

# FOWSP's Equal Opportunity Policy

## PURPOSE

FOWSP is committed to ensuring our organisation is free of discrimination and harassment. FOWSP is dedicated to providing a pleasant working environment and encouraging good working relationships between all staff and members.

## POLICY

This policy applies to all FOWSP staff, members and other volunteers.

FOWSP expects that all staff, members and other volunteers will:

- Be treated with respect and fairness.
- Work in a place free from all forms of harassment and discrimination.
- Have all workplace grievances addressed promptly by the committee or other nominated person.

## Breach of this Policy

Discrimination, bullying and all inappropriate behaviours outlined below is contrary to FOWSP's policy and is unlawful. Breaches of this policy will be taken very seriously and may result in disciplinary action being taken against the alleged perpetrator up to and including termination of employment in case of staff or expulsion in case of members.

Staff and members should also be aware that they are responsible for their own actions and that claims of discrimination, harassment, victimisation and vilification may be brought against them.

## DEFINITIONS

### 1. **Discrimination** - is treating people less favourably because of their -

- Sex
- Pregnancy or potential pregnancy
- Race (including colour, nationality, descent, ethnic or ethno-religious background)
- Religion
- Marital status
- Disability (actual or presumed; current past or future; physical intellectual or psychiatric disability or long-term illness)
- Age
- Homosexuality (actual or presumed)
- Transgender status (actual or presumed)

**2. Direct Discrimination** - occurs when a person or group is specifically excluded from or have significantly reduced chances of gaining a benefit or opportunity.

**3. Indirect Discrimination** - is a requirement (a rule, policy, practice or procedure) that is the same for everyone but has an effect or result that has an unequal or disproportionate effect or result on particular groups unless this type of requirement is "reasonable having regard to all of the circumstances".

**4. Harassment** - is behaviour that is unwanted, unwelcome, intrusive, offends, embarrasses or frightens someone. It is either sexual or targets them because of their race, ethno-religion, sex, pregnancy, marital status, disability, age, homosexuality or transgender. It may range from unpleasant comments to physical violence. Harassment can be directed towards an individual or a group of people.

**5. Workplace Bullying** - is repeated, unreasonable behaviour directed toward a person or a group of people that could reasonably be considered to be humiliating, intimidating, threatening or demeaning to a person or group of people, which creates a risk to health and safety. Bullying can be seen as psychological violence and/or physical violence, and can include:

- Persistent and repeatedly aggressive behaviour that makes someone feel victimized, intimidated or humiliated
- Any physical abuse
- Repeated verbal abuse, including yelling, screaming, personal comments, offensive language, sarcasm
- Vindictive, offensive, cruel or malicious behaviour.
- Removal of status and authority if it's being done in an underhand or devious manner
- Repeatedly having impossible deadlines, workload or pressure; being given meaningless tasks; being set up to fail
- Persistent nit-picking, unjustified criticism, constantly being 'singled out' or targeted for practical jokes or gossip
- Gender or racial discrimination, sexual harassment
- Deliberately being ostracized, isolated or ignored
- Frequently withholding important information or resources or supplying the wrong information and resources
- Having personal belongings, tools or equipment hidden or tampered with
- Initiation practices

**6. Unreasonable Behaviour** - means behaviour that a reasonable person, having regard to the circumstances, would see as victimising, humiliating, undermining or threatening. It includes direct and indirect types of behaviour. Reasonable management action undertaken properly is not unreasonable behaviour. (Refer to explanation below).

**7. Repeated** - refers to the persistent or ongoing nature of the behaviour, not the specific type of behaviour. Behaviour is considered 'repeated' if an established pattern can be identified. It may involve a series of diverse incidents - for example verbal abuse, deliberate damage to personal property and intimidation and frequently withholding important information or resources.

**8. Racial and religious vilification** - refers to a behaviour that encourages others to hate, disrespect, or abuse a person or group of people because of their race or religion.

This includes spoken, written, online or physical behaviour towards a particular race or religious group that encourages others to ridicule them, be hateful or violent towards them, damage their property, or make false claims against them.

It is also against the law to give permission or help someone to vilify others, for example by publishing or distributing information about them.

Some behaviour may not be vilification, if it is reasonable and done in good faith, such as publishing a media report about racist behaviour. Some comments or jokes about a person's race or religion may not be vilification, but they could still be discriminatory if they happen in one of the eight areas of public life covered by the law, such as at work.

**9. Victimisation** - is subjecting or threatening to subject someone detrimentally 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.

For example, a worker is refused a promotion and told that it is because their complaint of bullying last year showed that they were not a team player.

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.

FOWSP has a zero tolerance approach to victimisation. Anyone who believes they have been victimised is required to immediately report the matter to the manager (staff) or committee nominated person (member).

**10. Gossip** - Gossip about equal opportunity problems or complaints is unacceptable. It is not appropriate for staff to talk with other staff members or associates, about any equal opportunity complaint, whether it is theirs or anyone else's.

Gossip is likely to reinforce a problem, create new problems (for example, victimisation) and make it harder to solve the original issue.

Staff with a problem, concern or complaint are encouraged to resolve it as quickly as possible according to methods outlined in the grievance procedures of FOWSP's Constitution.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

## **11. What is Not Bullying (Staff)**

It is important to distinguish between a person reasonably exercising their legitimate authority at work in a proper and reasonable way, and instances of bullying. Managers and supervisors have a broad range of responsibilities including directing and controlling how work is performed. They are responsible for monitoring workflow and providing feedback to employees on their work performance.

Feedback provided properly with the intention of assisting staff to improve performance or behaviour does not constitute bullying.

Examples of reasonable management action include:

- Performance management processes
- Action taken to retrench an employee

- A decision not to provide a promotion in connection with an employee's employment
- Disciplinary actions
- Allocated work in compliance with systems and policies
- Managing an employee's injury or illness
- Business processes, such as workplace change.

Examples of behaviours that are not bullying, if undertaken in a reasonable and proper way, include:

- Expressing differences of opinion
- Constructive and courteous feedback, counselling or advice about work-related behaviour and performance
  - Making a complaint about a manager's or another employee's conduct.

## 12. **What is Not Bullying (members)**

It is important to distinguish between a volunteer or member reasonably co operating at work in a proper and reasonable way and instances of bullying.

Feedback provided properly with the intention of assisting *a smooth workflow and safe working environment* does not constitute bullying.

Examples of reasonable action include:

- Disciplinary actions
- Allocated work in compliance with systems and policies
- Managing an member's/volunteer's injury or illness
- Work processes, such as workplace change.

Examples of behaviours that are not bullying, if undertaken in a reasonable and proper way, include:

- Expressing differences of opinion
- Constructive and courteous feedback, counselling or advice about work-related behaviour and performance
- Making a complaint about a manager's or another member's/volunteer's conduct.

## **ACCOUNTABILITIES**

### **FOWSP Responsibilities:**

This policy will be published on FOWSP's web site.

### **Manager and Committee member Responsibilities:**

Manager and member/volunteer are responsible for:

- Role-modeling non-discriminatory behaviour and practices within the organisation at all Times
- Responsibly acting upon any behaviour within the FOWSP environment that may be construed as discriminatory or sexual harassment
- Confidentially dealing with any grievances or complaints that a staff, member or volunteer may come to them about
- Appropriately recording all matters according to the EEO procedure.

### **Staff and member/volunteer Responsibilities:**

Staff and member/volunteer are responsible for:-

- Conducting themselves in non-discriminatory manner at all times in the workplace
- Not tolerating any form of harassment or discrimination and for notifying the manager or committee member as circumstances arise
- Attempting, (wherever practical) to amicably resolve any personal harassment or discrimination matter with the individual or group of people involved, prior to notifying the manager or Committee member
- Understanding, respecting and applying FOWSP's Equal Employment Opportunity Policy and the bullying, harassment and discrimination prevention principles.

### **Reporting Discriminatory Behaviour, Harassment or Bullying**

Any staff or member, who believes that they have been subject to actions that may be discriminatory or that constitute unwelcome sexual or physical harassment or bullying, should act upon this behaviour as soon as possible.

In the first instance the aggrieved person should, wherever practical, attempt to amicably resolve the matter with the person involved.

Where the alleged behaviour involves the employee's manager or it is not practical for the employee to directly resolve the matter, they shall immediately notify a Committee Member who will follow the prescribed grievance process from FOWSP's Rules.

In addition the Equal Opportunity & Human Rights Commission may be contacted at any time for independent advice. Initially inquiries may be directed to:

Enquiries Officer

Victorian Equal Opportunity & Human Rights Commission 3/204 Lygon Street CARLTON VIC 3053

Website: [www.humanrightscommission.vic.gov.au/](http://www.humanrightscommission.vic.gov.au/) Phone: 1300 891 848 TTY: 1300 289 621