

## 1 Purpose

KHA is committed to providing a safe, flexible and respectful environment for staff members and clients free from all forms of discrimination, bullying, sexual harassment and workplace violence.

All KHA staff members are required to treat others with dignity, courtesy and respect.

By effectively implementing our Equal Employment Opportunity Policy we will attract and retain talented staff members and create a positive environment for our people.

## 2 Scope

This Policy applies to:

- all staff (refer to definition below)
- how KHA provides services to clients and how it interacts with other members of the public
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- on-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever staff members may be as a result of their KHA duties
- staff member’s treatment of other staff members, of clients, and of other members of the public encountered in the course of their KHA duties.

This Policy is subject to all relevant legislation.

This Policy may be reviewed, varied, added to or withdrawn by KHA at any time in its absolute discretion.

Whilst all employees, consultants and contactors must comply with any obligations set out in this Policy, the Policy (and any amendments to it) does not form part of any person’s contract of employment or independent contractor agreement (as the case may be).

## 3 Definitions

Abbreviations, acronyms and specific words are defined in the table below.

Term	Meaning
Staff	<ul style="list-style-type: none"> <li>• Employees (full-time, part-time &amp; casual)</li> <li>• Consultants</li> <li>• Contractors</li> <li>• Interns</li> <li>• Volunteers</li> <li>• Board members</li> <li>• Committee members</li> <li>• Any person not described above who acts on behalf of KHA, while they are acting for or impacting KHA</li> </ul>
Direct Discrimination	Occurs when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law.
Indirect Discrimination	Occurs when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

Term	Meaning
Harassment	A form of discrimination, and may consist of unwelcome, offensive, abusive, belittling or threatening behaviour directed to another person because of one of the protected grounds or attributes listed in this policy.
Bullying	Bullying consists of unreasonable behaviour directed towards a person that creates a risk to their mental or physical health and safety.
Victimisation	Subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.
Vexatious	Action which is brought, regardless of its merits, solely to harass or otherwise inconvenience another person.

#### 4 Staff member rights and responsibilities

All staff members are entitled to:

- recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- work free from discrimination, bullying and sexual harassment
- the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All staff members must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- complete training as provided by KHA from time to time
- treat everyone with dignity, courtesy and respect.

#### 5 Additional responsibilities of managers and supervisors

Managers and supervisors must also:

- model appropriate standards of behaviour
- take steps to educate and make staff members aware of their obligations under this policy and the law
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- help staff members resolve complaints informally
- manage/escalate complaints as per the Grievance Handling Procedure
- ensure staff members who raise an issue or make a complaint are not victimised

- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- seriously consider requests for flexible work arrangements.

## 6 Unacceptable workplace conduct

Discrimination, bullying and sexual harassment are unacceptable at KHA and are unlawful under the following legislation:

*Sex Discrimination Act 1984 (Cth)*

*Racial Discrimination Act 1975 (Cth)*

*Disability Discrimination Act 1992 (Cth)*

*Age Discrimination Act 2004 (Cth)*

*Australian Human Rights Commission Act 1986 (Cth).*

Staff members (including managers) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

## 7 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

**Directly**, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

**Indirectly**, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

Protected personal characteristics under Federal discrimination law include:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

## **8 Bullying**

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is unacceptable at KHA.

## **9 Sexual harassment**

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- 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.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff members and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

KHA recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff members and volunteers to respect other people's limits.

## **10 Victimisation**

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

## **11 Occupational Violence**

Occupational violence refers to any incident in which a worker is physically attacked or threatened in the workplace, including any statement or behaviour that causes them to believe they are in danger of being physically attacked. The term 'occupational violence' applies to all forms of physical attack on workers, including:

- Striking, kicking, scratching, biting, spitting or any type of direct physical contact,
- Pushing, shoving, tripping, or grabbing;
- Throwing objects;
- Attacking with any type of weapon; and
- Any form of indecent physical contact.

Violence in office workplaces can be perpetrated by co-workers (including managers, supervisors or employers), customers (e.g. in a reception area), people known to the organisation or employee, or a stranger such as an intruder.

Workplace violence will not be condoned by KHA and serious disciplinary consequences, including summary dismissal may apply for offences. Furthermore, violent acts will be reported to the police for further investigation.

The Grievance Handling Procedure should be followed if you experience violence or threats of violence at work, however in a severe instance of violence you are required to immediately remove yourself from the situation and report it to a General Manager.

## **12 Confidentiality**

It is unacceptable for staff members at KHA to talk with other staff members, clients or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

## **13 Merit at KHA**

All recruitment and job selection decisions at KHA will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

## 14 Resolving issues at KHA

KHA strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action. Steps available to you include:

Self Help	If you can, and if it is appropriate, try to resolve the problem directly with the person or people involved.
Informal Assistance	Talk to any manager if you: <ul style="list-style-type: none"> <li>• Are not able to resolve the problem directly</li> <li>• Are not sure how to handle the problem yourself or don't feel comfortable doing so, or</li> <li>• Want to talk about the problem with someone and wish to obtain information about what you can do</li> </ul>
Formal Assistance	If the steps above don't resolve the issue, a formal grievance can be made. You will need to provide exact details of your allegations in writing. This may lead to an investigation within the organisation, which will determine whether your grievance is substantiated. <p>Before you submit your grievance in writing, you can go to see:</p> <ul style="list-style-type: none"> <li>• Your manager</li> <li>• Any manager, or</li> <li>• The Manager of the person you are complaining about</li> </ul>

### 14.1 What to do if a grievance is raised to you?

Please seek advice from an appropriate manager. If you are a manager and need further advice you may speak with any General Manager or the CFO.

### 14.2 What if someone complains about my behaviour to me?

If a staff member raises a complaint directly with you about your behaviour, you should respect their opinion whether or not you agree with the feedback, and appreciate that they are letting you know that they find your behaviour unacceptable so that you can take action. If someone does raise a complaint with you about your behaviour, you should consider monitoring and changing your behaviour, and you must not victimise the staff member making the complaint.

### 14.3 How KHA will respond to your grievance or complaint

KHA has a duty of care and legal responsibility to take reasonable steps to prevent unacceptable behaviour in the workplace. This Policy is an important part of those steps.

If you make a complaint of unacceptable behaviour in the workplace, we will take your complaint very seriously, in line with the Grievance Handling Procedure. The grievance may be investigated and, if substantiated, appropriate disciplinary action may be taken against the offender.

We will take all reasonable steps to ensure that you will not be victimised or treated unfairly for making a complaint provided it is made in good faith. However, if the grievance is found to be vexatious or untruthful, disciplinary action may be taken against the complainant(s), up to and including dismissal.

If you do not agree with the outcome of a formal grievance, you may appeal in writing to the CEO. Refer to the Grievance Handling Procedure for more information.

#### 14.4 Consequences of breaching this Policy

KHA retains discretion to commence disciplinary action for breaches of this Policy. Disciplinary action may include a written warning, counselling, suspension or the termination of a staff member's employment or engagement. We may also refer a breach of this Policy to law enforcement authorities where necessary.

### 15 Document Information

This Policy is adapted from the *Good practice, good business* toolkit issued by the Australian Human Rights Commission.

<b>Document owner</b>	Corporate Services
<b>Creation date</b>	31/05/2016

### 16 Revision History

<b>Issue #</b>	<b>Date</b>	<b>Author</b>	<b>Change</b>
1	31/05/2016	Eugenia Lambis	Initial release
2	25/07/2016	Eugenia Lambis	Section 11 Occupational violence updated in line with Worksafe Victoria / Officewise – A Guide to Health & Safety in the Office publication.