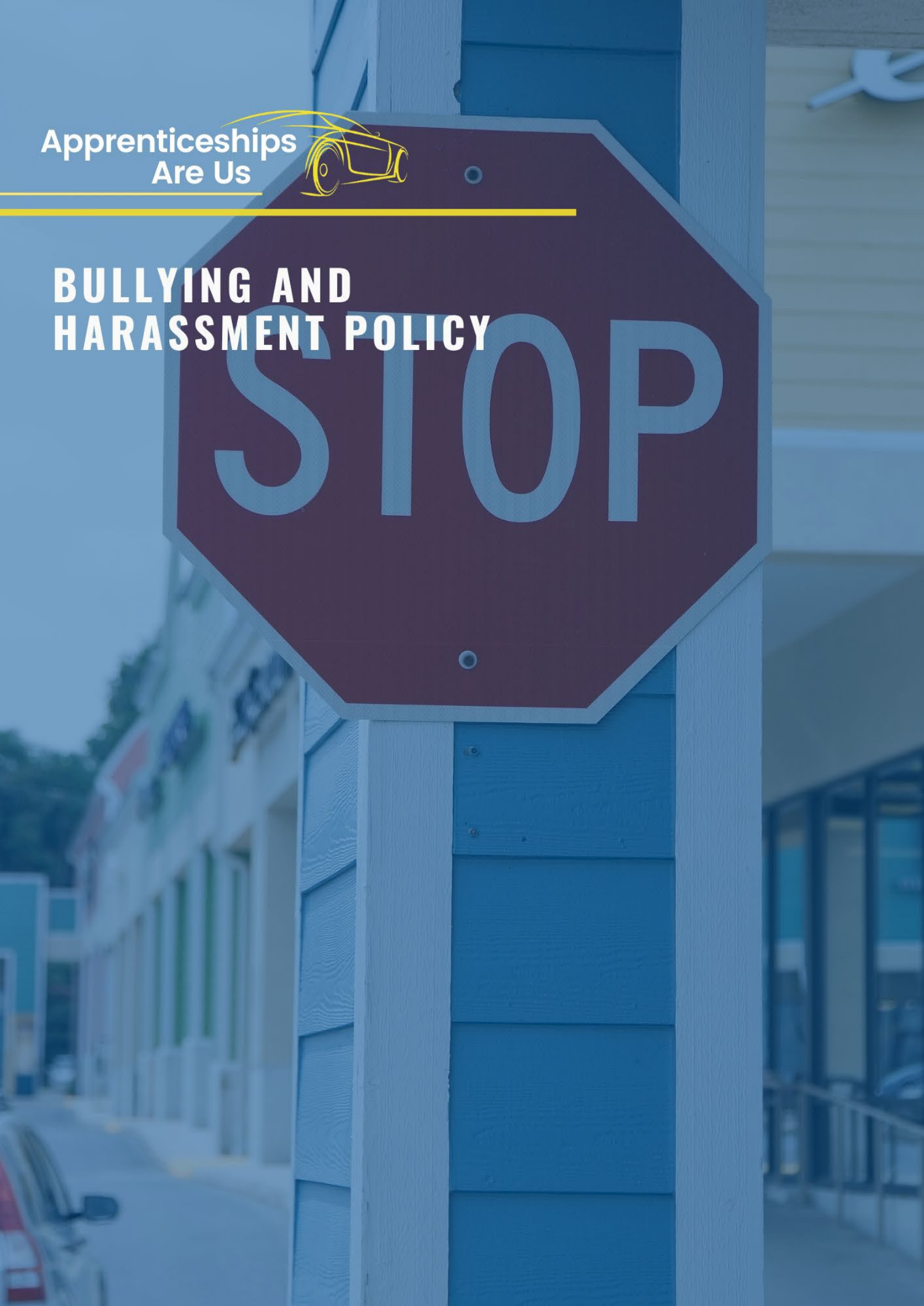
Apprenticeships Are Us

BULLYING AND HARASSMENT POLICY



PURPOSE

Apprenticeships Are Us Ltd strongly believe all people have the right to work in an environment which is free of harassment and supports the rights of individuals to object to harassment in their workplace.

This policy outlines Apprenticeships Are Us Ltd.'s commitment to providing a workplace free from bullying and harassment, in line with the *Fair Work Act 2009*, the *Work Health and Safety Act 2024*, and the *National Standards for Group Training Organisations (Standard 1.4)*. ARU is dedicated to ensuring that all employees, apprentices, trainees, and Host Businesses have clear channels for reporting, and that complaints are managed promptly and fairly.

LEGISLATIVE & GOVERNANCE FRAMEWORK

This policy is governed by the following legislation, standards, and regulatory obligations:

Commonwealth Legislation

- **Fair Work Act 2009 (Cth)** – bullying & harassment protections
- **Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022**
- **WHS Act 2011 (NSW)** and **WHS Regulation 2017 (including 2023 psychosocial amendments)**
- **Sex Discrimination Act 1984 (Cth)** – Respect@Work Positive Duty
- **Anti-Discrimination Act 1977 (NSW)**
- **Racial Discrimination Act 1975 (Cth)**
- **Australian Human Rights Commission Act 1986**
- **Privacy Act 1988 (Cth)**
- **Cybersecurity Standards Act 2023 (Cth)**
- **Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 & 2024 updates**

Regulatory Framework

- **ACNC Governance Standards** – particularly Standards 1, 2 and 5
- **National Standards for Group Training Organisations (2017)** – Standard 1.4
- **NSW Apprenticeship & Traineeship Act 2001**

Charter & Internal Instruments

- ARU Code of Conduct
- ARU Whistleblower Policy
- ARU Complaints & Investigation Procedure
- ARU Cybersecurity Policy
- ARU Privacy & Confidentiality Policy

DEFINITIONS

“Bullying”

Repeated unreasonable behaviour directed towards a worker or apprentice that creates a risk to health and safety.

“Harassment”

Unwelcome conduct based on personal attributes, including race, gender, disability, sexual orientation, age, religion, or other protected attributes.

“Sexual Harassment”

Any unwelcome sexual advance, request for sexual favours or sexual conduct that makes a person feel humiliated, offended or intimidated (as defined in the Sex Discrimination Act).

“Reasonable Management Action”

Actions carried out by managers in a lawful, reasonable, and fair manner such as performance management, feedback, and direction. These are **not** bullying.

“Psychosocial Hazard”

A hazard arising from the design or management of work that may cause psychological harm (e.g., conflict, aggression, job insecurity, unreasonable workloads).

“Victimisation”

Treating someone unfairly because they made or supported a complaint.

“Vilification”

Public acts that encourage hatred or contempt based on race, sexuality, gender identity or HIV status.

“Bystander”

Anyone who witnesses bullying or harassment. Bystanders have a responsibility to act or report.

“Cyberbullying”

Harassment or abuse via digital platforms, including email, social media, messaging, group chats, or digital work systems.

POLICY

Apprenticeships Are Us Ltd is committed to ensure the working environment is free from harassment and aims to create an environment where all staff members are treated with dignity, courtesy and respect. We do not tolerate any form of harassment under any circumstances and strong disciplinary action will be taken against any employee who breaches this policy. Discipline may include a warning, counselling, demotion or dismissal

depending on the circumstances.

In accordance with the *National Standards for Group Training Organisations (Standard 1.4),* this policy ensures that apprentices, trainees, and Host Businesses are provided with clear and accessible channels for reporting bullying and harassment, and that complaints are managed in a timely and transparent manner. The resolution of these complaints will prioritize the safety and well-being of all parties involved.

This policy is also aligned with the *Fair Work Act 2009 (as amended in 2024)* and the *Work Health and Safety Act 2024*, ensuring that any bullying, harassment, or discrimination claims are handled in compliance with these updated laws. The policy ensures that all complaints are treated fairly, promptly, and in a manner consistent with current legal standards for workplace safety and employee well-being.

The legislation is very specific in outlining what you can and cannot do. It is very important that all Apprenticeships Are Us Board, Management, Staff, apprentices, Host Businesses, and their employees comply with these provisions. Following is a list of examples of some of the types of harassment that are prohibited by this legislation:

- Jokes or comments told in the presence of people who may be offended on 1 criterion outlined previously (i.e., race, colour, sex, pregnancy etc.).
- Display of pictures, posters, calendars, graffiti, or computer graphics which are offensive or derogatory.
- Expressing negative stereotypes of particular groups (e.g., married women shouldn't be working).
- Judging someone on their potential or religious beliefs rather than their work performance.
- Using stereotypes or assumptions to guide decision making that affects a person's career.
- Undermining a person's authority or work performance because you dislike one of their personal characteristics.
- Unwelcome, offensive or threatening physical contact. If this or similar behaviour makes you feel:
    - offended or humiliated;
    - restricted in your own behaviour;
    - intimidated or frightened; and/or
    - anxious and frustrated, you are strongly encouraged to take action.

Remaining silent, quitting or changing jobs will not solve the problem. The problem rarely goes away and often intensifies.

Apprenticeships Are Us Ltd also ensures that all complaints involving cultural sensitivity and diversity issues are managed with the appropriate respect and understanding, in alignment with the *Racial Discrimination Act 1975* and the *Multicultural NSW Act 2000.* This includes providing culturally sensitive support to individuals from diverse backgrounds who experience harassment or bullying.

This policy is aligned with the *Fair Work Act 2009* (as amended in 2024) and the *Work Health and Safety Act 2024*. All complaints of bullying, harassment, or discrimination will be handled in accordance with these updated laws, ensuring that the complaints process prioritises the safety, well-being, and legal rights of all parties involved.

ROLES & RESPONSIBILITIES

Board of Directors

- Ensure compliance with WHS and anti-discrimination laws.
- Monitor systemic risks and organisational culture.
- Act on serious or systemic complaints.

Managing Director

- Lead implementation of this policy.
- Ensure investigations are fair, timely, and compliant.
- Escalate serious matters to regulators when legally required.

Managers / Supervisors

- Address inappropriate behaviour immediately.
- Ensure safe systems of work.
- Report and document all incidents.

Apprentice Employment Managers (AEMs)

- Monitor Host Businesses for compliance.
- Ensure apprentices and trainees are protected from bullying.
- Intervene promptly to safeguard wellbeing.

Host Businesses

- Provide a safe workplace under WHS laws.
- Cooperate with ARU investigations.
- Remove perpetrators if required.

Employees, Apprentices & Trainees

- Treat others with respect.
- Report bullying or harassment promptly.
- Cooperate with investigations.

Bystanders

- Report behaviour that may constitute harassment or bullying.
- Support affected individuals.

WHAT IS SEXUAL HARASSMENT

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated or offended. Sexual harassment can take many forms and may include physical contact, verbal comments, jokes, propositions, and the display of offensive material or other behaviour which creates a sexually hostile working environment. Some examples of sexual harassment include:

- uninvited touching;
- uninvited kisses or embraces;
- smutty jokes or comments;
- making promises or threats in return for sexual favours;
- the display of sexually graphic material including posters, pin-ups, cartoons, graffiti or messages left on notice boards, desks or common areas;
- repeated invitations to go out after prior refusal;
- flashing or sexual gestures;
- sex based insults, taunts, teasing or name calling;
- touching or playing with a person's clothing;
- request for sex;
- sexually explicit conversation; and/or
- persistent questions or insinuations about a person's private life.

Sexual harassment is not behaviour of mutual attraction, friendship and respect.

As a registered charity with the Australian Charities and Not-for-profits Commission (ACNC), Apprenticeships Are Us Ltd adheres to the *ACNC Governance Standards*. This ensures that the organisation operates transparently, and that directors and officers meet their responsibilities to act in good faith, protect the safety and welfare of staff and apprentices, and comply with all relevant laws, including those related to harassment and bullying.

ARU is committed to managing all complaints of bullying and harassment with cultural sensitivity. In alignment with the *Racial Discrimination Act 1975* and the *Multicultural NSW Act 2000*, ARU ensures that individuals from diverse backgrounds receive appropriate support and that any complaints involving racial or cultural issues are handled with respect and understanding.

REASONABLE MANAGEMENT ACTION

The following actions do not constitute bullying when carried out lawfully and appropriately:

- performance reviews;
- setting reasonable performance expectations;
- directing work;
- rostering and job allocation;
- constructive feedback;

- disciplinary action for misconduct;
- managing unsatisfactory performance.

The Fair Work Commission recognises these management actions as legitimate.

WORK HEALTH & SAFETY – PSYCHOSOCIAL OBLIGATIONS

Under WHS Regulations (2023), ARU must eliminate or minimise psychosocial hazards including:

- conflict and interpersonal issues;
- aggression, intimidation, threats;
- overwork or unreasonable job demands;
- harmful behaviours by Host Businesses;
- poor support or role clarity.

ARU will take immediate steps to address psychosocial risks and ensure psychological safety.

WORKPLACE BULLYING POLICY

Apprenticeships Are Us Ltd considers workplace bullying unacceptable and will not tolerate it under any circumstances.

Workplace bullying is repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades or humiliates a worker, possibly in front of co-workers, clients or customers.

With the increase in digital communication and remote work, Apprenticeships Are Us Ltd recognizes the risk of cyberbullying and online harassment. This includes the inappropriate use of emails, social media, and other online platforms to harass, intimidate, or bully employees, apprentices, or trainees. Cyberbullying will be treated with the same seriousness as face-to-face bullying under this policy, in accordance with the *Cybersecurity Standards Act 2023***.**

The company believes that all employees should be able to work in an environment free of bullying. Managers and supervisors must ensure employees are not bullied.

Apprenticeships Are Us Ltd has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.

Apprenticeships Are Us Ltd encourages all employees to report workplace bullying. Managers and supervisors must ensure employees who make complaints, or witnesses, are not victimised.

Disciplinary action will be taken against anyone who bullies a co-worker. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

All complaints will be treated seriously and with complete confidentiality, immediate action will be taken to

investigate and resolve the complaint.

Action taken may vary according to the particular circumstances and can be dealt with either informally or formally.

Informal procedures emphasise resolution through conciliation of a complaint and may include speaking to the alleged harasser who will be given the opportunity to respond to all the complaints that have been made and implementing the appropriate outcome. The parties will be permitted to have a support person of their choice with them during any interview.

With the increase in digital communication and remote work, ARU recognises the risks of cyberbullying and online harassment. In accordance with the *Cybersecurity Standards Act 2023*, inappropriate use of emails, social media, and other online platforms to harass, intimidate, or bully employees, apprentices, or trainees is strictly prohibited. Cyberbullying will be treated with the same seriousness as face-to-face bullying under this policy.

APPRENTICE & TRAINEE PROTECTIONS IN HOST BUSINESSES

ARU has a legal duty to:

- remove apprentices from unsafe host environments;
- intervene in bullying at Host sites;
- conduct monitoring visits;
- escalate breaches to SafeWork or State Training Authorities;
- record all actions in Workforce One.

Host Businesses must comply immediately with ARU directives relating to apprentice safety.

WHO TO CONTACT

For Apprentices the contact person for bullying at this workplace is your nominated Apprentice Employment Manager.

Employees, apprentices, and trainees who report bullying or harassment are protected under the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2024. This ensures that individuals raising concerns are safeguarded from retaliation, victimisation, or any adverse consequences as a result of making a complaint.

If internal complaint procedures do not resolve the issue, the matter may be escalated to external bodies such as SafeWork NSW or the Fair Work Commission, depending on the nature of the complaint. ARU will support individuals throughout this process and ensure compliance with legal obligations regarding external dispute resolution.

All records of complaints will be stored securely and handled in compliance with the Australian Privacy Principles (APPs). ARU is committed to ensuring that personal information related to complaints is protected. Records will be retained for a minimum of seven years, as required under the Privacy Act 1988.

For all other staff your contact is our Human Resource Manager who can be contacted (02) 9891 6900.

For further information the following websites provide information for each state:

- **ACT** *https://www.worksafe.act.gov.au/*
- **NSW** *https://www.safework.nsw.gov.au/*
- **VIC** *https://www.worksafe.vic.gov.au/*
- **QLD** *https://www.worksafe.qld.gov.au/*
- **WA** *https://www.dmirs.wa.gov.au/worksafe*
- **SA** *https://www.safework.sa.gov.au/*

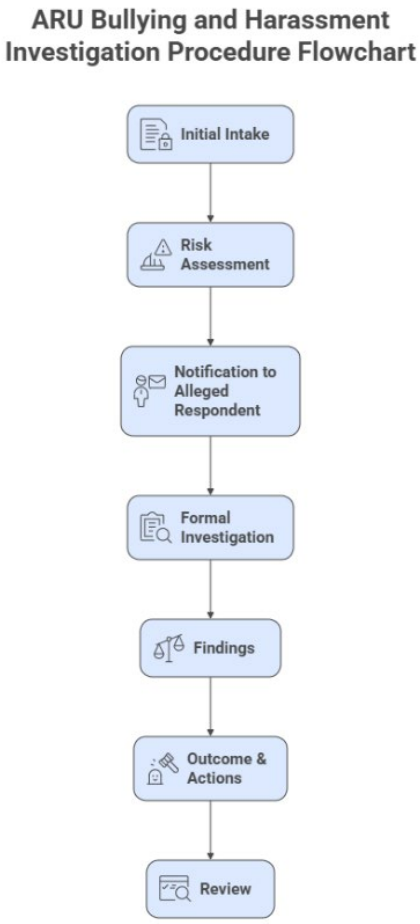
INVESTIGATION PROCEDURE

All complaints will be managed through the following steps:

1. **Initial intake** – confidential, trauma-informed, documented.
2. **Risk assessment** – immediate safety measures implemented.
3. **Notification to alleged respondent** – fair and transparent.
4. **Formal investigation** – interviews, evidence review.
5. **Findings** – based on balance of probabilities.
6. **Outcome & actions** – disciplinary, training, removal, or mediation.
7. **Review** – to check recurrence and ensure safety.

Investigations must be:

- impartial;
- timely;
- culturally sensitive;
- free from conflicts of interest;
- consistent with procedural fairness.



IMMEDIATE SAFETY MEASURES

ARU may implement temporary measures including:

- removing an apprentice from a Host Business;
- changing reporting lines;
- separating the parties;
- altering duties;
- providing additional supervision;
- directing the perpetrator to leave the workplace.

These measures do NOT imply wrongdoing and are implemented for safety only.

FALSE OR MALICIOUS ALLEGATIONS

ARU will take disciplinary action against anyone who knowingly makes a false or malicious complaint.

However:

- no adverse action will be taken against any person making a genuine complaint, even if the complaint is not substantiated.

This reinforces procedural fairness and protects good faith reporting.

HOW TO REPORT CASES OF HARASSMENT/BULLYING

Any employee who has a complaint of harassment or who witnessed workplace harassment or intimidation should bring the matter to the attention of their immediate supervisor. If you feel that your immediate supervisor is not the best person to deal with the complaint, then the matter should be discussed with your Apprentice Employment Manager or the Human Resources Manager.

Employees, apprentices, and trainees who report bullying or harassment will be protected under the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2024*. This ensures that individuals who raise concerns are protected from any form of retaliation or adverse consequences as a result of their complaint.

In cases where internal complaint procedures fail to resolve the issue, the matter may be escalated to relevant external bodies, such as *SafeWork NSW* or the *Fair Work Commission*, depending on the nature of the complaint. Apprenticeships Are Us Ltd will support individuals throughout this process and ensure compliance with legal obligations regarding external dispute resolution.

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AUTHORISATION

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Apprenticeships Are Us Limited

DOCUMENT CONTROL

Version	Authorised by	Authorisation Date	Sections	Amendment
1.1			All	N/A
1.2	M. Wentworth	01/02/2018		Change of CEO
1.3	M. Wentworth	22/05/2023		Cover page
1.4	M. Wentworth	31/10/2024	All	Cover page, minor information update
1.5	M. Wentworth	25/11/2025	All	Information update