

Bullying, Discrimination, Harassment and Sexual Harassment Guideline



1. Purpose

- 1.1.1 At BlueScope we recognise and celebrate the diversity of our workforce and understand that in order for our business to function in the best way, everyone must feel respected and valued. We are committed to providing a safe working environment for all employees which is free from all forms of bullying, discrimination, harassment and sexual harassment.
- 1.1.2 This Guideline outlines BlueScope's commitment and proactive approach to preventing any form of bullying, discrimination, harassment and sexual harassment and affirms our commitment to providing safe, respectful, inclusive and flexible workplaces. We do not tolerate bullying, discrimination, harassment or sexual harassment in any form. Any person found to have engaged in such conduct will face disciplinary action, up to and including dismissal.
- 1.1.3 All complaints of bullying, discrimination, harassment and sexual harassment are taken seriously and treated with respect and in confidence. We will not tolerate anyone being victimised for making a complaint.

2. Scope

- 2.1.1 This Guideline will apply to the employment of all Australian-based BlueScope employees.
- 2.1.2 It also applies to all people engaged in any way by BlueScope in Australia (such as contractors and labour hire workers), any person that interacts with BlueScope as a customer or supplier, and any person working on or visiting a BlueScope site in Australia.

3. References

- Ref 1 BlueScope Code of Conduct – How We Work
- Ref 2 Speak Up Policy
- Ref 3 Speak Up: Additional Protection Standard

4. Definitions

4.1 Bullying

- 4.1.1 Bullying is where an individual or group of individuals **repeatedly** behave **unreasonably** to another person or group of persons at a workplace, which **creates a risk to health and safety**.
- 4.1.2 Bullying does not need to be intentional to be unlawful. Whilst one-off incidents of unreasonable behaviour may not be considered bullying, they are still inappropriate and may constitute discrimination or harassment.
- 4.1.3 Bullying can take many forms. It can be physical, spoken, written, overt or covert and can include conduct that takes place on social media platforms. Behaviours that may constitute bullying include:
 - (a) physical intimidation, aggressive or intimidating conduct or threatening gestures;
 - (b) innuendo, sarcasm, belittling and other forms of demeaning language;
 - (c) threats, abuse, offensive language or shouting;

- (d) manipulation or coercion;
- (e) initiation activities;
- (f) practical jokes, teasing or ridicule;
- (g) isolation, exclusion or ignoring people;
- (h) inappropriate blaming;
- (i) ganging up or public humiliation;
- (j) unreasonable accusations or constant unconstructive criticism;
- (k) deliberately withholding information or equipment that a person needs to do their job or access their entitlements;
- (l) allocating unpleasant, meaningless or impossible tasks;
- (m) placing unreasonable expectations on selected employees, imposing unreasonable timelines or constantly changing deadlines; and
- (n) unreasonable refusal of requests for leave, training or other workplace benefits.

4.2 What is not bullying?

- 4.2.1 Bullying does **not include reasonable management action** undertaken in a **reasonable manner**. BlueScope has a right to effectively direct and control the way in which work is carried out by the people who work for BlueScope and on our sites.
- 4.2.2 It is reasonable for managers and supervisors to allocate work and to provide fair and reasonable feedback on a person's performance.
- 4.2.3 Examples of reasonable management action include:
 - (a) setting reasonable performance goals, standards and deadlines;
 - (b) rostering and allocating working hours where the requirements are reasonable;
 - (c) transferring an employee for operational reasons;
 - (d) deciding not to select an employee for promotion where a reasonable process is followed;
 - (e) disciplinary action (including investigations) taken in a reasonable manner;
 - (f) informing an employee about unsatisfactory work performance or inappropriate behaviour in an objective and confidential way;
 - (g) implementing organisational changes or restructuring; and
 - (h) termination of employment.
- 4.2.4 Differences of opinion and disagreements in the workplace may arise but this does not mean that the conduct is bullying. To constitute bullying, the behaviour must be repeated, unreasonable and create a risk to health and safety.

4.3 Discrimination

- 4.3.1 Discrimination is **treating**, or proposing to treat, **someone unfavourably** because of a **personal characteristic protected** by the law, such as sex, age, race or disability.
- 4.3.2 Discrimination can occur:
 - (a) **Directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law.

For example, an employee is harassed and humiliated because of their race or an employee is refused promotion because they are 'too old'
 - (b) **Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

4.3.3 Examples of protected personal characteristics include but are not limited to:

- (a) a disability, disease or injury, including work-related injury, disorder, illness, whether actual or imputed/assumed;
- (b) parental status or status as a carer, for example, because they are responsible for caring for children or other family members;
- (c) race, colour, descent, national origin, or ethnic background;
- (d) age, whether young or old, or because of age in general;
- (e) sex, sexual identity;
- (f) religion;
- (g) pregnancy and breastfeeding;
- (h) sexual orientation, intersex status or gender identity;
- (i) marital or relationship status;
- (j) political opinion;
- (k) national extraction;
- (l) social origin;
- (m) industrial activity;
- (n) medical record; and
- (o) an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

4.3.4 It is also against the law to treat someone unfavourably because someone has had a protected personal characteristic in the past or may have it at some time in the future.

4.4 Harassment

4.4.1 Harassment is **unwelcome and unsolicited behaviour** that a reasonable person would consider to be **offensive, intimidating, humiliating or threatening**.

4.4.2 It is unlawful to harass an individual or group because of a protected characteristic (such as age, sex or race, outlined above). Harassment of any kind will not be tolerated at BlueScope.

4.4.3 Harassment that is not related to a protected characteristic is still inappropriate in the workplace and may be in breach of How We Work. BlueScope will deal with such incidents accordingly.

4.4.4 Harassment can be physical, spoken or written. It can include, but is not limited to:

- (a) intimidation, verbal abuse, repeated threats or ridicule;
- (b) comments, videos, images, memes or other content posted or shared on any social media platform;
- (c) sending offensive messages by text, email, social media platforms or other means;
- (d) derogatory comments;
- (e) displaying offensive materials, pictures, comments or objects;
- (f) ridiculing someone because of their accent or English-speaking ability;
- (g) telling offensive jokes or making practical jokes based on a protected characteristic;
- (h) belittling or teasing someone based on a protected characteristic; and
- (i) isolating, segregating or humiliating someone based on a protected characteristic.

4.5 Sexual Harassment

4.5.1 Sexual harassment is any form of **unwelcome behaviour of a sexual nature**, which could be expected to make a person **feel offended, humiliated or intimidated**. It is unlawful for an employee to engage in sexual harassment, or encourage or allow another employee to do so. Sexual harassment will not be tolerated at BlueScope.

- 4.5.2 Sexual harassment can be physical, spoken or written. It can include, but is not limited to:
- (a) harassment on the ground of a person's sex;
 - (b) creation of a hostile workplace on the grounds of sex;
 - (c) staring or leering at a person or parts of their body;
 - (d) excessive or unwelcome familiarity or physical contact, such as touching, hugging, kissing, pinching, massaging and brushing up against someone;
 - (e) suggestive comments, jokes, conversations or innuendo;
 - (f) insults or taunts of a sexual nature or obscene gestures;
 - (g) intrusive questions or comments about someone's private life;
 - (h) displaying or disseminating material such as posters, magazines or screen savers of a sexual nature;
 - (i) making or sending sexually explicit phone calls emails, text messages or messages on social media sites;
 - (j) inappropriate advances on social networking sites;
 - (k) accessing sexually explicit internet sites in the presence of others;
 - (l) unwelcome flirting, requests for sex or repeated unwanted requests to go out on dates;
 - (m) inappropriate or unwanted gifts; and
 - (n) behaviour that may also be considered to be an offence under criminal law, such as physical or sexual assault, indecent exposure, stalking or obscene communications.
- 4.5.3 Just because someone does not object to inappropriate behaviour in the workplace at the time, does not mean that they are consenting to the behaviour. Behaviour can still be considered to be sexual harassment even if:
- (a) it is a one-off incident;
 - (b) the person engaging in the behaviour did not intend to humiliate, intimidate or offend;
 - (c) other people in the workplace are not offended by the behaviour; or
 - (d) the behaviour was previously an accepted practice in the workplace.
- 4.5.4 Sexual harassment may be considered work-related even if it occurs outside of the workplace or outside of normal working hours, such as at a work-event, during work-related travel, at a social event or on social media platforms.

4.6 What is not sexual harassment?

Where employees engage in consensual, welcome and reciprocated behaviour, this is not sexual harassment. However, **appropriate professionalism is expected of all employees at all times**, including in relation to employees engaging in consensual behaviour.

4.7 Victimisation

- 4.7.1 Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, harassment, sexual harassment or bullying. It is also victimisation to threaten someone (such as a witness) who may be involved in an investigation of a complaint.
- 4.7.2 It is unlawful to victimise another person and will not be tolerated at BlueScope.
- 4.7.3 Victimisation will be treated as a form of bullying, discrimination or harassment and is a very serious breach of this Guideline which is likely (depending on the severity and circumstances) to result in formal disciplinary action against the perpetrator. The perpetrator may also be subject to legal proceedings under anti-discrimination or criminal law.

4.8 Vilification

- 4.8.1 Vilification is any public act that incites hatred, serious contempt, or severe ridicule against another person or group of people due to their race (including ethno-religious origin), homosexuality, transgender status and HIV/AIDS status. Vilification will be treated as a form of bullying, discrimination or harassment under this Guideline and will not be tolerated.

5. Unacceptable workplace conduct

5.1 BlueScope's expectations

- 5.1.1 Bullying, discrimination, harassment and sexual harassment are unacceptable and are unlawful under both Federal and State and Territory legislation. BlueScope will not tolerate bullying, discrimination, harassment or sexual harassment and takes reasonable and proportionate measures to eliminate as far as practicable such conduct in our workplaces.
- 5.1.2 All incidents of bullying, discrimination, harassment and sexual harassment should be reported to the appropriate person so that appropriate action can be taken. These incidents should be reported regardless of whether the conduct is considered to be minor or serious and who is involved in the conduct. This allows appropriate action to be taken as soon as possible.
- 5.1.3 Even if the conduct is not considered to meet the legal definition of bullying, discrimination, harassment or sexual harassment, it is still important that any inappropriate behaviours are reported as such conduct may be contrary to our BlueScope Code of Conduct – How We Work.
- 5.1.4 Any employee found to have engaged in conduct in breach of this Guideline or How We Work will be subject to disciplinary action, up to and including termination of employment.
- 5.1.5 Any person working for BlueScope who is not directly engaged by BlueScope who is found to have engaged in such conduct will be immediately asked to leave BlueScope premises and will not be permitted to return. BlueScope may also take action to terminate the contractual arrangement.
- 5.1.6 Where a customer of, supplier to, or third party engages in conduct that is in breach of this Guideline, BlueScope will take appropriate action to raise the matter with the person and their organisation so that the customer, supplier or third party's organisation can take appropriate action. Where BlueScope considers it appropriate to do so, we may implement measures to help protect our employees, such as removing access to site, putting in place alternative contact methods and put in place appropriate measures to ensure appropriate action is taken to cease the conduct.
- 5.1.7 Employees are not expected or required to remain at any event or place where they are being subject to inappropriate behaviour or made to feel unsafe. Provided it is safe to do so, the employee should notify the supervising person at the event or place (or the next appropriate person) of the situation and their proposed course of action prior to leaving the event or place so that appropriate measures can be implemented. The employee should submit an incident report to their manager regarding the matter when they are next at work.

5.2 Employee's rights and responsibilities

- 5.2.1 All employees are entitled to:
- a workplace free from bullying, discrimination, harassment or sexual harassment;
 - the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised;
 - request to have a support person (e.g. a co-worker, friend, family member or union representative) present during the complaints process;
 - reasonable flexibility in working arrangements, especially where needed to accommodate family responsibilities, disability, religious beliefs or culture; and
 - have recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics (unless permitted by law).

5.2.2 All employees must:

- (a) comply with the standards of behaviour outlined in this Guideline, How We Work and other related policies;
- (b) treat everyone with dignity, courtesy and respect at all times;
- (c) where appropriate, offer support to people who experience bullying, discrimination, harassment or sexual harassment, such as providing information about how to make a complaint;
- (d) respect the confidentiality of complaint resolution procedures;
- (e) where applicable, assist and cooperate in the investigation of complaints made under this Guideline;
- (f) participate in training provided around bullying, discrimination, harassment or sexual harassment; and
- (g) take bystander action (if safe to do so) if they see or hear about bullying, discrimination, harassment or sexual harassment in the workplace

5.3 Roles and responsibilities of leadership and management positions

5.3.1 In addition to the responsibilities of employees, personnel who hold leadership positions must also:

- (a) model appropriate standards of behaviour;
- (b) take steps to educate and make employees aware of their obligations under this Guideline, How We Work and other related policies, and the law;
- (c) treat all workplace incidents seriously and take immediate action where a complaint is made;
- (d) inform a complainant that they can raise the matter with police, if the allegations are of a criminal nature and that the complainant will be provided with appropriate support to do so;
- (e) act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- (f) where appropriate, help employees resolve complaints informally;
- (g) refer formal complaints about breaches of this Guideline to the appropriate person for investigation;
- (h) use their best endeavours to prevent employees who raise an issue or make a complaint from being victimised and taking steps to address the issue where it occurs;
- (i) provide employees (including bystanders) with information about the support available to them;
- (j) make recruitment and job selection decisions based on merit – that is, the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics, other than where it is lawful to do so;
- (k) not ask discriminatory questions or request information during a recruitment process, unless it is directly relevant to a genuine requirement of the position; and
- (l) reasonably consider requests for flexible working arrangements.

5.3.2 Furthermore, personnel in senior leadership positions (including but not limited to: General Managers, Lead Team members, the Australian-based Global Executive Leadership Team, directors and officers of BlueScope Steel Limited and its subsidiaries), must also:

- (a) monitor the effectiveness of this Guideline, How We Work and other related policies and guidelines;
- (b) review and provide feedback on the information within the Guideline, How We Work and other related policies and guidelines so that it can be updated and remain relevant;
- (c) ensure that appropriate training and guidance is provided to employees and any person engaged by BlueScope regarding bullying, discrimination, harassment, sexual harassment and how to make a complaint or take bystander action;
- (d) ensure that appropriate training and guidance is provided to managers on this Guideline, How We Work, the complaints process and other related policies and guidelines and mechanisms to support employees to make a complaint or take bystander action; and
- (e) promote this Guideline, How We Work and other related policies and guidelines throughout BlueScope.

5.4 Gossip and confidentiality

- 5.4.1 All employees must avoid gossiping about historical matters involving current or former employees or any allegations of inappropriate workplace behaviour occurring at BlueScope.
- 5.4.2 Where an employee considers a person's behaviour to be inappropriate, the employee should raise this with the relevant leadership or management person or report the behaviour to the person's manager/supervisor or Human Resources representative so that appropriate action can be taken.
- 5.4.3 It is also unacceptable for employees at BlueScope to talk with other employees, contractors, clients or suppliers, extended family or friends, or the media about any complaint of bullying, discrimination, harassment or sexual harassment that is the subject of a current complaint or investigation other than on a 'need to know' basis.
- 5.4.4 Breaching the confidentiality of a current complaint or investigation or inappropriately disclosing personal information obtained in the course of a complaint or investigation (for example, as a manager) is a serious breach of this Guideline and may lead to formal disciplinary action. Those directly involved in a complaint (i.e. complainant and respondent) are entitled to seek personal and professional support, and the seeking of such support (for example, from someone who has knowledge of the complaint) is not considered a breach of confidentiality.

5.5 Supporting bystander action

- 5.5.1 In order to promote a safe, equitable and respectful workplace, we encourage all employees to take appropriate bystander action (in accordance with this Guideline and where they feel safe to do so) if they witness or hear about bullying, discrimination, harassment and sexual harassment.
- 5.5.2 Bystander action can include:
 - (a) See: Know where the line is. If you see or hear something that makes you feel uncomfortable, don't ignore it.
 - (b) Talk: It takes courage to speak up. Talk with your supervisor/manager, your colleagues or with the person who is crossing the line.
 - (c) Support: Don't underestimate the power of support. By showing your support to a colleague, it may help that colleague to stand up and take action to address the inappropriate behaviour they are experiencing.
- 5.5.3 Victimisation of someone taking bystander action is unlawful and will not be tolerated.

6. Consequences of breaching this policy

- 6.1.1 If an employee engages in bullying, discrimination, harassment, sexual harassment, vilification or victimisation, or otherwise breaches this Guideline, they may be subject to disciplinary action which may lead to the termination of their employment or engagement with BlueScope.
- 6.1.2 Employees may also be held personally liable for their own behaviour or conduct. This means that when an employee undertakes bullying, discrimination, harassment, sexual harassment, vilification or victimisation, the employee may be subject to a penalty or an order from a regulator, the Fair Work Commission or another relevant tribunal or court.

7. How to make a complaint

7.1 Who do I make a complaint to?

- 7.1.1 We strongly encourage any employee who believes they have been bullied, discriminated against, harassed, sexually harassed, victimised or vilified to report this behaviour. To help an employee choose how they wish to report a concern about someone's behaviour, we offer multiple options for an employee so they can speak with whomever they are most comfortable. Reports can be made by people directly impacted or others who observe the conduct. An employee may make a report to their supervisor/manager, their Human Resources representative, a member of BlueScope's Ethics &

Compliance team, or reports can be made anonymously through the Speak Up hotline www.bluescopespeakup.deloitte.com.au.

- 7.1.2 Any employee who has witnessed any bullying, unlawful discrimination, harassment, sexual harassment, victimisation or vilification is also strongly encouraged to report the conduct to their supervisor/manager, their Human Resources representative, a member of BlueScope's Ethics & Compliance team, or through the Speak Up hotline - www.bluescopespeakup.deloitte.com.au.

7.2 Who will investigate my complaint?

- 7.2.1 Where a complaint is received under this Guideline, it will be investigated by an appropriate person. This could be a Human Resources representative, a member of the Employee Relations, Ethics & Compliance or Legal team, or an external provider. They will be responsible for investigating all complaints of bullying, discrimination, harassment, sexual harassment, and inappropriate workplace behaviour.
- 7.2.2 The person investigating the complaint will be impartial.

7.3 How will complaints be dealt with

- 7.3.1 A complaint can be dealt with formally or informally depending on the circumstances. Whether a matter is dealt with informally or formally will depend on the nature of the incident.
- 7.3.2 Where a complaint is made, BlueScope may have an obligation to deal with the complaint even if the person making the complaint decides that they do not wish to pursue the complaint or does not want to deal with the matter formally. In some situations, it may be appropriate to address a complaint without identifying a particular individual, such as by providing training to all employees.
- 7.3.3 Where a complaint is received, the person who is investigating the complaint will generally, at a high level conduct the investigation along the following lines:
- (a) ensure all of the parties are aware of the confidentiality of the investigation process;
 - (b) obtain details of the complaint;
 - (c) outline the process for dealing with the complaint to the complainant;
 - (d) interview any relevant witnesses;
 - (e) inform the respondent of the allegations and provide them with an adequate opportunity to respond to the allegations; and
 - (f) provide the outcome of the investigation to the complainant and respondent.

A high-level summary of the complaint process is set out in Attachment 1.

7.4 Frivolous, vexatious or malicious complaints

- 7.4.1 We encourage the reporting of behaviour that an employee genuinely believes to be bullying, discrimination, harassment, sexual harassment, vilification or victimisation. An employee will not be disadvantaged or treated unfairly for raising a complaint under this Guideline where the employee genuinely believes the conduct is in breach of this Guideline or How We Work.
- 7.4.2 However, if a complaint is found to be frivolous, vexatious or malicious, then appropriate disciplinary action (which may include dismissal) may occur against the complainant. Examples of frivolous, vexatious or malicious complaints include, but are not limited to:
- (a) fabricating a complaint;
 - (b) making a complaint for the malicious purpose of deliberately harming someone;
 - (c) seeking to re-agitate issues that have already been addressed or determined; and
 - (d) making a complaint that the complainant does not genuinely believe to be true.

8. Document control

Prepared by:	Checked by:	Authorised by:	Registered by:	Summary of Changes:
Keely Horan, Employee Relations Counsel	Laura Towey, National Employee Relations and Experience Manager	Rebecca Roberts, GM People ASP	Mary-Ann Anderson	Replaces the Workplace Bullying Policy, EEO & Bullying Incident Report and EEO & Bullying Grievance Handling Procedure.

At BlueScope we value inclusion and encourage our people to share their ideas and feedback. We are committed to fostering a culture of speaking up when something isn't right.

Attachment 1 – Summary of complaint handling process

