

# Equal Opportunity, Discrimination and Harassment Policy

## At a Glance

Five Good Friends is committed to the prevention of any form of discrimination, sexual harassment or victimisation in the workplace. Five Good Friends considers these unacceptable forms of behaviour and it will not tolerate such behaviour under any circumstances. Five Good Friends can be held vicariously liable for breaches of this policy committed by a worker (employee, volunteer, independent contractor or subcontractor).

All workers have a right to be treated equitably and without harassment occurring in the workplace. All workers have the responsibility to respect the rights of fellow Workers by not taking part in any action that may constitute harassment and by supporting and promoting the achievement of equal opportunity.

## Scope

This policy applies to all workers in their relationships with each other, applicants for employment with the Five Good Friends and persons who have dealings with the Five Good Friends.

## Objective

To provide workers with a clear understanding of the position of Five Good Friends on the recognition and management of equal opportunity, discrimination and harassment.

## Definitions and Examples

- In Five Good Friends equal opportunity means ensuring that employment and workplace policies and practices are based on and operate according to the principle of merit and free from any unlawful discrimination based on:

- race or ethnicity
  - gender
  - national origin
  - marital status
  - sexual preference or lawful sexual activity
  - age
  - disability or impairment
  - infectious disease status
  - industrial activity
  - physical features
  - pregnancy
  - family responsibilities
  - religious beliefs
  - political conviction
  - breastfeeding, and
  - gender identity.
- Direct discrimination occurs when a person is treated less favourably than another, simply because of a personal characteristic or status unrelated to job performance, such as those listed above.
  - Indirect discrimination occurs when a policy or requirement which at first glance seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group, such as those listed above.
  - At law, unlawful harassment includes some things that might not be perceived to be harassment, such as the creation of a work environment that is generally hostile to a person or group of people with particular characteristics.
  - Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances that are likely to make a person feel offended, humiliated or intimidated. It does not require an intention to harass and does not require the recipient to ask for the behaviour to stop. Sexual harassment is unwelcome or unreciprocated behaviour. It is not mutually accepted behaviour, e.g. harassment does not usually include genuine compliments or mutually acceptable physical contact.
  - Discriminatory harassment is a recognised form of discrimination that occurs when a person is harassed because of characteristics such as disability, gender, race and age (or any of the other grounds outlined above).
  - Victimization occurs when a person is treated unfairly or less favourably because of making or intending to make a complaint of sexual harassment or discrimination.
  - Examples of behaviour that can be sexual harassment or discriminatory harassment include:
    - acting towards, or speaking to a person in a manner that threatens or vilifies that person

- making jokes, suggestive comments or offensive gestures related to a person's race, colour, ethnic origin, disability, gender or sexual characteristics
- distribution or display of material (including through e-mail) that may be offensive, such as sexually explicit posters or pictures, racist or sexist jokes or cartoons
- persistent questions about a person's private life personal comments about appearance, size, clothing demands for sexual favours, either directly or by implication unwanted and deliberate physical contact; and indecent assault other criminal offences.

## Policy Statement

- We believe that people perform more productively in an environment that is free from discrimination.
- We are an equal opportunity employer.
- We are committed to ensuring that factors relating to a person's ability to perform their responsibilities, and to develop in their employment, are paramount in the decisions about a person's work.
- We are also committed to ensuring that employment practices are free from any unlawful discrimination based on a person's association (including as a relative) with someone who has one of the characteristics listed above.
- We are committed to providing an environment that is free from sexual harassment and from harassment on the discriminatory grounds listed above.
- While Five Good Friends does not intend to intervene in the personal relationships of staff, it does have a proper concern where harassment:
  - creates an intimidating, hostile or offensive working environment
  - adversely affects an individual's work performance
  - adversely affects an individual's employment or promotion prospects
  - results in resignation or unfair dismissal, and
  - reflects on the integrity and standing of the organisation.
- Five Good Friends will ensure that all workers are treated fairly and equitably and are not subject to discrimination, victimisation or harassment. Any concerns can be discussed privately and confidentially with the following Contact Officers - Human Resources Manager or Chief Operating Officer.
- All workers must appreciate that raising an allegation of harassment, discrimination or victimisation against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences both personally and professionally for the other party. The Company will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

- Use of the Grievance Policy to deal with issues of harassment, victimisation or discrimination is not mandatory. If an employee decides not to raise the issue in the manner outlined in this policy or by seeking external help, Five Good Friends expects that this will be the end of the matter. In particular, the employee must not seek to progress the issue informally, e.g. allowing the matter to be the subject of innuendo or gossip, harassing the other party, etc. Breach of this aspect of the policy may attract disciplinary sanctions.
- We encourage the internal resolution of complaints:
  1. If you feel comfortable doing so, you should first advise the other person, verbally or in writing, in a direct or firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour. You can speak with a Contact Officer who can assist with this step or suggest other options. It is suggested that you keep diary notes of all incidents with names, dates, witnesses and any response you make in respect to the incidents.
  2. Speak with a Contact Officer about the incident(s). The Contact Officer will discuss options for stopping the harassment. This may involve nominating an internal Conciliator who will first discuss and clarify the allegations with the relevant parties and then attempt to find a suitable and appropriate resolution. The Conciliator is the Human Resources Manager.
  3. If either party is unhappy with the progress of the complaint or the resolution, they can request the Five Good Friends to appoint an independent investigator.
  4. Both parties will be afforded natural justice. This means that:
    - complaints will be investigated promptly
    - the allegations will be put to the alleged perpetrator
    - each party will be given the opportunity to express their version of events, and
    - the alleged perpetrator will be treated as innocent unless the allegations are proven.
  5. If the complainant is dissatisfied with progress or resolution of the matter, they can lodge a complaint with Fair Work Australia.
    - All file notes relating to the complaint will be kept in limited access files available only to Contact Officers and Conciliators dealing with particular complaints.
    - Workers involved in a harassment or discrimination complaint may also be offered professional support services such as the Employee Assistance Program.
    - This practical approach not be suitable for every case and Contact Officers may suggest more applicable resolution procedures.
    - Any person who has been found to have harassed, discriminated against or victimized another person may be disciplined. The discipline will be

appropriate to the severity of the offence but may involve warning or dismissal.

- Similarly, any person found to have made a complaint that is vexatious or based on facts that the complainant ought to reasonably believe to be untrue will also be subject to disciplinary sanction.
- Mitigating factors such as personal circumstances, disciplinary and work history and work performance will be taken into account in determining the appropriate disciplinary measures to be adopted.

## References and Related Documents

### Five Good Friends

- Grievance Policy

### External

- Equal Opportunity Act 2010 (Vic)
- Sex Discrimination Act 1984 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Australia