



HOLIDAY COAST TRANSPORTATION SERVICES PTY LTD ABN 95 081 941 844

ADDRESS: 11 HI TECH DRIVE, TOORMINA NSW 2452

ADMINISTRATION

PHONE: (02) 6658 6522

FAX: (02) 6658 8279

EMAIL: info@coffstaxis.com.au

BOOKINGS

PHONE: 131 008 or (02) 6690 9600

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WEB: www.coffstaxis.com.au

HARASSMENT POLICY – Created 27/02/2019 last updated 25/03/2019

The objective of this harassment policy is to ensure the health, safety and welfare of Holiday Coast Transportation Services personnel, contractors, consultants, clients, visitors, passengers, Drivers, Operators and the general public at large.

This document contains and expands upon information contained within Holiday Coast Transportation Services (HCTS) Code of Conduct Policy, particularly (however not limited to) points 4.11 – 4.16.

HTCS will not tolerate harassment. Unlawful harassment is defined under federal and state legislation, as any form of behaviour where a person is made to feel intimidated or humiliated because of a characteristic(s) e.g. race or sex as specified under anti-discrimination or human rights legislation.

What is Harassment?

1.1 **Harassment** is any form of behaviour that is not wanted and:

- (a) humiliates someone;
- (b) offends another person; or
- (c) intimidates another person.

1.2 Usually harassment is ongoing or a series of events. However, just one act can constitute harassment.

1.3 **Sexual harassment** is also behaviour that is not wanted and of a sexual nature. The following examples may constitute sexual harassment:

- (a) sexual innuendos;
- (b) offensive jokes;
- (c) unwanted or unnecessary physical contact;
- (d) displaying offensive material such as displaying magazines or phone pictures of a sexual nature;
- (e) making intrusive enquiries into someone's private life (for example, Questions like "do you have sex with your boyfriend often?")
- (f) staring or leering;
- (g) unnecessary familiarity, such as deliberately brushing up against someone or



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unwelcome touching (for example, touching someone's arm or leg);

- (h) insults of a sexual nature (for example, an insult like "If you were my daughter I wouldn't let you go out dressed like that")
- (i) inappropriate statements about your own private life;
- (j) sending sexually explicit emails or text messages;
- (k) requests for sex or repeated unwanted requests to go out on dates; and
- (l) behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

1. Zero Tolerance for Bullying, Harassment and Discrimination

- 1.4 The Network has a zero-tolerance policy for bullying, harassment and discrimination and will treat all instances of unreasonable behaviour very seriously.
- 1.5 Without limiting the zero-tolerance policy which applies for all Stakeholders, Drivers and Operators must not:
 - (a) harass or bully passengers, members of the public or other Stakeholders;
 - (b) swear in the presence of passengers or other Stakeholders;
 - (c) behave in a manner which is unprofessional, disrespectful, aggressive, threatening or abusive toward passengers, members of the public or other Stakeholders;
 - (d) discriminate against a passenger, any member of the public or any Stakeholder for any reason including race, age, sex, religion, sexual orientation, appearance, and physical or mental impairment or political membership including by:
 - (i) refusing to transport a passenger;
 - (ii) making any discriminatory (or otherwise derogatory) comments toward a passenger or other person (including another Stakeholder);
 - (iii) treating a passenger or other person (including another Stakeholder) unfairly on discriminatory grounds.
 - (e) make any unwanted advances whether of a sexual nature or otherwise toward a passenger or other person (including another Stakeholder) including by making sexual innuendos, offensive jokes, unwanted or unnecessary physical contact, displaying offensive material, or making intrusive enquiries into a person's private life



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or undertaking any of the conduct referred to above at paragraph 4.12).



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1.6 Most complaints about sexual harassment in the taxi industry relate to the actions of male Drivers in respect to female passengers. Unfortunately, some men hold abhorrent views about female passengers such as:

- (a) “if she is wearing a short skirt – she is asking for sex”;
- (b) “who would let their daughter wear an outfit like that – she must be a whore”;
- (c) “I am an attractive man and some of my passengers want to have sex with me rather than pay the fare”; or
- (d) “There is nothing wrong in having sex with a drunk girl – she shouldn’t have had so much to drink”

If you hold any of these views, the Network does not want you driving a taxi affiliated with our Network. In fact, we do not want you driving a taxi at all.

2. Dealing with Bullying Harassment and Discrimination

- 2.1 If any Stakeholder feels that they have experienced or witnessed bullying, harassment, discrimination or other unreasonable behaviour and they are not comfortable dealing with the problem themselves, or their attempt to do so has not been successful, the Stakeholder must report the issue (preferably in writing) promptly to the Network.
- 2.2 If the Network receives any complaint about bullying, harassment, discrimination or unreasonable behaviour (including from a passenger) or a representative of the Network observes such behaviour, the Network will follow the procedures outlined:
 - (a) for Drivers: in the Driver’s Service Agreement; and
 - (b) for Operators: in the Network By-Laws,

and the conduct may result in the party ceasing to be affiliated with the Network;

- 2.3 For Employees and Officers: a person will be appointed by the Network to investigate. All affected parties will be able to state their case and all relevant information collected will be considered before a decision is made. The result may be a verbal or written reprimand or the transfer, demotion or dismissal of the person engaging in the bullying, harassing, discriminating or otherwise unreasonable behaviour.
- 2.4 Subject to type of conduct alleged, the matter may also be referred to the police.



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- 2.5 All complaints and reports will be treated in strictest confidence. Only those people directly involved in resolving the complaint (or where relevant, law enforcement) will be advised of information relevant to them and the resolution of the complaint;
- 2.6 There will be no victimisation of the person making a genuine report in good faith or helping to resolve the complaint.
- 2.7 Complaints made maliciously or in bad faith may result in action against the Stakeholder making that complaint.
- 2.8 If the complaint has not been substantiated (or cannot be substantiated), the Network may still take appropriate action to address any issues relevant to the matter.

Driver to Passenger/ Driver to Driver Harassment is considered to be (but not limited to), any of the following:

1. Staring or leering in a sexual manner.
2. Unwelcome wolf whistling.
3. Comments about a person's physical appearance or sexual characteristics.
4. Sexual or physical contact, such as slapping, kissing touching, hugging or massaging.
5. Displaying or circulating sexual material, for example on a noticeboard or by E-mail.
6. Repeated sexual invitations when the person has refused similar invitations before.
7. Initiation ceremonies involving unwelcome sexually related behaviour.
8. Intrusive questions about sexual activity.
9. Sexual assault (also a crime under the Crimes Act).

Sexual harassment is against the law wherever and whenever it occurs. HCTS will not tolerate sexual harassment in the workplace or in any work-related contexts such as meetings, conferences, work functions, business trips or when driving for HCTS.

Sexual harassment is not related to mutual attraction or consensual relationships which are considered a private matter. Sexual harassment does not have to be repeated or continuous to be against the law.

Many people find it difficult to speak up. All employees, agents, contractors, service providers, management and staff are responsible for their own behaviour. If you think the behaviour may be considered offensive, then don't undertake such behaviour. HCTS' harassment policy applies to all levels of staff (Directors, Management, General employees, Contractors and to any person or organisation that is elected to represent us in provision of our day to day business (including but not limited to staff of external service providers).



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Internal management are to undertake the following to ensure correct complaint handling and resolution of any and all instances of reported harassment and or sexual harassment:

- A. Take down complaint in-line with the complaints register on official HCTS complaints form.
- B. Investigate and interview all parties concerned with the matter.
- C. Refer individuals to (and or directly liaise with) police and other external groups with high-level oversight and understanding of harassment and sexual harassment, e.g. Australian Human Rights Commission.
- D. Determine (as per section 2 of this document) if the complaint falls under section D of the Notifiable Occurrences and if so lodge information with Commissioner of p2p accordingly.
- E. Analyse the particular occurrence in-line with the HCTS Harassment Policy, if required amend policy where updates can be made to reduce future events of a similar nature, amend and update the HCTS risk assessment plan accordingly.

HCTS will ensure that staff and management (CEO and Fleet Supervisor) who have responsibilities in relation to the policy are fully aware of it and are properly trained to deal with such complaints.

Complaints can be made in both an informal and formal manner and are encouraged to be supplied in writing. All complaints will be acknowledged in writing within 24 hours of receipt by management.

Both male and female managers are available as a "contact person" to assist drivers, passengers and internal/administrative staff and or passengers who feel they have been bullied or harassed and to guide them as to how the issues might be best handled and resolved.

All employees are made aware that they also have responsibilities in the creation of and the contribution to the maintenance of a workplace free from bullying, harassment and sexual harassment.

Communication of the policy is deemed essential. There is no point in having a policy if the employees don't know about it. The policy can be communicated to employees by way of newsletters, training manuals, training courses, leaflets, websites, workplace posters, regular emails updates and by placing the policy in hardcopy in accessible places around the physical work premises.

HCTS strives to deal with the aftermath of a complaint adequately and timely and if necessary, will seek guidance from an occupational health expert, Anti-discrimination board of NSW, Australian Human Rights Commission, third party counselling service providers and or other relevant government and independent organisations with expert insight into harassment and particularly sexual harassment.

HCTS endeavours to deal with allegations of work-related bullying, harassment or sexual harassment as quickly as possible without jeopardising a fair, unbiased and thorough investigation process. Research



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has proven that delays and postponements can lead to additional grievances and can exacerbate the initial complaint.

HCTS continually monitors the effectiveness of the policy. The policy will be updated by key management personnel to reflect changes in the workplace, to consider experiences in implementing the policy and to keep up to date with legislative changes.

Harassment and Sexual Harassment policies are included and assessed within the HCTS risk management plan. These policies form part of the full day training program, held upon initial induction process for new members of HCTS.

Practical steps and appropriate personal conduct/behaviour required to uphold a harassment free environment includes the following:

Physical:

- 1) Always keep your hands to yourself.
- 2) Avoid involvement in any sort of physical activity.
 - a. If an individual requires assistance and before engaging in any physical contact, confirm verbally with the customer that you will be physically assisting them – be conscious and aware of others personal space.
- 3) Don't take advantage of a drunk or sleeping passenger or attempt to move them or access their personal property (pockets, wallets, handbags, backpacks etc).
- 4) Always treat all passengers with respect.

Visual:

- 1) Avoid looking at a passenger's body.
- 2) Maintain eye contact while talking to passengers when safe to do so (e.g. not while vehicle is in motion).
- 3) Drivers must not display offensive material of a sexual nature (such as but not limited to: magazine or print articles, or digital mobile phone pictures).

Verbal:

- 1) Avoid saying anything unnecessary.
- 2) Avoid making comments/compliments on individual's appearances.
- 3) Do not engage in conversations of a sexual nature.
- 4) Do not make jokes of an offensive or sexual nature.
- 5) Do not make intrusive enquiries into a passenger's sexual orientation or private life.

HCTS maintains complete confidentiality when conducting investigations into claims of harassment and encourages any individual who believes they have been a victim of harassment to approach senior management with their concerns.

HCTS Management whom are responsible for the handling of complaints and policy/procedures directly related to the Harassment and Sexual harassment policy (CEO and Fleet Manager) are required to report such matters to the Transport Commissioner of point to point via the industry portal with intent to:



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- A. Approved managers with access to the p2p industry portal are to provide details notifying the Commissioner of p2p of the occurrence and the contact details of the manager completing the reporting form and also of the complainant.
- B. Provide the date and time the occurrence happened, not the date and time HCTS was advised of the occurrence.
- C. Provide a clear and complete description of the circumstances and outcomes of the occurrence based on the information available at the time of the notification. Include a description of the chain of events and specific information appropriate to the occurrence category.
- D. Describe any factors that may have contributed to the occurrence, or any other qualifying information if available at the time of notification.
- E. Describe any actions taken to reassess the risk and prevent a reoccurrence.

This policy is made freely available within the HCTS workplace in hard copy. Copies are available at the HCTS admin office and within the drivers pay-in room in a prominent and accessible place.

External parties (passengers included) can access this policy from the policy and procedures section of the Coffs Harbour Taxis website (www.coffstaxis.com.au). Individuals are invited and encouraged to report any instance or interaction with drivers, base staff or management, should they feel that they have been a victim of harassment or sexual harassment. Complaints and concerns should be forwarded to info@coffstaxis.com.au.

3. Responsibilities of HCTS

This policy will be assessed and updated as required or, on an annual basis (additional training to be undertaken if and when updates are made) to meet requirements of HCTS obligations and responsibilities to staff and passengers In-line with the Sexual Discrimination ACT 1984.

All staff, drivers and affiliated service providers will be retrained on an annual basis and updated with required documents, policies and or procedures upon any adjustments therein. The harassment policy forms part of the Staff induction training checklist and driver onboarding checklist to ensure all members of HCTS and providers have been made aware of the current policy and associated procedures.

Additionally, service providers must ensure (so far as is reasonably practicable), to adhere to the policies and procedures outlined within this document. This includes workers who are engaged or caused to be engaged whilst conducting duties for a service provider on behalf of HCTS.

Supervisors and managers are empowered and expected to act to prevent and address issues that could be discrimination, harassment and bullying. This includes:

- Early intervention, which relates to actions taken to prevent discrimination, harassment and bullying and promote a harmonious and respectful workplace.



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- Informal resolution - the process for dealing with grievances at a local informal level by the supervisor or manager.
- Formal grievances, which generally relate to serious issues where it is possible that disciplinary action, could result from the investigation. The supervisor or manager's role is to support the complainant during this process in conjunction with reporting to all relevant industry and government bodies, including NSW Police.

All complaints of sexual harassment are to be included in and archived according to the HCTS complaints register and complaints management system.

Supervisors and managers have a special responsibility to inform staff members when their behaviour may be in breach of policies and address any potential issues at the earliest opportunity. The outcome of early action is a safe and harmonious workplace that potentially avoids more formal processes in the future and is proactively applied by management as part of ongoing risk management updates.

Senior management have additional responsibility to support, inform and guide all complainants from initial submission of complaint through to completion/resolution. Support in the form of guidance and resources are to be made available to all complainants, pooled from but not limited to the Australian Human Rights Commission and NSW Anti-Discrimination Board, NSW Police and affiliated agencies e.g. crimestoppers.com.au additional support from local private counselling agencies is available. These resources will be updated as necessary and or when new resources become available.

NSW Anti-discrimination Sexual harassment factsheet:

http://www.antidiscrimination.justice.nsw.gov.au/Documents/Harassment-and-sexual-harassment-factsheet_Mar2017.pdf

NSW Anti-discrimination Complaint form:

http://www.antidiscrimination.justice.nsw.gov.au/Documents/complaint_form_Sep_2018.pdf

Australian Human Rights Commission Sexual harassment factsheet:

<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/know-your-rights-sex-discrimination-and-sexual-harassment>

Australian Human Rights Commission complaint form:

<https://www.humanrights.gov.au/complaints/make-complaint/complaint-form>

Crimestoppers.com.au report lodgement page:

<https://www1.police.nsw.gov.au/cs.aspx>

Local counselling services are available to individual victims of harassment via counselling provider "Inter relate": <https://www.interrelate.org.au/programs/counselling-for-individuals>



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