

# Workplace Bullying, Harassment and Discrimination Policy

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## Version Control

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## 1. Purpose

The purpose of the Workplace Bullying Harassment and Discrimination Policy (the “Policy”) is to promote a safe, respectful, and inclusive workplace environment by preventing and addressing workplace bullying, harassment, and discrimination at Firstsource Solutions Pty Limited (the “Company” or “Firstsource”). It outlines the commitment to fostering a culture of dignity and mutual respect, where all employees can thrive without fear of intimidation, unfair treatment, or prejudice.

The Policy aims to define what is meant by unlawful discrimination, harassment, bullying, victimisation and vilification, provide guidelines as to how Firstsource deals with concerns and complaints about unacceptable conduct and establish disciplinary measures and outcomes that may result from employees breaching this Policy.

This Policy does not and is not intended to have a contractual effect.

## 2. Scope

This Policy applies to all employees of Firstsource including full-time, part-time and casual employees, secondees to and interns of Firstsource including consultants and contractors.

The Policy applies in the workplace. The workplace includes working on-site or off-site; attendance at a work-related conference; attendance at a client or other work-related event, including retreats and social events, even when it occurs outside of business hours

The Policy applies to all aspects of the employment relationship, including:

- the recruitment of employees;
- during employment, including promotions, transfers, training and other employee benefits and conditions of employment;
- in the supervision of employees;
- in the discipline of employees, including termination of employment; and
- in the provision of services to clients and other members of the public.

## 3. Discrimination and Equal Opportunity

- Discrimination occurs when a person treats another person less favourably than another person or group because of a particular attribute that is unrelated to their work performance.
- Direct discrimination means treating or proposing to treat, another person with an attribute unfavourably because of that attribute.
- Indirect discrimination occurs if a person imposes, or proposes to impose, a

requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with an attribute that is not reasonable.

- Attributes upon which discrimination may occur include, but are not limited to:
  - sex, marital status, pregnancy, breastfeeding or family responsibilities;
  - sexual preference or transsexuality;
  - race, colour, descent, nationality, national origin, ethnicity or religion;
  - physical and/or mental disability or impairment;
  - transgender status;
  - age;
  - political belief or activity;
- Discrimination can occur in the recruitment process, during the course of employment (including in decisions regarding promotions, transfers, remuneration review, incentive awards and access to training or development opportunities, or upon termination.

## 4. Harassment

- Harassment occurs when someone engages in unwelcome conduct or behaviour that a reasonable person would know, or should know, might humiliate, intimidate or offend another person. Harassment may be based on several reasons, including sex, race, age or disability.
- Harassment can be physical, verbal or written. Words, pictures or statements can amount to harassment, even when they were not created by the person displaying them.
- Harassment may consist of, but is not limited to:
  - making insulting comments or teasing a person for any reason;
  - making disparaging comments about a person, including concerning their capacity for work;
  - spreading malicious rumours or making public statements of a derogatory nature about a person;
  - interfering with a person's workplace, work materials, equipment or property;
  - excluding a person from normal conversation, workplace activities or work-related social activities; and
  - making a vexatious, frivolous or malicious complaint against a person.

## 5. Sexual Harassment

- A person sexually harasses another person if they:
  - make an unwelcome sexual advance or an unwelcome request for sexual favours to another person; or
  - engage in any unwelcome conduct of a sexual nature with the other person,
  - in circumstances in which a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated.
- Sexual harassment may consist of, but is not limited to:
  - subjecting a person to an act of physical intimacy;
  - unwelcome requests for physical conduct;
  - requests for sexual favours or persistent requests for out-of-work social activities;
  - making (verbally or in writing) any offensive or demeaning comments, jokes or innuendos;
  - sending inappropriate emails;
  - inappropriate familiarity; or
  - possession and/or display of erotic or sexually graphic material including posters, photographs, reading matters, objects, pictures, screensavers, calendars, cartoons, graffiti or messages left on boards or desks.
- Sexual harassment does not refer to mutually consensual relationships. However, sexual harassment may occur when a consensual relationship has ended. A level of professionalism must always be maintained in the workplace.
- Firstsource has a positive duty to take reasonable and proportionate measures to eliminate, as far as possible, sexual harassment in connection with work.

## 6. Bullying

- Bullying is repeated unreasonable and/or negative behaviour directed towards a person or group of people, that creates a risk to health and safety (including both psychological and physical risks – refer to Workplace Health and Safety Policy). Bullying can be verbal or in writing and can occur online.
- The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, may consist of bullying:
  - verbal abuse;

- excluding, ignoring or isolating a worker;
  - psychological harassment;
  - intimidating;
  - assigning meaningless tasks unrelated to a job;
  - setting impossible assignments and deadlines;
  - unjustified criticism or complaints;
  - deliberately withholding information vital for effective work performance;
  - Constant taunting, teasing, or playing practical jokes on someone who is not a willing participant.
- Any reasonable management action, such as performance reviews and feedback, work instructions and/or disciplinary actions carried out in a reasonable, fair and respectful manner, is not bullying.

## 7. Victimisation

- Victimisation occurs when a person threatens or threatens to treat another person detrimentally because they made a complaint, for example, a complaint of Unacceptable Conduct under this Policy; because they supported another person's complaint; or for exercising a workplace right.
- Victimisation may consist of, but is not limited to:
  - suggesting to a potential complainant that it would be better for them (or the team) if they did not make a formal complaint;
  - threatening behaviour;
  - disciplinary action (e.g. dismissal) that is not otherwise warranted and would not have been taken if a complaint had not been made;
  - unreasonable change in duties or relocation;
  - failure to promote a person or downgrading a performance rating due to the complaint.

## 8. Vilification

- Vilification is a public act of conduct that incites hatred against, serious contempt for, revulsion or severe ridicule of another person or group, because of that person's or group's protected attribute, including on the grounds of that person's race, religion, disability, gender identity, HIV/AIDS status or sexuality.

- Vilification may consist of, but is not limited to:
  - displaying posters, notices or other materials;
  - damage to property;
  - abuse or offensive comments; or
  - using the internet to email or publish or transmit statements or other materials.

## 9. Worker obligations

- All workers must comply with this Policy and not engage in any Unacceptable Conduct whilst working with Firstsource. This includes both conduct at the workplace and conduct outside the workplace that has a connection with your employment or engagement,
- They must attend all trainings about workplace bullying, harassment and discrimination
- offer support to anyone who is being discriminated against, harassed, bullied, victimised or vilified, and to let them know where they can get help;
- co-operate with any management of a grievance or investigation of a complaint, and maintain the confidentiality of any information they provide or are provided with during this process;
- seek assistance when unsure about how to implement this Policy; and
- actively report suspected breaches of the Policy in accordance with applicable reporting mechanisms.

## 10 . Manager obligations

In addition to their responsibilities as a worker, all managers, supervisors and people with leadership responsibilities must:

- promote a work culture where Unacceptable Conduct is not tolerated, and where workers feel safe to report Unacceptable Conduct;
- monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
- communicate, promote and enforce this Policy and procedure in their areas of responsibility;
- ensure that their direct reports are familiar with, and understand their obligations under the Policy;

- treat all complaints seriously and confidentially, and take prompt action to resolve or escalate any complaints made under this Policy; and
- model appropriate behaviours themselves and lead by example.

## 11. Human Resources obligations

- To ensure that workers are familiar with, and understand their obligations under the Policy, through employee communication and training
- Treat all complaints, including those referred directly from managers, seriously and confidentially, and take prompt action to resolve or escalate any complaints made under this Policy; and

## 12. Breach of the Policy

- Firstsource takes any breach of this Policy seriously. Any breach of this Policy by an employee may result in counselling and/or disciplinary action, up to and including summary dismissal
- Any worker may make a complaint alleging a breach of this Policy, either for unacceptable conduct against themselves or another worker. Firstsource will seek to, wherever possible, resolve the dispute in line with Firstsource's Grievance Policy.
- All inquiries and complaints made under or this Policy must be treated confidentially, to the extent possible, by all parties involved.
- The obligation of confidentiality under this clause does not prevent any party from disclosing the confidential information as required by law, in the performance of duties for Firstsource, or as permitted or required in writing by Firstsource.

## 13. Privacy

- Workers must not collect personal information of other people under this Policy, or use or disclose personal information of other people under this Policy (for example, personal information collected through inquiries and complaints made under this Policy) except if the personal information is:
  - necessary for the worker to perform their duties with Firstsource; or
  - authorised by Firstsource; and
  - is collected in accordance with applicable privacy laws and Firstsource's policies.
- 'Personal information' in this section means any information or opinions that could reasonably identify an individual (including but not limited to their name, address, phone

number, date of birth and employee record information).

## 14. Seeking help

- Employees may contact their manager or the Human Resources team for any questions or guidance about this Policy
- If you are an employee and need assistance with problems affecting your wellbeing, whether personal or in the workplace, Firstsource encourages you to contact Converge International Pty Ltd, the Employee Assistance Program (EAP), to obtain short-term external professional and confidential counselling (which can be contacted on
- Employees may also connect with external health and community service providers such as:
  - Beyond Blue (which can be contacted on 1300 22 4636); or
  - Lifeline (which can be contacted on 13 11 14).*

## 15. Relevant Legislation

- This Policy deals with matters covered by Federal and State/Territory laws. To the extent of any inconsistencies, the term of any Federal, State or Territory law, or industrial instrument, will prevail over the terms of this Policy.
- Depending on the nature and circumstances of your engagement with Firstsource, the following legislation may apply:
  - Age Discrimination Act 2004 (Cth);
  - Australian Human Rights Commission Act 1986 (Cth);
  - Disability Discrimination Act 1992 (Cth);
  - Fair Work Act 2009 (Cth);
  - Racial Discrimination Act 1975 (Cth);
  - Sex Discrimination Act 1984 (Cth);
  - Equal Opportunity Act 2010 (Vic); and
- any other Federal or State/Territory legislation that may apply to Firstsource or the worker.