



CORP007 - Human Rights & Equal Opportunity Policy



Dept/Service: (EC)
Corporate

Version:2.006021
Issued:26/06/2007

Stage: Issued

Objective:

Education Centre Gippsland Ltd (ECG) is committed to providing an environment free from harassment and discrimination, where all board members, employees, students, clients and visitors are treated with dignity, value, courtesy and respect. We promote Human Rights in which help us to recognise and respect that fundamental worth in ourselves and in each other.

Scope:

All ECG operations

Policy Statement:

Our Policy is in keeping with the objectives of the Equal Opportunity Act 1995 & the Human Rights & Equal Opportunity Commission Act 1986, which are:

1. to promote recognition and acceptance of everyone's right to equality of opportunity;
2. to eliminate, as far as possible, discrimination against people by prohibiting discrimination on the basis of various attributes;
3. to eliminate, as far as possible, sexual harassment;
4. to provide redress for people who have been discriminated against or sexually harassed.

ECG's Board and Management are committed to ensuring that;

- our working environment is free from harassment and discrimination of any kind,
- adequate measures are in place to prevent harassment and discrimination from occurring,
- complaints of harassment and discrimination, should any be made, are managed effectively.

Harassment and discrimination are unlawful and will not be tolerated under any circumstances. Disciplinary action will be initiated against any employee or board member who engages in harassment of any form in relation to any ECG staff & board, students, clients or visitors.

DEFINITIONS:

Discrimination:

Under federal and state legislation unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin; sex, pregnancy or marital status; age; disability; religion; sexual preference; membership of a trade union activity; or some other characteristic specified under anti-discrimination or human rights legislation.

Our Education and Employment services have criteria's (eligibility criteria / pre-requisites) which govern the course or programme that we offer. Under the Victorian

Equal Opportunity Act 1995, this is not deemed to be discrimination.

Discrimination can be direct or indirect. **Direct discrimination** includes actions that result in a person or group being treated less fairly than others on the basis of stereotyped beliefs or views.

Indirect discrimination includes rules, practices or policies which appear to be non-discriminatory and equally applicable, but operate in such a way that certain groups of people are excluded without just cause.

The following are some (but not all) grounds for discrimination.

- Gender
- Criminal record
- Parental status
- Age
- Intellectual and/or Physical disability
- Medical condition
- Pregnancy
- Race
- Family responsibilities
- National or ethnic origin
- Impairment
- Colour
- Political beliefs & activities
- Trade Union membership
- Social origin
- Religion

(Age Discrimination Act 2004, Disability Discrimination Act 1992, Racial Discrimination Act 1984, Human Rights & Equal Opportunity Commission Act 1986)

Sexual Harassment:

Under federal and state legislation unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. It can also happen if someone is working in a 'hostile' - or intimidating - environment.

The intention or motive of the alleged harasser is not relevant when determining whether the behaviour was unwelcome. Sexual harassment focuses on how the conduct in question was perceived and experienced by the recipient rather than the intention behind it. The unwelcome behaviour need not be repeated or continuous. A single incident can amount to sexual harassment. Sexual harassment is a legally recognised form of sex discrimination.

Examples of Sexual Harassment include:

- uninvited touching, kisses or embraces;
- smutty jokes or comments;
- requests for sex or making promises or threats in return for sexual favours;
- displays of sexually graphic material;
- "flashing" or sexual gestures;
- sex-based insults, taunts, teasing or name-calling;
- unwelcome physical contact such as massaging a person without invitation or deliberately brushing up against them;
- stalking
- sexually explicit conversation
- persistent questions or insinuations about a person's private life;

- repeated invitations to go out after prior refusal;
- offensive phone calls, letters or e-mail messages;
- staring or leering at a person or at parts of their body;
- touching, or fiddling with a person's clothing eg lifting up shirts or skirts, flicking bra straps or trouser flies, or putting hands in a person's pocket;

(Sex Discrimination Act 1984)

Disability Discrimination:

The **Disability Discrimination Act 1992** (DDA) makes it unlawful to discriminate against a person because of their disability. The Act also covers people who are relatives, friends, and carers of people with a disability.

Direct disability discrimination happens when a person with a disability is treated less favourably than a person without a disability would be treated in the same or similar circumstances.

Discrimination also happens when there is a requirement or condition or practice that is the same for everyone but has an unfair effect on a particular group of people. This is known as **indirect discrimination**. For example, requiring a deaf employee to attend meetings where no Auslan interpreter is provided to enable them to understand what is being said could be indirect discrimination.

The DDA states that in some circumstances it is not unlawful to discriminate against a person with a disability. For example, where a person cannot perform the inherent requirements of a job it is not unlawful for an employer to not employ the person. However, the employer has to have considered whether the person could perform the requirements of the job with '**reasonable adjustment**' for the disability.

(Disability Discrimination Act 1992)

Racial vilification: When a person, on the ground of the race of another person or class of persons, engages in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons. *(Racial and Religious Tolerance Act 2001, Human Rights & Equal Opportunity Commission Act 1986)*

Religious vilification: When a person, on the ground of the religious belief or activity of another person or class of persons, engages in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons. *(Racial and Religious Tolerance Act 2001, Human Rights & Equal Opportunity Commission Act 1986)*

Workplace Violence & Bullying:

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.

Within this definition:

- "*unreasonable behaviour*" means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise,
- humiliate, undermine or threaten
- "*behaviour*" includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening
- "*risk to health and safety*" includes risk to the mental or physical health of the employee

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:

- verbal abuse
- excluding or isolating employees
- psychological harassment
- intimidation
- assigning meaningless tasks unrelated to the job giving employees impossible assignments
- deliberately changing work rosters to inconvenience particular employees
- deliberately withholding information that is vital for effective work performance

This list is not exhaustive. Other types of behaviour may also constitute bullying.
(*Prevention of Bullying and Violence at Work – Worksafe Victorian publication Feb 2003*)

Quality Document References:

CORP008 - Access & Equity: Policy -(EC) Corporate

CORP009 - Student / Client Complaints & Appeals: Policy -(EC) Corporate


References to Standards:

Cmwlth Disability Act:Disability Services Act 1986 **0:** Various sections

EO Act 1995:Equal Opportunity Act 1995 **0:** Equal Opportunity Act 1995

HRaEOC Act 1986:Human Rights & Equal Opportunity Commission Act 1986 **0:** Human Rights & Equal Opportunity Commission Act 1986

OH&S Act 2004:Occupational Health & Safety Act 2004 **0:** OH&S Act 2004

Template: tpc/dknetgrp1.asp **Author:**  Tanya Hayes **DocId** 13816 **Session:** 258532652 **Next Review:** 6/08/2009
Thread: 13596
Created : 26/06/2007 **Completed :** 26/06/2007 **Authorised :** 26/06/2007 **Reviewed:** 6/08/2008 **Issued :** 26/06/2007

Keywords: sexual harassment discrimination eeo equal opportunity bullying violence victimisation human rights sex age disability racial race