

1. Purpose

The purpose of this Equal Opportunity & Anti-Bullying Policy (**Policy**) is to create awareness around equal opportunity in Wolters Kluwer's workplaces in an effort to achieve an environment which is free from discrimination, harassment, victimisation, bullying, vilification and unlawful adverse action.

2. Application

This Policy applies to all employees, whether full-time, part-time, casual or temporary, as well as to contractors and consultants of Wolters Kluwer Asia Pacific (**Wolters Kluwer**). In this Policy, all people to whom the Policy applies are referred to as "workplace participants".

The Policy applies to workplace participants' behaviour at their normal place of work, as well as situations outside work where a workplace participant is representing Wolters Kluwer. Examples include social functions, conferences, and work carried out at sites that are not operated by Wolters Kluwer, such as customer premises.

Workplace participants must also comply with this Policy when using Wolters Kluwer equipment or facilities, including computer and telephone systems.

This Policy also applies to workplace participants' dealings with customers, clients and suppliers.

This Policy does not form part of any employee's contract of employment and Wolters Kluwer reserves the right, in its absolute discretion, to supplement, change or amend this Policy at any time.

3. Policy & Procedure

3.1. Importance of Equal Opportunity Guidelines

Wolters Kluwer aims to provide equal opportunity for all workplace participants in the workplace and a work environment that is free from discrimination, harassment, victimisation, bullying, vilification and unlawful adverse action. To that end, Wolters Kluwer aims to ensure that:

- (1) Every workplace participant has access to this Policy and (where appropriate) undertakes training in relation to the Policy in order to understand the principles of equal employment opportunity and how they are to apply those principles to their behaviour in the workplace;
- (2) All employment-related decisions are made according to merit, taking into account relevant skills, qualifications, experience and ability without bias, prejudice or based on any discriminatory considerations, unless permitted by law. This includes all decisions relating to the provision of training, transfer, promotion, terms of employment or engagement, or dismissal;
- (3) Harassment, victimisation, vilification and unlawful adverse action does not occur at Wolters Kluwer.

There are several pieces of legislation in Australia at the State, Territory and Federal level that cover discrimination, harassment, victimisation, vilification, bullying and adverse action. Breaches of such legislation could result in significant adverse consequences for the person who breaches the legislation, and potentially Wolters Kluwer as well. Accordingly, all workplace participants must comply with such legislation and this Policy so that they do not place their engagement with Wolters Kluwer in jeopardy or expose themselves or Wolters Kluwer to adverse consequences.

3.2. Discrimination

Workplace participants must not discriminate against another person or a group of people, or engage in adverse action on unlawful discriminatory grounds.

Discrimination does not have to be conscious, planned or intentional. It can occur because an employer or a workplace participant holds a particular set of beliefs and then acts according to those beliefs.

Generally, discrimination is a practice, which distinguishes between individuals or groups so that some are advantaged, and some disadvantaged. Discrimination can be either direct or indirect. Direct discrimination occurs when a person is treated less favourably than another person in the same or similar circumstances, on any of the grounds of discrimination covered by equal opportunity legislation (see below).

Indirect discrimination occurs where an unreasonable requirement, condition or practice is imposed which, on the face of it appears neutral, but with which a high proportion of persons with an attribute associated with one of the grounds mentioned below cannot comply.

In practice, this means that decisions about recruitment, training, promotion, transfer, remuneration, and other conditions of employment, must be made according to merit (ie ability to do the job).

It is unlawful to treat a workplace participant in a manner which is discriminatory (directly or indirectly) on the basis of any of the following grounds:

- sex;
- marital status;
- pregnancy and potential pregnancy;
- breastfeeding;
- physical features;
- race or social origin;
- religion;
- political beliefs or activity;
- disability (both physical and intellectual);
- trade union membership (or non-membership);
- sexual orientation;
- transgender or transsexual status; gay, lesbian, bisexual, Intersex
- family status;
- family responsibilities;
- lawful sexual activity;
- age;
- absence from work on parental or maternity leave or making a complaint or recourse to law,
- association with or relation to a person identified on the basis of an attribute associated with any of the above grounds.

As a guide, some examples of unlawful discrimination include:

- Making offensive "jokes" or comments about another worker's racial or ethnic background, sex, sexual preference, age or disability;
- Displaying pictures, calendars, pin-ups, posters, etc which are offensive or derogatory;
- Expressing negative stereotypes about particular groups, for example "married women shouldn't be working" or "all people from that country are dishonest";
- Judging a person on characteristics such as religious or political beliefs, cultural practices, sex or age, rather than work performance; or,
- Using stereotypes or assumptions when making decisions about a person's career.

3.3. Harassment

Workplace participants must not harass another workplace participant or customer, or engage in adverse action on unlawful discriminatory grounds.

Harassment includes any unwelcome advance or request, offensive comment or action based on the grounds mentioned above. It includes behaviour towards another person which is offensive, intimidating or embarrassing and may also occur where a person uses harassing behaviour to control, influence or affect the career, salary or job of another person under their authority.

Harassment may be an isolated, or an ongoing series of events or behaviour, which did not intend to harass or offend. This last point is very important because a workplace participants' behaviour can be harassment even if they did not mean for it to be so. Whether action will be characterised as harassment will depend on whether a reasonable person in the circumstances would regard the behaviour as harassment, it is therefore important to realise that different people find different things offensive. For example, although a workplace participant might not be offended by a joke, someone else might see the joke as offensive, which means that the workplace participant may in fact be harassing that person.

Some examples of harassment include (but are not limited to):

- Verbal abuse or comments that stereotype or "put down" another person;
- Ignoring, isolating or segregating;
- Staring or leering;
- Intrusive questions;
- Any physical contact;
- Material/items which are displayed or circulated or put in the person's work space or belongings;
- Jokes; or,
- Offensive gestures or whistling.

If all persons involved in the behaviour participate willingly, then that behaviour is not considered to be harassment.

In certain cases, harassment, including sexual harassment (see below) can also amount to a criminal offence punishable by a fine or a term of imprisonment.

Sexual Harassment

No workplace participant is to sexually harass another workplace participant or a client of Wolters Kluwer.

The *Sex Discrimination Act 1984 (Cth)* and relevant state laws provide that a person sexually harasses another person if the person:

- Makes an unwelcome sexual advance towards the other person;
- Makes an unwelcome request for sexual favours to the other person;
- Engages in other unwelcome conduct of a sexual nature in relation to the person harassed,

In circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would have been offended, humiliated or intimidated. It should be noted that conduct of a sexual nature includes the making of a statement (whether oral or in writing) of a sexual nature directly to the person being harassed or even just in the presence of that person (ie where they can hear or see it).

Sexual harassment can involve any physical, visual, verbal or non-verbal conduct of a sexual nature. Sexual harassment can be experienced by both men and women and may include conduct which occurs in the workplace or in connection with work.

Some examples of behaviour that may amount to sexual harassment include:

- Electronic mail messages, voicemail messages, screensavers of a sexual nature;
- Faxes or gifts of a sexual nature;

- Sexual innuendo;
- Unwanted sexual advances, and invitations on dates;
- Displays of sexual material, including posters, pictures, calendars, cartoons, graffiti or messages, on a desk or computer.

Just like harassment, behaviour can constitute sexual harassment even if the workplace participant did not intend to cause offence, hurt or humiliation by their behaviour.

Friendships (sexual or otherwise) or mutual attraction between consenting adults are a private concern and may not constitute harassment. However, Wolters Kluwer expects that a workplace participant's personal friendships will not impact on their responsibilities to do their work, or on the performance or productivity of other workplace participants.

3.4. Victimization and workplace rights

Workplace participants must not victimise other workplace participants or clients of Wolters Kluwer.

Victimization occurs when a person subjects or threatens to subject another to a detriment because that other person has:

- Made a complaint to any relevant equal opportunity board, commission or tribunal;
- Given information or documents to any relevant equal opportunity board, commission or tribunal;
- Attended a conference at any relevant equal opportunity board, commission or tribunal;
- Appeared as a witness in a hearing;
- Asserted the rights of any person under equal opportunity legislation; or,
- Alleged that someone has breached equal opportunity legislation.

Victimization can also occur when a person subjects or threatens to subject another to a detriment because that other person proposes to do any of the above. Essentially, it means that is unlawful to retaliate against a person just because that person wishes to make a complaint of discrimination or other unlawful conduct under equal opportunity legislation. Conduct likely to constitute a detriment in employment includes demotion, dismissal, transfer, suspension or loss of a benefit. A detriment in employment also includes the loss of a person's right to quiet enjoyment of their employment.

One of the circumstances in which a workplace participant has a workplace right (see section 3.7 below for further detail) is if they can make a complaint about their employment. Adverse action on the basis of a workplace right occurs when a workplace participant is treated detrimentally compared to other people or has their position altered to their disadvantage to stop them making a complaint, or because they can make a complaint, have made a complaint or propose to make a complaint. Workplace participants must not take adverse action against other workplace participants to stop them making a complaint, or because they can make, have made, or propose to make a complaint.

3.5. Vilification

Workplace participants must not vilify any other workplace participant or client of Wolters Kluwer.

Vilification occurs when a person, by a public act, incites hatred towards, serious contempt for, or severe ridicule of a person or a group of persons on the ground of that person's or the group's race, homosexuality, HIV/AIDS status or transgender. In certain cases, serious vilification can also amount to a criminal offence punishable by a fine or a term of imprisonment.

3.6. Bullying

Workplace participants must not engage in bullying conduct towards other workplace participants or clients of Wolters Kluwer.

Bullying in the employment context is repeated unreasonable behaviour directed towards a workplace participant or group of workplace participants that a reasonable person would expect would threaten, offend, undermine, demean, humiliate or otherwise pose a risk to the health and safety of the workplace participant or workplace participants at whom the behaviour is directed. Bullying may breach anti-discrimination legislation, occupational health and safety legislation and criminal legislation and can include behaviour directed towards clients of Wolters Kluwer.

Whether behaviour amounts to 'bullying' is dependent on a number of factors, including whether a reasonable person (not the person who is subject to the bullying) would regard the behaviour as bullying.

As a guide, some examples of bullying include:

- Subjecting workplace participants to "initiation ceremonies";
- Continuously criticising workplace participants or calling them derogatory names;
- Threatening workplace participants;
- Undertaking actions which risk the health and/or safety of workplace participants;
- Playing workplace "pranks" on workplace participants;
- Creating unreasonable deadlines or pressures;
- Sabotage of work
- Undermining the work performance of workplace participants; and
- Constantly isolating workplace participants from normal work interaction, training and development.

Bullying does **not** include:

- reasonable behaviour that does not break any law;
- differences of opinion;
- reasonable and legitimate performance and behaviour counselling and disciplinary action;
- setting reasonable work goals and standards;
- reasonable supervision and performance of other genuine work-based responsibilities; and
- legitimate restructuring or re-organising of a business or work.

CCH may not assist the workplace participant with a complaint of bullying where:

- The complaint has been satisfactorily dealt with or resolved previously (unless another bullying incident has occurred since)
- The complaint is made anonymously without sufficient detail being provided so as to allow investigation or resolution of the matter.
- The complaint is frivolous, vexatious or malicious, for example where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution.
- The complaint does not constitute bullying as defined in this policy.

3.7. Adverse Action

No workplace participant is to be subjected to 'adverse action' (eg being dismissed, not being employed or being subject to victimisation or some other prejudice) because they have a 'workplace right'.

The terms ‘adverse action’ and ‘workplace right’ each has a broad meaning, but, in summary, they provide general protections to:

- ensure freedom of association (eg the right to be or not to be a union member or engage or not engage in lawful industrial activities) for workplace participants;
- protect workplace participants from adverse action being taken against them because they have entitlements under an industrial award, agreement or law;
- shield workplace participants from victimisation because they are able to make, or make, or propose to make a complaint in relation to their employment;
- protect workplace participants from adverse action being taken against them because they have a prescribed attribute (such as gender, sexual preference, age, disability etc).

3.8. Employee Responsibilities

As outlined in this Policy and as required by law, every workplace participant is required to refrain from engaging in discrimination, harassment (including sexual harassment), victimisation, vilification, bullying and adverse action in the workplace. Accordingly, workplace participants are accountable for:

- contributing to the development, implementation and continuous improvement of this Policy;
- recognising the skills and talents of other workplace participants; and,
- interacting with other workplace participants and customers in a fair manner.

3.9. Employer Assistance

Wolters Kluwer’s HR department provides advice and assistance to workplace participants including line managers in relation to equal opportunity issues, queries or questions. The function of this role is both advisory and educational. Specifically, the HR department will assist by:

- contributing to the development, implementation and continuous improvement of this Policy;
- management of diversity issue resolution process;
- delivering adequate information, training and education to workplace participants on this Policy;
- monitoring the effectiveness of the education and compliance program;
- investigating potential diversity issues and grievances raised in relation to matters outlined in this Policy.

3.10. What is an equal opportunity related grievance?

An equal opportunity related grievance is a grievance that relates to a workplace participant being subjected to any of the behaviours covered by this Policy. In the event that it is alleged that a workplace participant has engaged in conduct in breach of this Policy, Wolters Kluwer will attempt to resolve any issues sensitively, confidentially and quickly. Where appropriate, a careful, fair investigation under formal company guidelines will occur. For further information in relation to making a complaint, please see Wolters Kluwer’s Grievance Policy.

3.11. Consequences of non-compliance

Wolters Kluwer will not tolerate workplace participants engaging in unlawful discrimination, harassment or any other unlawful conduct referred to in this Policy in the workplace. If a workplace participant is found to have engaged in such conduct, Wolters Kluwer appropriate disciplinary action which may include termination of employment / engagement.

3.12. False Accusations

Any allegation will be viewed very seriously and subject to thorough, fair scrutiny under Wolters Kluwer's Grievance Resolution Policy. False accusation may be reflected as malicious, and would expose those making them to risk of defamation proceedings and disciplinary action up to and including termination of employment.

3.13. Questions about this Policy

Should workplace participants have any questions in respect of this Policy, they should contact their line manager or HR Representative.

4. References

- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity for Women in the Workplace Act 1999 (Cth)
- Grievance Resolution Policy
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)

5. Revisions

Date of Last Review:	Revision Description
16 January 2012	<ul style="list-style-type: none">• Formatting• Inclusion of References