

POL-12	WIDE BAY GROUP TRAINING SCHEME LTD	Issued: 07/06
Reviewed: 07/08/08	EQUAL EMPLOYMENT OPPORTUNITY POLICY	Approved: 07/06 By: General Manager
Scheduled Review Date: 08/09	Policy Area:	

1. Purpose of the Policy:

To treat people fairly in the context of the realities of the work and legislative environment.

To comply with, and ensure that employees have a broad understanding of the principles of the legislation and principles of equal employment opportunity. Under the Anti-Discrimination Act 1991 discrimination, victimisation, sexual harassment and vilification are unlawful.

To provide a safe and healthy work environment free from discrimination and harassment.

To take reasonable steps to reduce the risk of various liability to WBGT.

To comply with GTA National Standard No 6.

2. Scope:

All employees.

The Anti-Discrimination Act Queensland 1991 applies

http://www.austlii.edu.au/au/legis/qld/consol_act/aa1991204/

Commonwealth Sex Discrimination Act 1984 can also apply for sexual harassment

3. Principles:

Employment related decisions are to be based on objective factors such as the skills, abilities and performance necessary for the job by treating people according to merit.

All employees should be able to work in an environment free of discrimination, victimisation, sexual harassment and vilification. WBGT considers these behaviours unacceptable.

Diversity in the workplace is positive and allows creativity, innovation and improved services that can stem from the differing input and views of people with a variety of backgrounds and life experiences.

Creating equal employment opportunity for traditionally disadvantaged people improves the overall economic status of those groups.

WBGT will comply with the requirements of State and Commonwealth legislation.

4. Practice:

4.1 Equal Opportunity:

An equal opportunity workplace is one where:

- People are treated with dignity and respect;
- People have equal access to jobs, opportunities and careers based on their knowledge, skills and abilities;
- Selection is based on merit, i.e. the best fit between the job and the person;
- Diversity is valued.

Equal opportunity is not:

- Preferential treatment for one group over another;
- Just 'tolerating' people
- Putting people into jobs to which they are not suited or qualified
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The Effect of the Anti-Discrimination Act Qld:

Discrimination in employment on the following grounds or attributes is unlawful:

- sex
- relationship status
- pregnancy
- parental status
- breastfeeding
- age
- race
- impairment
- religious belief or religious activity
- political belief or activity
- trade union activity
- lawful sexual activity
- gender identity
- sexuality
- family responsibilities
- association with someone with an attribute above, or relation to, a person identified on the basis of any of the above attributes.

The following are also unlawful:

- Victimisation because a person has made a complaint, agreed to be a witness or has had a complaint made against them.
- Sexual harassment
- Vilification on the basis of a person's race, religion, gender identity or sexuality.
- Federal anti-discrimination legislation prohibits discrimination on the basis of criminal record, medical record or social origin.

What is discrimination?

Discrimination occurs when someone is treated unfavourably because of an attribute under the Act. Discrimination may involve-

- Making offensive 'jokes' about another worker's racial or ethnic background, sex, sexual preference, age or disability.
- Expressing negative stereotypes about particular groups e.g. "married women shouldn't be working".
- Judging someone on their political or religious beliefs rather than their work performance.
- Using selection processes based on irrelevant attributes such as age, race or disability rather than on skills and merit.

Under Section 14 (1) of the Anti-Discrimination Act which in relation to the **pre-work situation** (recruitment) a person must not discriminate-

- (a) in the arrangements made for deciding who should be offered work; or
- (b) in deciding who should be offered work; or
- (c) in the terms of work that is offered, including, for example, a term about when the work will end because of a person's age; or
- (d) in failing to offer work; or
- (e) by denying a person seeking work access to a guidance program, an apprenticeship training program or other occupational training or retraining program; or
- (f) in developing the scope or range of such a program.

Under Section 15 (1) of the Anti-Discrimination Act which in relation to the **work situation** (in employment) a person must not discriminate-

- (a) in any variation of the terms of work; or
- (b) in denying or limiting access to opportunities for promotion, transfer, training or other benefit to a worker; or
- (c) in dismissing a worker; or
- (d) by denying access to a guidance program, an apprenticeship training program or other occupational training or retraining program; or
- (e) in developing the scope or range of such a program; or
- (f) by treating a worker unfavourably in any way in connection with work.

Note also that a person's motive for discriminating is irrelevant.

Example--

R refuses to employ C into a job to which C is suited and the best applicant on merit. Although C is Chinese, it is not because R dislikes Chinese people, but because R knows that C would be treated badly by other staff, some of whom are prejudiced against Asian people. R's conduct amounts to discrimination against C.

4.2 Sexual Harassment:

What is Sexual Harassment?

Sexual harassment is any form of unwelcome sexual attention. It includes unwelcome touching or other physical contact, remarks with sexual connotations, smutty jokes, requests for sex, or the display of offensive materials such as pictures, posters or computer graphics.

Sexual harassment is against the law wherever and whenever it occurs. WBGT will not tolerate sexual harassment in the workplace or in any work-related context such as conferences, work functions and business trips.

Sexual harassment can be a single incident - it depends on the circumstances. Obviously some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation out, may not constitute harassment if they are not repeated and are polite and respectful.

There is no onus on the person being harassed to say he/she finds the conduct objectionable. Many people find it difficult to speak up. All employees are responsible for their own behaviour. If you think the behaviour may offend, then don't do it!

Sexual harassment has nothing to do with mutual attraction. Such friendships are a private matter.

4.3 Vilification:

What is vilification?

Vilification is behaviour that:

- (a) happens in a public place; and
- (b) incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity.

Workplaces can be considered public places. This means that any conduct which can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered to have happened in a public place. Fines apply to serious acts of vilifications for both the individual and the corporation.

Some examples of vilification are:

- Placing a poster or sticker on the customer service counter which incites others to hate people because of their race, religion, sexuality or gender identity.
- Hate graffiti written on work toilet walls which incites hatred because of race, religion, sexuality or gender identity.
- Wearing of symbols, badges or clothing in the workplace with slogans that incite hatred.
- An employee abusing a person because of their race, religion, sexuality or gender identity in the workplace which encourages others to hate people of that race, religion, sexuality or gender identity.
- A work colleague making a speech in the work cafeteria that incites hatred of people because of their race, religion, sexuality or gender identity.

Vicarious Liability:

Under state anti-discrimination law, WBGT can be liable for discrimination, sexual harassment and/or vilification which happens in the workplace; unless WBGT can show it has taken reasonable steps to prevent it.

Managers and supervisors therefore must ensure that all employees are treated fairly and are not subject to any of these behaviours. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way.

Any reports of discrimination, victimisation, sexual harassment and vilification will be treated seriously and investigated promptly, confidentially and impartially.

Disciplinary action will be taken against anyone who discriminates against, victimises, sexually harasses or vilifies a co-worker. Discipline may involve a warning, transfer, counseling, demotion or dismissal, depending on the circumstances.

What to do if you are discriminated against, sexually harassed or vilified?

There are a number of options listed below. Choose the course of action you feel most comfortable with. Don't ignore discrimination, sexual harassment or vilification, thinking it will go away - it may just get worse.

1. If you are an apprentice or trainee placed with a host employer then contact your Field Officer as the first preference.
2. If you are a WBGT head office employee or a WBGT Field Officer, contact your immediate supervisor as the first preference.
3. Or Contact the General Manager WBGT.
4. Or Contact your trade union for advice.
5. Or Call the Anti-Discrimination Commission Queensland on 1300 130 670 for information about how to make a complaint. The Commission has offices in Brisbane, Rockhampton, Townsville, and Cairns or call the Human Rights and Equal Opportunity Commission in Sydney on freecall 1300 369 711. You might also want to check the Commission's website on www.adcq.qld.gov.au for more information.

You will not be disadvantaged in your employment conditions or opportunities as a result of lodging a complaint.

5. Links:

The following websites can give further information:-

The Queensland Anti-Discrimination Commission
<http://www.adcq.qld.gov.au/index.html>

Australian Human rights and Equal opportunity Commission 'Tracking your Rights'
http://www.hreoc.gov.au/social_justice/tracking/intro.html

Australian Government – Equal Opportunity for Women in the Workplace
<http://www.eowa.gov.au/default.asp>

qa.policies.pol-12 equal employment opportunity