

Equal Opportunity & Anti-Discrimination Policy

1.0 Policy Statement

Womens Housing Company is committed to providing a safe, flexible and respectful environment for staff and clients free from all forms of discrimination, bullying and sexual harassment.

All staff are required to treat others with dignity, courtesy and respect. By effectively implementing our Equal Employment Opportunity & Anti-Discrimination Policy we will attract and retain talented staff and create a positive working environment for staff.

2.0 Scope

This policy applies to:

- Board members
- All staff, including managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers
- How the Company 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 may be because of their duties
- Staff treatment of other staff, of clients, and of other members of the public encountered in the course of their duties.

3.0 Responsibilities

All staff 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 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
- Treat everyone with dignity, courtesy and respect.

3.1. Additional Responsibilities of Managers

Managers and supervisors must also:

- Model appropriate standards of behaviour
- Take steps to educate and make staff 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 resolve complaints informally
- Refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation
- Ensure staff 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.

4.0 Unacceptable Conduct in the Workplace

Discrimination, bullying and sexual harassment are unacceptable at the Company and are unlawful under legislation including:

- 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)

5.0 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). For example, a worker is harassed and humiliated because of their race or a worker is refused a promotion because they are 'too old'.	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.

5.1. Disability Discrimination

The “inherent requirements” of a position are the essential activities that must be carried out to fulfil the purpose of the position. An adjustment is not reasonable if it will impose “unjustifiable hardship” on the employer. In assessing unjustifiable hardship factors to be considered include:

- The nature of the benefit or detriment to be imposed on any person concerned, including the community
- The effect of the employee's disability
- The financial circumstances and the estimated amount of expenditure required to be made by the employer
- The availability of financial and other assistance to the employer

Examples of adjustments that may in some circumstances be reasonable for an employer to make include:

- Changing recruitment and selection procedures. For example, providing a sign language interpreter for a Deaf person or ensuring the medical assessor is familiar with a person's particular disability and how it relates to the job requirements
- Modifying work premises. For example, making ramps, modifying toilets or providing flashing lights to alert people with a hearing loss.
- Changes to job design, work schedules or other work practices. For example, swapping some duties among staff or providing regular meal breaks for a person with diabetes
- Modifying equipment. For example, lowering a workbench or providing an enlarged computer screen.
- Providing training or other assistance. For example, running induction programs for staff with a disability and their co-workers, providing a mentor or support person for a person with an intellectual disability, and including staff with a disability in all mainstream training.

It is not unlawful to discriminate against a person because of their disability where:

- They cannot meet the inherent requirements of the job, even when the employer has made any reasonable adjustments; or
- Providing the person with reasonable adjustments to facilitate their disability imposes an unjustifiable hardship on the employer.

5.2. 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. Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

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.

Any form of bullying is unacceptable in the Company and may also be against workplace health and safety law. The Company has a separate Workplace Anti-Bullying and Anti-Harassment Policy which employees must read and abide by, this deals with bullying and harassment that is not a form of discrimination (ie where not based on a protected personal characteristic).

6.0 Harassment

6.1. 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.

6.2. 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. The Company has a zero-tolerance approach to victimisation.

6.3. Vilification

Vilification is where a person commits a public act which is reasonably likely to offend, insult, humiliate or intimidate another person because of their race, sex, religion, sexuality or sexual identity. Hatred or vilification due to an attribute protected under equal opportunity laws is unlawful. The Company will not tolerate or accept any form of hatred or vilification due to a protected attribute of another person.

Any conduct that can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered a public act. Workplaces can be public places.

The Company may be vicariously liable for staff members found to have engaged in any form of unlawful hatred or vilification. Staff may also be sued personally or prosecuted criminally under Commonwealth or State criminal laws.

Conduct that may constitute vilification can include verbal or written statements or even be the reproduction or distribution of already published information.

Examples include:

- Offensive material on the internet, including e-forums, blogs, social networking sites and video sharing sites
- Offensive comments or images published in a publication such as a leaflet, flyer, internal message board or workplace intranet
- Offensive speeches at public events, work functions or in the workplace
- Abusive comments in any public place, such the workplace, or any other place attended in connection with employment
- In some instances, the reproduction or distribution of already published information around the workplace.

6.4. Decisions based on Merit

All recruitment and job selection decisions at the Company 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.

6.5. Resolving issues

The Company strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed, vilified or victimised to take appropriate action by making a complaint in accordance with the Grievance Handling Policy.

Any staff member who has witnessed any discrimination, bullying, sexual harassment, vilification or victimisation should report this to their manager or other responsible person in the Company or can raise a complaint in accordance with the Grievance Handling Policy.

Related policies and other documents

Employees are encouraged to read this policy in conjunction with other relevant Company policies, including:

Code of Conduct.
Grievance Handling Policy
WHC DEI policy