulation) and standards that apply to this policy for inclusion in the 'Legal and Other Requirements Register'.

6. Breach of Policy and Procedure

Any employee found to be in breach of the requirements of this policy may be subject to performance management and disciplinary action, up to and including termination of employment.

7. Associated Documents

- [Gender Equality Policy \(GP 204\)](#)
- [Code of Conduct \(GP 200\)](#)
- [Equal Opportunity Policy \(GP 006\)](#)
- [Performance Management Policy \(GP 236\)](#)
- [Safe Organisation Policy \(GP 102-2\)](#)

8. Document Control

Document Owner				
Position		Incumbent	Approval Date	
General Manager, People & Organisational Development		Jennifer Hyde	03/06/2020	
Version Control				
Date	Version	Version Details	Author	Reviewer/s
	1.0	Issued for use	Gaye Winton	Gaye Winton
20/02/2007	2		Gaye Winton	Gaye Winton
03/07/2012	3		Lesley How	Lesley How
24/01/2013	4		Lesley How	Lesley How
	5		Lesley How	Lesley How

Bullying/Harassment Policy & Procedure



10/01/2014	6		Lesley How	Lesley How
03/06/2014	7	Reworded	Lesley How	Lesley How
03/06/2017	8	Formatting changes	Lesley How	Lesley How
29/09/2017	9	Formatting changes	Lesley How	Lesley How
17/08/2022	10	Review and update. Merged Policy & Procedure	Simone Marrone	Jennifer Hyde