

Workplace Harassment and Discrimination Policy and Procedures

The law says that no employer or manager may harass an employee at work. It also says that management must do their best to make sure there is no harassment or bullying in their workplace.

Amongst other things, a person is regarded at work if they are in any work premises of the employer (ie head office or any hotel), if they are outside the office but are involved in work activities (eg attending a client or whilst travelling for work purposes) or if they are attending a work function whether within or outside work hours (eg the office Christmas party). In certain circumstances (such as where the number of people employed by the employer is small) activities which occur outside work hours in a non-work environment may be regarded as occurring "at work" due to the issues those activities create in the work environment.

Definitions

Harassment

The anti-discrimination law states harassment is any form of behaviour

- That is not wanted
- That offends, humiliates or intimidates
- That targets any employees because of their sex, pregnancy, race, age, marital status, homosexuality, disability, transgender status or carer's responsibility

This could include material that is racist, sexist, sexually explicit, or homophobic that is displayed in the workplace, circulated on paper or by email, or put on a computer or fax machine or the internet, or is left displayed in someone's workspace.

It can also include verbal abuse, put down comments, or stereotyping people because of their social, racial, or sexual status.

Bullying is another form of harassment.

Sexual Harassment

The same law also says that sexual harassment is any form of sexually related behaviour that

- You do not want
- In the circumstances, a reasonable person would have expected you to be offended, humiliated or intimidated

Sexual harassment includes offensive jokes based on sex, staring or leering in a sexual manner, sexual or unwanted physical contact such as slapping, kissing, touching or hugging, and intrusive questions about sexual activities. It also includes repeated sexual invitations when the person invited has refused similar invitations before and offensive phone calls or indecent exposure. Offensive emails or graphics, screen savers and posters are included in this category.

Group Policy

StayWell Hospitality Group is determined to ensure no discrimination or harassment takes place within any division of the group. If it occurs it will be treated as a disciplinary offence and depending on the seriousness or nature of the offence, an employee may be liable for dismissal in extreme circumstances.

StayWell Hospitality Group will not tolerate any victimisation of a person who lodges a harassment complaint.

Confidentiality

All people involved in a harassment complaint must take care to maintain strict confidentiality. Only a limited number of people should be included in the process and none is at liberty to disclose the name of the complainant or the respondent, nor the nature of the grievance.

Defamation

Harassment complaints are of a serious nature and may ruin the reputation of the respondent. Defamation occurs when the grievance is communicated to anyone not involved in the resolution of the issue. Unless a defence can be established, such a communication can amount to a defamation action. An acceptable defence would be that the person the matter was disclosed to had an interest in the exposé and made such revelation reasonable.

A breach of confidentiality by anyone involved in these procedures can be regarded as a breach of discipline.

Procedure

In the case of anyone wishing to make a harassment complaint, contact with the Human Resource Manager should be made as soon as possible, but not later than 6 months after the occurrence of the incident. All official complaints must be brought to the attention of the CEO/MD as soon as possible.

Steps in the grievance procedure:

1. A written official statement is lodged, but the claimant seeks to resolve the issue personally with the person concerned. The HR Manager or another person (e.g. Property General Manager) should be present as a witness and the outcome is recorded and signed by both parties. The respondent may be asked to sign an undertaking to desist from further harassment and is made aware of the possible consequences if the undertaking is not adhered to.
2. If the claimant does not wish to resolve the matter of the grievance personally then the person concerned will be given details of the complaint and given the opportunity to respond
3. A mediator will attempt to conciliate the matter by:
separate interviews with each party and/or a joint meeting
4. Each party is given time to prepare for the conciliation
5. If resolved, the issue is documented and signed by both parties
6. If not resolved, the issue will be passed on to the Managing Director of the company for further action under the employment contract eg; as misconduct or serious misconduct (leading to dismissal).
7. The complainant may at any time choose to make a formal complaint to an external agency, eg the Anti-Discrimination Commission; however, StayWell will pursue all available internal procedures to conclude the incident and bring it to a mutually acceptable outcome.

Records

The person mediating the proceedings will prepare a written agreement for signature by both parties and supply each party with a signed copy. A copy will be kept on file securely and in confidence for seven years and then destroyed. The incident will not be recorded on the personnel files for confidentiality reasons.