
ANTI-DISCRIMINATION AND HARASSMENT POLICY

PSION





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DOCUMENT CONTROL

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CONFIDENTIALITY

PSION classifies this document as “Commercial-in-Confidence”.

The information contained in this document is confidential and proprietary to PSION. PSION holds the understanding that this document will be held in strict confidence and will not be disclosed, duplicated or used, in whole or in part, for any purpose other than its written purpose. Please do not alter or use without the prior written consent of PSION.

DISCLAIMER

PSION will not be liable for any losses, damages, costs or expenses arising out of errors in connection with the incorrect usage of this document, please ensure that you are using the latest document before enacting any information contain therein.

It is your responsibility to ensure you have understood the document in its entirety, and that it is the latest publication. In the event of any discrepancies, incomplete information, or unclear instructions, please contact the document owner.

DO NOT act on any information you believe to be misleading. When in doubt, contact your people manager, the document owner, or [Ethics & Compliance \(ECO\)](#). DO NOT misrepresent any information contained inside this document. When in doubt, contact your people manager, or [Team & Culture \(HR\)](#).



1 PURPOSE

PSION recognises that everyone is different and unique, and it values and celebrates those differences.

At PSION, we believe every person has a fundamental right to work in an environment where they feel safe, respected and valued for who they are. Our commitment goes beyond compliance - we are building a workplace culture where individuals can bring their authentic self to work, be celebrated for what makes them unique, included and invited to collaborate.

Discrimination, harassment and victimisation have no place here. They undermine wellbeing, trust and performance. This policy explains what unlawful discrimination, unlawful harassment and victimisation are, the legal duties PSION has to prevent and manage them, how employees can raise concerns, and how PSION will respond.

2 SCOPE

Applies to all staff, contractors, volunteers, interns and persons engaged to work for PSION, at all locations during work-related activities (including working from home, work events, travel, online platforms, customer sites and work-related social media).

Online or offsite behaviour that affects the workplace is covered (ie. outside of work hours, if that interaction involves other members of the team, including where that interaction is through email, text message or social media).

3 POLICY

PSION is committed to maintaining a workplace that provides an environment free from unlawful discrimination and unlawful harassment for all job applicants, employees, contractors, visitors and customers. PSION does not tolerate unlawful discrimination or unlawful harassment in the workplace on any grounds, and therefore aims to ensure that when employment decisions are made, they are made based on merit, not on attributes such as gender identity, sexual orientation, age, race, ethnic origin, religion, intersex status, disability, or other grounds protected by anti-discrimination legislation.

3 DEFINITIONS

3.1 WHAT IS DISCRIMINATION?

Unlawful discrimination occurs when distinctions are made between individuals or groups and they are treated less favourably than another, causing them disadvantage, because of a particular attribute, regardless of whether the less favourable treatment was intentional. Unlawful discrimination is when the discriminatory conduct is based on an attribute protected by law. These attributes include, but are not limited to:

- Race, colour, descent, religious belief or activity, nationality, national origin, ethnicity, or ethno-religious origin,
- Sex, gender identity, intersex status, and marital or relationship status,
- Pregnancy and breastfeeding,
- Sexual orientation,
- Carer's/family responsibilities,
- Political belief or activity,
- Age,
- Physical or mental disability/impairment,
- Physical features,
- Trade union activity,
- Service in the voluntary defence forces.

Whether it is unlawful to discriminate against a person for one of these reasons will depend on the particular circumstances and the relevant State and Territory law which applies to you. Certain attributes are protected under the Fair Work Act.

Discrimination is unlawful even if there is no intention to discriminate.

Discrimination is unlawful in all areas of employment, including:

- Recruitment and selection
- Conditions of employment
- Remuneration and other benefits associated with employment
- Training and development
- Promotion and transfer
- Termination of employment

Discrimination can also occur in the provision of goods and services.

3.2 WHAT IS DIRECT AND INDIRECT DISCRIMINATION?

Discrimination can happen either directly or indirectly.

- Direct discrimination occurs when a person is treated less favourably, because of a protected attribute such as their sex, race, marital status, disability, etc. An example of direct discrimination is when an employee misses out on an internal promotion because they are considered too old for the job.
- Indirect discrimination occurs when there is a requirement, rule, policy, practice or procedure that is the same for everyone, but has an unequal effect on particular groups. This type of 'requirement' is likely to be indirect discrimination unless the requirement is reasonable in all the circumstances. An example of indirect discrimination would be a security company that has height and weight requirements for its employees – this may exclude a large proportion of women – and this restriction is not reasonable.

3.3 WHAT IS HARASSMENT?

Unlawful harassment is a form of unlawful discrimination. Unlawful harassment includes sexual harassment and other types of harassment which the law does not allow. In general, unlawful harassment is any form of behaviour that:

- Is unwelcome (not wanted), or invited (not asked for);
- A reasonable person would have anticipated would humiliate, offend or intimidate the person exposed to the conduct;
- Is based on one of the grounds of unlawful discrimination.

3.4 WHAT ARE EXAMPLES OF HARASSMENT?

Unlawful harassment can include but is not limited to:

- a) Sexual harassment (see below);
- b) Verbal abuse or comments that put down or stereotype people because of their sex, sexual orientation, gender identity, intersex status, pregnancy, race, disability, age, etc;
- c) Jokes based on sex, sexual orientation, gender identity, intersex status, pregnancy, race, disability, age, etc
- d) Mimicking someone's accent, or the habits of someone with a disability;



- e) Offensive gestures based on sex, sexual orientation, gender identity, intersex status, pregnancy, race, disability, age, etc
- f) Ignoring or isolating a person or group because of their sex, sexual orientation, gender identity, intersex status, pregnancy, race, disability, age, etc
- g) Display or circulation of racist, pornographic, or other offensive material (including electronic format).

Harassment may not be unlawful, if it is not based on one of the unlawful reasons, however, PSION expects its employees and contractors to treat each other and other people with whom they come into contact as representatives of PSION, with respect and courtesy.

3.5 WHAT ARE EXAMPLES OF SEXUAL HARASSMENT?

Unlawful sexual harassment is one form of harassment which the law does not allow. A person sexually harasses another person if:

- a) The person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person, or
- b) Engages in other unwelcome conduct of a sexual nature in relation to the person
- c) In circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person exposed to the conduct would be offended, humiliated or intimidated.

Unlawful sexual harassment can include but is not limited to:

- a) Requests for sexual favours, or sexual advances,
- b) Offensive telephone calls,
- c) Sending email or text messages which contain sexual content or tone,
- d) Leering, wolf whistles, obscene gestures, jokes or innuendo,
- e) Comments or a conversation about a person's sex life or relationships,
- f) Displays of sexually offensive material, such as emails, posters, pictures, graffiti, screen savers, or text messages,
- g) Suggestive or sexual jokes, suggestive behaviour, telephone calls of a sexual nature,
- h) Uninvited touching, hugging, or kissing or other forms of unwanted physical contact, and



i) Invading a person's personal space

Mutual attraction between people is not sexual harassment. Conduct which is welcome or consensual is not unlawful, and friendships (sexual or otherwise) which develop between people who meet at work are a private concern provided they do not impact the workplace.

You should take great care before engaging in conduct you believe to be welcome. Always remember that some people may not feel comfortable telling you that your behaviour is offending them and is not welcome. It is your responsibility to ensure that you do not engage in conduct which is not welcome. Similarly, it is your responsibility to tell someone if you do not feel comfortable with their behaviour, or at least raise it with your line manager. You should also remember that even conduct which is welcome may not be appropriate in the workplace.

For more information on how PSION handles Sexual Harassment, refer to our **Sexual Assault and Sexual Harassment Policy**.

3.6 WHAT IS VICTIMISATION?

You must not victimise a person because they made or propose to make a complaint of bullying or harassment (unlawful or otherwise), or because they have provided information in relation to a complaint. Victimisation means subjecting a person to some detriment, for example, ostracising an employee.

4 OBLIGATIONS FOR EMPLOYEES AND CONTRACTORS

4.1 YOUR OBLIGATIONS

- Treat your colleagues, customers, agents, contractors, or anyone else associated with the workplace, with dignity and respect.
- Do not bully, or unlawfully harass (sexually or otherwise) anyone in the workplace, ie. treat anyone less favourably because of their sex, sexual orientation, gender identity, intersex status, pregnancy, race, ethnic origin, religion, disability, age, or other grounds of discrimination protected by anti-discrimination or any other applicable laws.
- Do not victimise anyone in the workplace



- If you see or experience any inappropriate conduct as outlined above, or you are unsure whether what you have seen constitutes inappropriate conduct, raise it with your people manager or Team & Culture (HR) as soon as possible.
- In instances of alleged inappropriate conduct, keep confidential all discussions and documents to the extent possible.
- Only make complaints based on truth and fact, and do not intentionally make false allegations.

PSION may be liable for your actions because of the legal principle relating to vicarious liability. However, there are exceptions to this, particularly when PSION has made you aware of your own obligations. On that basis, you should assume that you may be personally liable if you engage in unlawful harassment or discrimination and a legal claim is made.

Bullying may also occur at the same time as unlawful discrimination and unlawful harassment and may also be a breach of work health and safety laws. Complaints regarding bullying are dealt with separately to unlawful discrimination and unlawful harassment.

If you have an unlawful discrimination or unlawful harassment complaint, this will be dealt with in accordance to the Grievance Policy.

A workplace bullying complaint will be dealt with in accordance with the Workplace Bullying policy.

4.2 PEOPLE MANAGER OBLIGATIONS

People managers and supervisors should take all reasonable steps to ensure that your workplace is free from all forms of discrimination and harassment. For example:

- Lead by example, and ensure that you do not engage in unlawful discrimination and harassment
- Ensure that your employees and contractors are familiar with, and understand their obligations under this policy
- Intervene promptly and appropriately where inappropriate behaviour is witnessed or reported by your team members. This may include referring the matter to Team & Culture (HR) where appropriate.



- If escalation to HR is required, take note of any information relating to the incident which you witnessed, or had reported to you, and reach out to team.culture@psion.com.au or a Team & Culture (HR) representative.
- Assist in the informal resolution of problems and complaints.

5 DISCIPLINARY ACTION

Disciplinary action, up to and including termination, may be taken against any employee or contractor who is found to have committed acts of unlawful discrimination and unlawful harassment.

On referral to Team & Culture (HR), the HR representative will investigate the matter, including contacting any team members named as part of the complaint, to gather information and in order to make a determination on the correct course of action.

Depending on the outcome of that investigation, a decision will be made as to whether the conduct requires further investigation (internal or third party), disciplinary action, or other means of resolution is to be employed.

6 MENTAL HEALTH SUPPORT

PSION have partnered with an Employee Assistance Provider (EAP) to ensure team members needing help receive meaningful support:

WISDOM WELLBEING

- Available to all employees and their immediate family members
- Free 24/7 confidential helpline, with trauma-informed counsellors

For more information refer to our **Mental Health and Mental Health Leave Policy**, or contact your people manager can guide you on available services.

7 GENERAL

This Policy summarises some of the rights and obligations which are created by the legislation. This Policy is not intended to go beyond the legislation. The Policy is not a term of any contract, including any contract of employment and does not impose any contractual duties, implied or otherwise, on the Company.



This Policy may be varied from time to time.

8 CONTACT INFORMATION

For further information, clarification or assistance with any details in the above policy, please contact [Team & Culture \(HR\)](#).