

Equal Employment Opportunity

POLICY AND PROCEDURE

1. Purpose

To eliminate and ensure absence of discrimination, harassment, and bullying. To promote equal employment opportunities (EEO), including fair access to workplace opportunities and benefits and recruitment based on merit, to groups and individuals who may have been disadvantaged in the past such as; women; people from religious or racial minorities; people with disabilities; older workers; and younger workers.

2. Scope

This Code applies to all employees, agents and contractors (including temporary contractors) of the business (Workers). This policy may be changed from time to time. The policy does not form part of any contract.

3. Legislation

Discrimination in employment is legislated against at a state and federal level

- Age Discrimination Act 200
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Fair Work Act 2009
- Anti-Discrimination Act 1977 (NSW)
- Workplace Gender Equality Act 2012 (when and if applicable)

4. Definition

Unlawful Discrimination: refers to discrimination on any grounds specified by the state and federal acts listed above.

Direct Discrimination: is treating someone unfairly or unequally, based on personal characteristics (actual or

presumed) of a group or category of people to which they belong.

Indirect Discrimination: is where the application of a workplace practice, procedure, policy, system, rule or requirement that is the same for everyone has an unequal or disproportionate effect or result on groups of people. For example, staff are promoted based on longevity in the organisation, thus discriminating against younger employees indirectly.

Equal Employment Opportunity: is based on the merit principle and is a right to fair and unbiased conduct, practices and decisions in all employment related activities.

Merit Principles: people are to be assessed according to their skills, abilities, qualifications. Experience and standard of work performance relevant to the duties of the nominated position or training and development opportunity, disregarding any personal characteristics which are irrelevant to the position or training and development opportunity.

Affirmative Action: is taking positive steps to overcome or remedy past disadvantage and prevent future disadvantage. It is a way of gaining equal employment opportunity for target groups.

5. Procedure

1. Discrimination

1.1 As a general principle we should treat everyone with fairness, dignity and respect.

1.2 You are required to conduct yourself in a way that is not harassing or discriminatory to others. What this means is,

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you should not harass or otherwise treat someone differently or less favourably because they:

- (a) come from a different background, including their race, skin colour, nationality, descent, ethnic, ethno-religious or national origin;
- (b) have different religious beliefs, affiliations, convictions or activities;
- (c) are male, female or otherwise do or do not identify with a particular gender or combination of genders;
- (d) are married or not married or have a particular relationship status;
- (e) are or are not pregnant or might be pregnant; (f) are or are not homosexual, transsexual, bisexual or otherwise identify with a particular sexual preference/orientation;
- (g) have carers' responsibilities, family responsibilities, carer or parental status or are childless;
- (h) have any disability/impairment, including physical, mental and intellectual disability;
- (i) breastfeed;
- (j) are or are not a particular age;
- (k) have or do not have particular physical features;
- (l) are from a particular profession, trade, occupation or calling; (m) have, hold or undertake particular political beliefs, opinions, affiliations, convictions or activities;
- (n) are or are not a member of a trade union;
- (o) have the right to take or have taken action that is legitimately associated with their trade union membership;
- (p) have particular workplace rights or entitlements, including the right to make a complaint or inquiry in relation to their employment;
- (q) have a medical record that is not relevant to their employment;
- (r) have a criminal record that is not relevant to their employment (including spent convictions);
- (s) have or do not have human immunodeficiency virus (HIV) and/or acquired immune deficiency syndrome (AIDS);
- (t) have the need to take leave for the purposes of Defence services; or
- (u) past or present association (i.e. association with a Worker who has one or more of the attributes for which discrimination is prohibited).

2. Sexual Harassment

2.1 As a general principle we should assume that any behaviour at work (or in connection with work) that is of a sexual nature is unlikely to be conduct that is acceptable or welcome.

2.2 You are required to conduct yourself in a way that avoids conduct of a sexual nature.

2.3 Examples of sexual harassment include, but are not limited to:

- (a) physical contact such as pinching, touching, grabbing, kissing or hugging;

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(b) staring or leering at a Worker or at parts of their body;
(c) sexual jokes, comments or conversations about sexual matters;

(d) requests for sex or 'sexual favours';

(e) persistent requests to go out, where they are refused;

(f) displays of offensive material such as posters, screen savers, internet material etc;

(g) accessing or downloading sexually explicit material from the internet; (h) suggestive comments about a Worker's body or appearance; or

(i) sending rude or offensive emails, attachments or text messages.

3. Bullying

3.1 Workplace bullying is repeated, unreasonable behaviour by one or more Workers, against another Worker or Workers and where that behaviour creates a risk to health and safety.

3.2 The behaviour:

(a) need only have happened more than once and might be different behaviour; and

(b) will be unreasonable if a reasonable Worker would view the behaviour as unreasonable.

3.3 Even if you did not intend to engage in bullying behaviour it can still be bullying. What is not bullying?

3.4 We understand that you might feel pressure and concern if:

(a) you are subject to a process or having performance related discussions with your manager. However, this is not bullying so long as you are being given reasonable performance goals, standards and deadlines;

(b) you are being rostered and allocated working hours in a fair and reasonable manner;

(c) you are not selected for a promotion, following a fair process; or

(d) you are being disciplined for any reason in an objective and confidential way.

6. Rights and Responsibilities

6.1 Workers should be aware that they can be held legally responsible for their unlawful conduct.

6.2 Workers who aid, abet or encourage other Workers to behave in a manner contrary to the law, can also be legally liable

7. Failing to Comply with this policy

7.1 Outcomes for failing to follow this policy include performance management, counselling, warnings and in the worst cases, dismissal/termination

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