



POLICIES & PROCEDURES

Policy Title	Equal Opportunity in Employment (EEO)
Date	August 2008
Superseded Policy Dated	July 2007
Authority	CEO
Responsibility	Company Secretary
Related policies, topics and supporting documents	Grievance Procedure

PURPOSE

ASFA is committed to the elimination of practices and beliefs in the workplace that impinge on the equal employment opportunity of any individual. This includes discrimination and harassment in any form. ASFA provides advice and support for those who feel they may be discriminated against or harassed.

ASFA will not tolerate any breaches of this policy and will take appropriate disciplinary action with any staff member or agent who breaches this policy. Our aim is to ensure that:

- all staff can work in an environment which is free of discrimination (other than where specifically legislated by Acts of Parliament)
- all decisions in relation to recruitment, promotion and development are based on an individual's merit, including a person's level of competency, ability, skill, qualification/s and experience
- all ASFA policies, procedures, and publications are in accordance with equal opportunity principles and that all staff are educated on the general goals and philosophy of equal opportunity, together with the rationale for ASFA policies and practices
- we establish and maintain effective mechanisms to deal with complaints concerning discrimination and sexual harassment has established procedures for dealing with grievances. Please see ASFA's Grievance Procedure

GROUNDINGS FOR DISCRIMINATION

If you treat someone less favourably on any of the following grounds you are discriminating against them directly: ASFA will act to eliminate and ensure the absence of prohibited direct and indirect discrimination on the following grounds:

- sex
- age
- compulsory retirement
- transgender
- marital status
- pregnancy or potential pregnancy
- family responsibilities

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- race
- ethnic origin
- sexual preference
- political or religious belief
- intellectual or physical impairment
- disability or medical condition
- carer's responsibility

DEFINITIONS OF DISCRIMINATION

Discrimination in the workplace has many guises, some obvious and some not so obvious. A simple explanation of discrimination is where a person is treated less favourably than others because of a particular characteristic or is required to comply with conditions that disadvantage the person.

The practice of discrimination in the workplace can take the form of **direct** or **indirect** discrimination.

Direct discrimination is where certain behaviour, actions or activities occur which are based on assumptions about a person's particular personal characteristics, for example when a person with a particular characteristic is treated less favourably than a person without that characteristic. An example is not giving a job to the best applicant because you think that the person is homosexual or if they have a foreign accent. Direct discrimination does not have to be intentional or deliberate.

Indirect discrimination is a little more difficult to identify but occurs when you impose a condition, which on the surface, may not appear to be discriminatory, but when implemented, has the result of disproportionately excluding or favouring a particular group of staff. ASFA would have to be able to demonstrate that the requirement is job related, otherwise it could indirectly discriminate against a group and be treated as unlawful. For example, minimum height requirements may discriminate against women or people from some racial or national backgrounds. If the rule or requirement is reasonable and necessary to undertake a particular task, its application will not amount to indirect discrimination.

ASFA, through its Board of Directors and its Chief Executive, is liable for breaches of the Anti-Discrimination Act.

DEFINITION OF HARASSMENT

Harassment or victimisation of staff members on any of the grounds listed below and sexual harassment by ASFA staff members or contractors is formally condemned by the Board of Directors of ASFA. Harassment creates an offensive, intimidatory or hostile environment and is contrary to ASFA employment policies.

As defined by legislation, harassment is any form of behaviour that:

- you do not want
- offends, humiliates or intimidates you; and targets you because of your sex, pregnancy, race, age, marital status, homosexuality, disability, transgender (transsexual) status or carers' responsibilities



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- sexual harassment is behaviour you do not want and where a reasonable person would have expected you to be offended humiliated or intimidated

Depending on the circumstances, the following kinds of behaviour may be harassment and are unacceptable to ASFA.

- material that is racist, sexist, sexually explicit, homophobic (anti-gay) and so on that is displayed in the workplace, circulated on paper or by email, or put on a computer or fax machine or on the internet, or in someone's workspace or belongings
- verbal abuse or comments that put down or stereotype people because of their sex, pregnancy, race, age, marital status, homosexuality, disability, transgender status or carers' responsibilities
- offensive jokes based on sex, pregnancy, race and so on
- offensive gestures based on sex, pregnancy, race and so on
- ignoring, isolating or segregating a person or group because of their sex, pregnancy, race and so on
- staring or leering in a sexual manner
- sexual or physical contact, such as slapping, kissing, touching or hugging;
- intrusive questions about sexual activity
- sexual assault (also a crime under the Crimes Act);
- unwelcome wolf whistling
- repeated sexual invitations when the person invited has refused similar invitations before
- initiation ceremonies that involve unwelcome sexual, sexist, racist and so on behaviour.

GRIEVANCE HANDLING

When prevention fails, the grievance handling procedures can assist in helping resolve complaints of discrimination quickly and confidentially. ASFA has established a system for handling grievances by persons who feel they have been discriminated against, or denied equal employment opportunity or fair treatment by ASFA.

Members of staff who have complaints relating to matters of discrimination or harassment in the workplace should utilise ASFA's Grievance Procedure.

This policy has been developed in accordance with the objectives of the New South Wales Anti-Discrimination Act 1977, and federal anti-discrimination legislation which comprises Sex Discrimination Act 1984, the Racial Discrimination Act 1975, the Affirmative Action (Equal Opportunity for Women) Act 1986, and the Disability Discrimination Act 1992.

Further information regarding discrimination and harassment can be found at www.hreoc.gov.au