Workplace Respect – Policy

Purpose

We aim to provide a safe and respectful environment that is free from all forms of bullying, harassment and discrimination.

We also aim to take all reasonable and proportionate measures to eliminate, as far as possible, sex discrimination, sexual harassment, victimisation and conduct that may cause a workplace environment to be hostile on the ground of sex.

This policy outlines what is meant by bullying, harassment, sexual harassment, discrimination (including sex discrimination), victimisation and conduct that may cause a workplace environment to be hostile on the ground of sex. It also outlines how we deal with concerns arising under this policy.

Application

This policy applies in Australia to:

- all employees, directors, officers and contractors of our company;
- any person who performs services for the benefit of Calix, including temporary agency staff;
- anyone seeking employment with Calix; and
- anyone interacting in our work environment.

It applies to all work-related activities, including working from home, business travel, work functions and when using social media (including any personal use, and whether used during or outside of work hours).

Your obligations

You must comply with this policy, and all federal, state and territory laws relating to bullying, harassment, sexual harassment, discrimination (including sex discrimination), victimisation and conduct that may cause a workplace environment to be hostile on the ground of sex.

This is the case even if a person does not object to the behaviour. The fact that a person does not object to inappropriate behaviour at the time does not mean they are consenting to the behaviour.

Bullying

Bullying refers to repeated and unreasonable behaviour directed towards a person that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of actions over a period of time.

Unreasonable behaviour is any behaviour that a reasonable person having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying can occur face to face and through electronic means such as social media or other digital platforms (including video calls). Bullying does not have to be intentional.

If someone is being bullied due to a personal characteristic protected by anti-discrimination laws, it may also be a form of unlawful discrimination.

Examples of Bullying

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages and social isolation. Bullying can range from obvious verbal or physical assault to psychological abuse.

Behaviours that may constitute bullying include:

- yelling, screaming or other offensive and demeaning language;
- coercion;
- psychological harassment;
- intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible tasks;
- deliberately changed work rosters to inconvenience particular employees;
- undermining work performance by deliberately withholding information vital for effective work performance;
- constant unconstructive criticism.

What is not Bullying

Reasonable management action taken by supervisors or managers to guide and direct the way work is done is not bullying. Some examples of actions that constitute reasonable management action are:

- raising and managing performance issues;
- discussing the way work is performed;
- giving feedback or correction about performance;
- setting performance goals and standards;
- performance management processes;
- implementing organisational changes or restructuring;
- talking with an employee about inappropriate behaviour;
- taking disciplinary action as a result of performance or conduct issues;
- termination of employment;
- consulting or conducting mediation between employees.

Discrimination

Discrimination is treating or proposing to treat someone unfavourably because of a personal attribute that is protected by law.

Protected attributes

Protected personal attributes include the following:

- race, colour, descent, national origin or ethnic background;
- age;
- religion;
- marital or relationship status;
- sex, sexual orientation, intersex status or gender identity;
- disability;
- family or carer responsibilities;
- pregnancy or potential pregnancy;
- breastfeeding;
- political opinion;

- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity;
- 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.

Forms of Discrimination

Discrimination can occur both directly and indirectly.

Direct discrimination is when a person or group is treated less favourably than another person or group in a similar situation because of a personal attribute protected by law. An example may be refusing to employ someone because of their age based on an assumption that they are too old to learn new skills.

Indirect discrimination is when an unreasonable policy, requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a protected attribute. An example may be requiring all employees to work a 12-hour shift which indirectly disadvantages employees with family or carer responsibilities. For a requirement to be considered indirect discrimination it must also be unreasonable.

Harassment, sexual harassment, hostile workplace environments and sex-based harassment

Harassment

Harassment is unwanted, unwelcome or uninvited behaviour that makes a person feel humiliated, offended or intimidated.

The following are some examples of behaviour that may be regarded as harassment:

- taunting/name calling
- unwelcome practical jokes
- threatening someone
- mimicking someone's accent
- offensive language
- displaying offensive screen savers, email jokes or viewing inappropriate websites
- unwanted physical contact

Sexual harassment

Sexual harassment is a specific form of harassment. It is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

A single incident is enough to constitute sexual harassment – it does not have to be repeated.

Sexual harassment can be physical, spoken or written. Examples include:

- sexually suggestive behaviour, such as leering, staring or suggestive comments or jokes;
- comments about a person's private life or the way they look;
- deliberately brushing up against someone, touching, fondling or hugging;
- displaying offensive screen savers, photos, calendars or objects;
- repeated unwanted requests;
- inappropriate advances or requests for sex;
- sexually explicit posts on social networking sites;
- insults or taunts of a sexual nature;
- intrusive questions or statements about a person's private life;

- behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment does not include behaviour that is based on mutual attraction, friendship and respect. If the interaction is welcome, invited, reciprocated or consensual it is not generally sexual harassment.

Hostile workplace environments

Subjecting another person to a hostile workplace environment on the ground of sex is unlawful.

Sexual harassment may occur where a workplace environment or culture is sexually charged or hostile, even if the conduct is not directed at a particular person. In such an environment, people of one sex are made to feel uncomfortable or excluded by the workplace environment.

Examples of a hostile work environment include displaying obscene or pornographic materials, general sexual banter and innuendo and offensive jokes may indicate the existence of a hostile work environment.

Sex-based harassment

Sex-based harassment is any unwelcome conduct of a demeaning nature by reason of the person's sex in circumstances where a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sex-based harassment includes sexual and non-sexual behaviour. Examples include:

- displaying or circulating sexist material;
- not hiring a woman based on assumptions that she will not fit into a traditionally 'male' workforce;
- commenting about or verbally abusing a person or group because of their gender;
- ignoring, isolating or segregating a person or group because of their gender;
- referring to a transgender person by their previous name or gender;
- repeating sexual invitations to a person who has refused before.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they are involved in a complaint relating to unlawful bullying, discrimination or harassment. You must not engage in victimisation of any person who is involved in a complaint under this policy. It is also victimisation to threaten someone who may be involved in investigating a complaint.

Victimisation does not include taking action against someone who has made false complaints or provided false information.

Bystander

A bystander to sexual harassment is someone who witnesses an occurrence of sexist or sexually harassing behaviours, or who hears about it after it has occurred. Calix supports, encourages and enables bystanders to act and call out unacceptable behaviours, including when sexual harassment is witnessed.

Examples of someone who may be a bystander to sexual harassment can include:

- an employee who witnesses a colleague making disparaging or offensive comments to another employee;
- a witness to an unsolicited or unwanted sexual advance made by a colleague toward another employee or contractor;
- an employee that has identified a workplace process or policy that unreasonably discriminates against a particular sex or demographic of employee;
- an employee who hears the use of sexually inappropriate or discriminatory language used at a social event;
- an employee who hears about an incidence of sexual harassment and wants to take further action.

If you see sexual harassment happening or hear about it, you may choose to become an active bystander to do one or more of the following:

- If you feel safe and comfortable doing so, tell the other person that you object to their behaviour and ask that it stop;
- Talk to the person experiencing harassment. One of the best things you can do is to listen and ask them what support they need. You can also help them find information so they can decide what to do next;
- You should report sexual harassment to your manager or the Human Resources team, who will help you while also considering any privacy concerns of the person you are reporting on behalf of.

A bystander's action will depend on the situation, however the priority should always be personal safety and the safety of the person who is being harassed.

Calix takes a zero tolerance policy to any victimisation that may occur towards a bystander due to them taking any action in the form of reporting any occurrences of sexually inappropriate behaviour or related events as well as if that behaviour is 'call out' after an occurrence has been witnessed.

Reporting Process

If you believe you have been subjected to behaviour in breach of this policy:

- if you feel comfortable to do so, the first step may be to tell the person that their behaviour is unwelcome or inappropriate and ask them to stop;
- if you do not feel comfortable raising the concern directly with the person, you should seek assistance from your manager or Human Resources (hr@calix.global.com), who will help you.

The way we respond will depend on the nature of the issue and will be determined on a case-by-case basis.

Appropriate levels of confidentiality will be applied so that information is only provided to people who need to know about it to enable appropriate steps to be taken to assist with resolution. All information and records will be stored confidentially and managed appropriately.

We will take into account any special needs or considerations so that all parties can participate equally in the process. For example, this may include involving an interpreter for someone if English is their second language or providing information in a suitable format if a disability requires that.

Breaches of this policy

A breach of this policy will be treated seriously and is likely to be considered misconduct and likely to result in disciplinary action up to and including termination of employment or services. In this regard, the *Fair Work Act 2009* (Cth) now specifically provides that sexual harassment can constitute "serious misconduct".

A breach of this policy may also result in a reassessment or revocation of bonus or incentive allocation.

Other

If any part of this policy is contrary to law or an industrial instrument, the law or industrial instrument will apply to the extent of the inconsistency. This policy does not form part of any contract of employment or engagement and does not give rise to any contractual obligations on Calix. It is subject to review by us and may be changed or revoked at any time at our discretion.

Need more information?

Contact HR Department