

Introduction

JMH Group recognises that Equal Employment Opportunity is a matter of employment obligation, social justice, and legal responsibility. It also recognises that prohibiting discriminatory policies and procedures is sound management practice.

The Company can be held vicariously liable for breaches of this Procedure committed by an employee or contractor of the Company.

This Procedure has been designed to facilitate the creation of a workplace culture that maximises organisational performance through sound employment decisions. These decisions will be based on genuine business needs without regard to protected attributes and will ensure that all decisions relating to employment issues are based on merit.

Under federal and state laws, employers (including managers and supervisors) must not discriminate against or harass employees or applicants for employment, or unlawfully treat them less favourably because of a protected personal characteristic such as:

- Sex
- Age
- Race or ethnicity
- Marital status
- Pregnancy or Breastfeeding
- Political conviction
- Religious beliefs
- Disability or impairment
- Family responsibility or family status
- Sexual orientation
- Gender history

In Western Australia the WA Equal Opportunity Act 1984 applies.

Purpose

The purpose of this Procedure is to make sure that everyone has equal access to available employment opportunities with JMH Group. With this in mind JMH Group follows anti-discrimination laws and tries to ensure that everyone in their workplace understands these laws and follows them too.

Scope

This Procedure applies to JMH Group Directors, Managers, Employees, Contractors, and Visitors.

Compliance with this Procedure is mandatory for all employees in their relationships with each other, applicants for employment with the Company, and all persons who have dealings with the Company. All employees have a right to be treated equitably and without harassment occurring in the workplace. All employees have the responsibility to respect the rights of fellow employees, by not taking part in any action that may constitute harassment and by supporting and promoting the achievement of equal opportunity.

Definitions

Direct Discrimination occurs when a person, or a group of people, is unlawfully treated less favourably than another person or group because of their background or certain personal characteristic.

Indirect Discrimination occurs when a Procedure or requirement which seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group, such as age, race, family circumstances or gender (as listed above).

Equal Employment Opportunity consists of ensuring that all employees are given equal access to training, promotion, appointment, or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.

Victimisation means subjecting, or threatening to subject, a person to any detriment because they have:

- Asserted their rights under equal opportunity law
- Made a complaint or indicated an intention to make a complaint
- Helped someone else make a complaint, or
- Refused to do something because it would constitute discrimination, sexual harassment, or victimisation.

Harassment is unwelcome and unsolicited behaviour that a reasonable person would consider to be offensive, intimidating, humiliating, or threatening, because of a certain (protected) characteristic of the employee.

Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances that are likely to make a person feel offended, humiliated, or intimidated. It does not require an intention to harass and does not require the recipient to ask for the behaviour to stop. Sexual harassment is unwelcome or unreciprocated behaviour. It is not mutually accepted behaviour, e.g. harassment does not usually include genuine compliments or mutually acceptable physical contact.

Workplace Harassment Procedure

JMH Group is committed to providing an environment that is free from sexual harassment and from harassment on the discriminatory grounds listed above.

While the Company does not intend to intervene in the personal relationships of staff, it does have a proper concern where harassment:

- creates an intimidating, hostile or offensive working environment
- adversely affects an individual's work performance
- adversely affects an individual's employment or promotion prospects
- results in resignation or unfair dismissal; and
- reflects on the integrity and standing of the firm.

Some examples of behaviour that can be sexual harassment or discriminatory harassment include:

- acting towards, or speaking to a person in a manner that threatens or vilifies that person
- making jokes, suggestive comments or offensive gestures related to a person's race, colour, ethnic origin, disability, gender, or sexual characteristics
- distribution or display of material (including through e-mail) that may be offensive, such as sexually explicit posters or pictures, racist or sexist jokes or cartoons
- persistent questions about a person's private life
- personal comments about appearance, size, clothing
- demands for sexual favours, either directly or by implication
- unwanted and deliberate physical contact; and
- indecent assault, rape and other criminal offences.

The Company has established confidential procedures for handling complaints under this Procedure. *(Refer to the Workplace Complaint Resolution Procedure or the Customer Feedback and Complaint Procedure)*

Affirmative Action Procedure

This Procedure encompasses Affirmative Action legislation and principles, which aim to counter inequities between men and women in all aspects of employment by, for example, encouraging men and women to enter non-traditional occupations. In addition, JMH Group's aim is to effect specific affirmative action strategies to help groups that have been disadvantaged in the past, such as for Aboriginal and Torres Strait Island people.

JMH Group will develop objectives and strategies aimed at identifying and removing discrimination and promoting equal opportunity for all current and potential employees through planning, recruitment, selection, promotion, staff development and training.

To ensure that JMH Group will continue to give effective equal and affirmative action opportunities they will:

- develop and review policies and practices regularly
- analyse JMH Group employment profile and other workplace statistics
- consult employees about their needs
- establish appropriate goals and plans, and
- review JMH Group's performance against those goals and plans.

Equal Employment Opportunity Procedure

JMH Group is an equal opportunity employer and will provide equality in employment for all people employed or seeking employment.

Every person will be given a fair and equitable chance to compete for appointment, promotion, or transfer, and to pursue their career as effectively as others.

Anti-Discrimination (EEO) & Harassment Procedure

Employment decisions relating to appointment, promotion and career development will be determined according to individual merit and competence.

Consistent with this, JMH Group does not condone any form of unlawful discrimination or vilification based on protected attributes.

In all cases no factors other than performance and competence are to be used as the basis for performance assessment, training and development opportunities and promotions.

Responsibilities

It is the responsibility of JMH Group Directors to ensure that:

- all managers and supervisors understand and are committed to the principles and legislation relating to equal opportunity and applying it in the workplace,
- This Procedure is complied with
- the organisation has a workplace culture that encourages equal employment opportunity, and
- they set an example by their own behaviour.

It is the responsibility of Managers to ensure that:

- all supervisors and staff are aware of and understand their obligations, responsibilities, and rights in relation to this Procedure
- all managers, supervisors and staff are committed to operating in accordance with this Procedure
- any matter which does not comply with this Procedure are identified and addressed as promptly and sensitively as possible
- immediate and appropriate steps are taken to address unlawful harassment, discrimination, and bullying in the workplace, and
- ongoing support and guidance is provided to all employees in relation to equal employment opportunity principles and practice in the workplace.

It is the responsibility of all employees, contractors, and volunteers to ensure that they:

- comply with this Procedure
- refrain from engaging in discriminatory or harassing behaviour, and
- inform their manager or the Human Resources Manager if they believe that they (or someone else) believe this Procedure has been breached.

Procedures

Employees who believe they have been treated unfairly because of discrimination should promptly notify their manager or the Human Resources Manager.

Should a complaint of discrimination or harassment be made, it will be investigated in a confidential and procedurally fair manner. If proven, the person responsible will be disciplined. In serious cases, this may involve dismissal.



Anti-Discrimination (EEO) & Harassment Procedure

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Procedure Compliance

Workers who breach this Procedure may be subject to disciplinary action and may be required to enter into a Performance Improvement Plan with JMH Group before being permitted to resume work.

Nothing in this Procedure prevents JMH Group from applying Summary Dismissal in circumstances involving Serious Misconduct.