

# Workplace Behaviour Policy

## Scope

This Policy applies to all DP World Australia employees, agents and contractors (including temporary contractors). It also covers trainees, apprentices, work experience students and others permitted into the work environment.

This Policy applies to any space, venue or vehicle which is attended for the purposes of performing work or work-related duties. This Policy extends to all internal and external training activities and conferences, as well as to work social functions for example, work lunches, conferences, and client functions.

This Policy will be regularly reviewed and may be amended at any time to ensure compliance to applicable laws. It is incumbent upon all who work for the Company, or engage with the Company, to adhere to the requirements of this Policy. Non-adherence can result in disciplinary action, or legal action being taken.

## Purpose

DP World Australia endeavours to provide a work environment of integrity, equity and respect for all. The Company is committed to a safe, healthy and productive environment where employees and others in the workplace are treated fairly and with respect. It is the purpose of this Policy to ensure that the environment is free of Unacceptable Workplace Behaviour including unlawful discrimination, harassment, sexual harassment, vilification, victimisation, bullying and workplace violence.

Unacceptable Workplace Behaviour is considered by DP World Australia to be any behaviour that, having regard to all of the circumstances, would be offensive, intimidating, belittling, abusive, threatening or harmful to an individual or a group of people, or behaviour that is adverse to morale and workplace cohesion, or otherwise causes detriment to individuals or to the Company.

This Policy will address the following broad categories of Unacceptable Workplace Behaviour:

- Workplace Bullying
- Discrimination
- Harassment
- Sexual Harassment
- Workplace Violence
- Victimisation
- Vilification
- Cyber-bullying and Stalking
- Breach of Freedom of Association

## Policy

### **Unacceptable Workplace Behaviour: Workplace Bullying**

Workplace bullying is repeated, unreasonable behaviour, directed towards an employee or a group of employees that creates a risk to health and safety. It includes both physical and mental risks and abuse.

*'Repeated behaviour'* refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours (multiple occurrences) over a period of time.

*'Unreasonable behaviour'* means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten an employee or a group of employees.

DP World Australia has a zero tolerance approach to all forms of bullying.

## *Examples of Workplace Bullying*

For examples of the type of behaviours which may constitute bullying please see *Appendix 1*.

## *What does not constitute Workplace Bullying?*

### *Single incidents*

A single incident of unreasonable behaviour does not usually constitute bullying; however one-off behaviours may still present a risk to health and safety and as such will not be tolerated.

### *Reasonable management action*

Managing employees does not constitute bullying, if it is done in a reasonable manner. Managers and Supervisors have the right, and are obliged to, manage their employees. This includes everyday actions to effectively direct and control the way work is carried out, undertaking performance reviews and providing feedback (even if it is negative) and disciplining and counselling employees.

## **Unacceptable Workplace Behaviour: Discrimination**

Direct discrimination occurs when a person is treated less favourably than another in their employment because of a reason or on grounds which are prohibited by law (e.g. age, sex, race, disability, trade union membership). To ensure a discrimination free workplace there is a legal requirement to assess everyone on merit when employment decisions about recruitment and selection, training, promotion, restructuring, demotion and termination are made. The merit principle requires that people are assessed on their individual skills, qualifications, experience and aptitude. See Appendix 2 for a full list of legally protected personal attributes and characteristics.

Indirect discrimination occurs when a work requirement, condition, rule or practice seems to apply to everyone equally, but it in fact operates to disadvantage an individual or a group of people because of a personal attribute or characteristic (e.g. sex, age, race, pregnancy). To be discriminatory, the work requirement must also be unreasonable for the people with the personal attribute or characteristic.

## **Unacceptable Workplace Behaviour: Harassment**

Harassment is a form of discrimination and there are many types of verbal, non-verbal and physical behaviours that could amount to harassment. If someone finds behaviour that focuses on a legally protected personal attribute or characteristic offensive, humiliating or intimidating, then it could be harassment.

A single incident can amount to unlawful harassment and the unacceptable behaviour could be verbal, written, physical, gestures, the display of offensive material and objects, or contact via social media.

Intent or motive is irrelevant as it is the impact and the nature of the unacceptable behaviour that is assessed to determine if harassment has occurred. The reasonable person's test is applied when decisions about harassment are made (i.e. mindful of the individual circumstances, would a reasonable person expect that the behaviour in question would offend, insult, humiliate, or intimidate). See Appendix 3 for examples of harassment.

## **Unacceptable Workplace Behaviour: Sexual Harassment**

Sexual Harassment is unwelcome and uninvited behaviour of a sexual nature, which could be expected to make a person feel offended, humiliated or intimidated. It does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment or permeates an environment can also amount to sexual harassment.

Sexual harassment may occur at work or in a work-related environment, including via text messaging or social media. It can also take place when interacting with someone known to you through work in unpaid time, or at a work related social function or during internal or external training.

Intent or motive is irrelevant as it is the impact and the nature of the unacceptable behaviour that is assessed to determine if sexual harassment has occurred. The reasonable person's test is applied when decisions about sexual harassment are made. See Appendix 4 for examples of sexual harassment.

## **Unacceptable Workplace Behaviour: Workplace Violence**

Workplace violence is any incident where an employee is physically attacked or threatened, or subjected to aggression. Workplace violence can be a single incident where a person is abused, threatened, assaulted or physically attacked. It covers a range of unacceptable aggressive behaviours that place physical or mental health and safety at risk.

A verbal threat to harm, maim or kill, or the application of force by a person to the body, clothing or equipment worn by another person, can amount to workplace violence. The attacker's intent is irrelevant. See Appendix 5 for examples of workplace violence.

Workplace violence can amount to a criminal offence, and depending on the severity of the unacceptable behaviour perpetrators can be fined or receive jail terms. This is particularly the case if the abusive and offensive acts are directed towards the victim in a way that could be expected to cause significant physical or mental harm. DP World has a zero tolerance approach to all forms of workplace violence.

### **Unacceptable Workplace Behaviour: Victimisation**

Victimisation is unlawful. Victimisation occurs when a person is subjected to, or threatened with, any form of detriment for raising a complaint, providing information about a complaint, or otherwise being involved in the resolution of a complaint. Victimisation for making a complaint of discrimination or harassment, sexual harassment, vilification, workplace bullying or violence will not be tolerated by DP World.

### **Unacceptable Workplace Behaviour: Vilification**

Vilification occurs when a person incites harm, hatred, serious contempt or severe ridicule towards a person, or a group, because of a prohibited ground. It is unlawful to vilify on the basis of race, religion, sexual orientation or disability.

### **Unacceptable Behaviour: Cyber-bullying and Stalking**

Cyber-Bullying and Stalking can constitute workplace or work-related bullying. It is wilful, repeated behaviour (or obsessive attention) that arouses apprehension and fear placing physical or mental health and safety at risk.

Stalking involves intent and is often calculated behaviour. This form of unacceptable behaviour can be in person (including utilising a third party) or via other intrusive means such as surveillance, spying, interfering with property, or the repeated delivery of messages, items or gifts.

Cyber-bullying utilises technology (including phones, computers and tablets) and operates via social media sites, text messages, chat, and websites. Examples of cyber bullying could include abusive text messages or rumours sent by email or posted on social networking sites. It could also include posting embarrassing images or vision of employees, and establishing false on-line profiles for employees.

Stalking and Cyber-bullying can amount to criminal offences, and depending on the severity of the unacceptable behaviour perpetrators can be fined or receive jail terms. This is particularly the case if the abusive and offensive acts are directed towards the victim in a way that could be expected to cause significant physical or mental harm.

### **Unacceptable Behaviour: Breach of Freedom of Association**

Freedom of association is a workplace right protected under the Fair Work Act 2009 (Cth).

All employees have the right to choose whether or not they join a union and whether or not they participate in industrial action.

It is unlawful for anyone to pressure, coerce or induce an employee:

- To make a decision about joining, not joining, or leaving a union; or
- To participate, or not participate, in industrial action.

It is unlawful for an employer to dismiss, injure, alter the position of or discriminate against an employee because they are a union member or non-union member, or do or do not engage in industrial activity.

It is unlawful for a union, union official or union member to take action against a person that has the effect of prejudicing the person in their employment or to impose a penalty, forfeiture or disability because they are a non-union member, or do or do not engage in industrial activity.

Breaches of freedom of association may be regarded by DP World Australia as bullying or harassment. A person breaching these provisions can be disciplined or amongst other things be fined by a court and ordered to pay compensation.

## **Our Responsibilities**

### *Employees of DP World Australia*

All employees are required to:

- Read, understand and comply with this Policy;

- Participate in any scheduled training relating to this Policy when required;
- Ensure they do not engage in any unacceptable behaviour towards other workplace participants, customers, clients or others with whom they come into contact through work;
- Ensure they do not aid, abet or encourage other persons to engage in unacceptable workplace behaviour;
- Follow the complaint procedure in this Policy if they experience any unacceptable workplace behaviour;
- Report any unlawful or unacceptable conduct they see occurring to others in accordance with the complaint procedure in this Policy;
- Comply with all lawful and reasonable directions in relation to investigations conducted by the Company in relation to breaches of this Policy; and
- Maintain confidentiality if they are involved in the complaint procedure.

Employees should be aware that they can be individually held legally responsible for unlawful conduct.

Employees, who aid, abet or encourage other persons to engage in unlawful conduct, can also be held vicariously responsible.

#### *Managers and Supervisors of DP World Australia*

In addition to the responsibilities for all employees listed above, Managers and Supervisors are also expected to:

- Monitor the workplace and the health and safety of all employees who report to them;
- Ensure that all employees who report to them understand this Policy and complete required training;
- Take reasonable action to prevent unacceptable workplace behaviour and respond promptly if they observe unacceptable behaviour irrespective of whether a complaint has been made; and
- Respond confidentially, promptly, seriously, fairly and sensitively to allegations of unacceptable or unlawful behaviour.

#### *Members of DP World Australia's HR Department*

- In addition to the responsibilities for all employees and managers listed above, members of DP World Australia's HR Department must also:
- Provide support to Managers and Supervisors in managing complaints of alleged unacceptable workplace behaviour;
- Provide support to employees when queries and complaints are raised directly with HR; and
- Ensure all knowledge / notifications about unacceptable behaviour are examined.

### **Addressing Unacceptable Workplace Behaviour**

If you have experienced or witnessed unacceptable workplace behaviour, do not ignore it. There is action which you can take that may resolve the problem depending on the circumstance.

#### 1. Address the issue

If you feel comfortable doing so, address the issue directly with the person concerned:

- Identify the unacceptable behaviour;
- Explain that the behaviour is unwelcome and unacceptable; and
- Ask that the behaviour stop.

#### 2. Ask for advice

If you are unsure how to approach the situation, you feel uncomfortable, or the behaviour persists, you may also ask your Manager, Supervisor or a member of the HR Department for support or guidance.

#### 3. Report the issue

You may choose to lodge a complaint by giving notice to management or the HR Department.

### **Complaints about Unacceptable Workplace Behaviour**

Complaints about unacceptable workplace behaviour will be treated confidentially and seriously by DP World Australia.

### *Reporting unacceptable workplace behaviour*

To report unacceptable workplace behaviour you should complete an Unacceptable Behaviour Complaint Form and submit it to your Manager, Supervisor, a member of the HR Department or to [complaintassist@dpworld.com.au](mailto:complaintassist@dpworld.com.au)

Your complaint should:

- provide a brief, clear, fair and honest account of the incident(s) including:
  - what happened;
  - when and where it happened;
  - who was involved; and
  - identify what steps (if any) you have taken to achieve resolution, and the outcome of such steps.

After submitting a complaint, you will be advised promptly of who will be progressing your complaint, and the next steps in the complaint process.

### *Natural justice*

When enquiring about or investigating any complaint, the principles of procedural fairness otherwise known as natural justice will be observed.

- The complainant and the respondent must both be allowed an adequate opportunity to present their side of events. The respondent should be given prior notice of the allegations with appropriate details, and then an opportunity to respond to the allegations.
- The complainant and the respondent can utilise witness information to support their side of events.
- The person who is alleged to have engaged in unacceptable workplace behaviour must be regarded as being innocent unless the allegations are proved to be true.
- A decision-maker must be impartial and must make a decision based on a balanced and considered assessment of the information and evidence before him or her, without favouring one party over another.
- Decisions must be based upon evidence, judged on the basis of a balance of probability rather than on speculation or suspicion. A decision-maker should be able to clearly point to the evidence on which the inference or determination is based.

### *Addressing complaints*

It is the intention of DP World Australia that:

- All complaints will be addressed, and where necessary investigations will be undertaken, in a confidential, prompt and appropriate manner;
- Complaints about unacceptable workplace behaviour will be responded to in writing;
- The person(s) alleged to have breached this Policy shall be informed of the allegations, given an opportunity to explain their side of events and treated as innocent unless and until the allegations are determined to be true; and
- No one will be victimised or otherwise disadvantaged as a result of making a complaint, planning to make a complaint or acting as a witness to a complaint.

### **Workplace Behaviour and Work Health & Safety**

Unacceptable behaviour, including workplace bullying, is a work health and safety (WHS) issue.

Investigating workplace bullying complaints is one of the actions taken by DP World Australia to comply with its obligations to provide and maintain a safe working environment under applicable WHS legislation. An investigation may be conducted by DP World Australia, or an external investigator appointed by DP World Australia.

Every employee has a duty under WHS legislation to co-operate with DP World Australia in any action it takes to comply with its WHS obligations, including action to investigate allegations of workplace bullying.

Employees also have a contractual duty to cooperate with DP World Australia by providing honest answers to questions when asked and to follow lawful and reasonable directions given by DP World Australia.

DP World Australia expects that employees will comply with the above listed requirements when asked to participate in any investigation or inquiry into a workplace bullying complaint or to provide information in relation to such an investigation or inquiry.

A failure by an employee to comply with the requirements outlined in this section (Workplace Behaviour and Work Health & Safety) may lead to disciplinary action and in cases of serious failures, to dismissal.

## **Confidentiality**

Confidentiality is expected from all parties involved in a complaint investigation - before, during and after the complaint resolution process. This is to ensure fair treatment and process, to protect the complainant(s) and respondent(s), to minimise the risk of victimisation and to avoid potential defamation proceedings.

Confidentiality assists the investigative process by encouraging witnesses to be forthcoming in their evidence. It reduces the likelihood or opportunity for evidence to become compromised and also reduces the risk of untested or unsubstantiated allegations being circulated outside of the complaint process. Confidentiality also helps develop and maintain confidence in the process. Should details of a complaint become widely known, it may be less likely that the complaint will be successfully resolved to the satisfaction of all parties.

## **Breach of this Policy**

All employees are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment.

If a person deliberately makes an unfounded complaint or a false and vexatious complaint in bad faith (i.e. to get someone into trouble or to be malicious), that person may be subject to disciplinary action including termination of employment.

## **Further Resources**

Unacceptable workplace behaviour is a serious issue that can affect people in a number of ways.

If you have been assaulted or fear that you may be assaulted you can contact the Police.

If you are feeling anxious or depressed it is important to speak to someone. Some options are:

- Call the Employee Assistance Program, which is a free, confidential third party counselling service on 1300 360 364.
- Make an appointment to visit your doctor.
- Call Lifeline on 13 11 14. Lifeline is a 24 hour service.

## **Related Documents**

DP World Australia Code of Conduct; DP World Enterprise Agreements; DP World Social Media Policy; DP World Health, Safety & Environment Policy; DP World Australia Workplace Behaviour Complaint Form.

## **Appendix 1: Examples of bullying behaviours**

Direct bullying may include, but is not limited to:

- Abusive, insulting or offensive language;
- Creating, spreading misinformation or malicious rumours;
- Behaviour or language that frightens, humiliates, belittles or degrades, including over-criticising, or criticism that is delivered with yelling or screaming;
- Displaying offensive and derogatory material;
- Inappropriate comments about a person's appearance, lifestyle, their family, or sexual orientation;
- Teasing or regularly making someone the brunt of pranks or practical jokes;
- Interfering with a person's personal property or work equipment; and
- Harmful or offensive initiation practices.

Indirect bullying may include, but is not limited to:

- Unreasonably overloading a person with work, or not providing enough work;
- Setting timeframes that are very difficult to achieve, or constantly changing them;
- Setting tasks that are unreasonably below, or above, a person's skill level;
- Deliberately excluding or isolating a person from normal work activities;
- Withholding information that is necessary for effective work performance;
- Deliberately denying access to resources or workplace benefits and entitlements, for example training or leave;
- Deliberately changing work arrangements, such as rosters or leave, to inconvenience a particular Employee or employees;

- Using a system of work, such as a roster or break and knock-off times, to punish or disadvantage; and
- Deliberately ignoring or ostracising someone.

The above examples do not represent a complete list of bullying behaviours. They are however indicative of the type of behaviours which may constitute bullying and are therefore unacceptable to DP World.

## Appendix 2: Grounds of discrimination

The personal attributes and characteristics protected by Federal, State and Territory anti-discrimination laws include:

- Race including skin colour, nationality, descent, ethnicity, country of citizenship, ethno-religious or national origin (includes speech with accents);
- Sex;
- Pregnancy (includes potential pregnancy);
- Carers' responsibilities and family responsibilities (includes being childless);
- Breastfeeding;
- Industrial/trade union membership, non-membership or activity;
- Employer association membership, non-membership or activity;
- Religious belief, affiliation, conviction or activity;
- Marital status, domestic status or relationship status;
- Sexual orientation including heterosexuality, homosexuality, bisexuality or assumed sexual orientation;
- Gender identity, gender history, transgender or intersex;
- Age (includes compulsory retirement);
- Political belief, opinion, affiliation, conviction or activity;
- Defence service;
- Irrelevant criminal record;
- Disability and impairment that is current, past or imputed (includes physical, mental and intellectual disability, and disease including HIV / AIDS);
- Physical features;
- Employment activity; and
- Association with a person who has one or more of the attributes for which discrimination is prohibited.

## Appendix 3: Examples of harassment

Depending on the situation the following types of behaviour could amount to harassment if focusing on a protected personal attribute or characteristic. Examples of *verbal harassment* may include, but are not limited to:

- Imitating someone's accent;
- Passing on or spreading information (i.e. hearsay) or rumours;
- Use of offensive or obscene language;
- Offensive racist, sexist or obscene music played in the workplace, work vehicles or while travelling to or from work-related situations;
- Offensive or mocking jokes; and
- Repeated, unwelcome questions about someone's private life or cultural traditions.

Examples of *non-verbal harassment* include, but are not limited to:

- Hand or body gestures that are insulting, belittling, offensive or obscene;
- Mimicking someone with a physical impediment or disability;
- Persistently disrupting an individual's work, work space, equipment or interfering with their personal Property due to union membership / non union membership;
- Displaying or circulating offensive or obscene pictures, objects or written material;
- Use of social media to humiliate or demean on the basis of political association;
- Persistent following, text messaging or delivery of unwanted items (stalking);
- Demeaning comments and dismissing someone's contribution in a work meeting or discussion due to age or gender; and
- Unwelcome practical jokes, pranks or initiation related to age or race.

Examples of *physical harassment* include, but are not limited to:

- Unwanted physical contact and touching due to pregnancy;
- Unwanted intimacy due to sexual orientation; and
- Pushing, shoving or jostling due to political or religious belief.

The above examples do not represent a complete list. They are however indicative of the types of behaviours which may constitute harassment and are therefore unacceptable to DP World

## Appendix 4: Examples of sexual harassment

Examples of sexual harassment may include, but are not limited to:

- Physical contact such as pinching, touching, grabbing, kissing or hugging;
- Staring or leering at a person or at parts of their body;
- Sexual jokes, banter or comments to a person or behind their back;
- Requests for sexual favours;
- Stalking;
- Repeated requests to go out, where they are refused;
- Sexually explicit conversations or questioning;
- Displaying offensive material such as posters, screen savers, internet material or social media images;
- Accessing or downloading sexually explicit material from the internet at work or on work equipment;
- Suggestive comments about a person's body or appearance;
- Sending rude or offensive emails, attachments, text messages or posts on social media sites; and
- Indecent assault, sexual assault or rape.

The above examples do not represent a complete list. They are however indicative of the types of behaviours which may constitute sexual harassment and are therefore unacceptable to DP World.

## Appendix 5: Examples of workplace violence

Examples of workplace violence could include, but are not limited to:

- Threatening to commit a violent act;
- Throwing objects or equipment at a person;
- Attacking a person with a weapon or a makeshift weapon (e.g. a tool, a chair or a syringe);
- Locking a person in a car-boot, room or cupboard;
- Robbery with physical violence or threats of physical violence, including armed robbery;
- Bomb threats;
- Physical acts such as pushing, shoving, tripping, hair pulling, kicking, striking, punching, scratching, biting, spitting or other unwelcome and intentional physical contact, and
- Malicious damage to DP World property, employees and customers.

The above examples do not represent a complete list. They are however indicative of the types of behaviours which may amount to workplace violence and are therefore unacceptable to DP World.

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