

## **EQUAL EMPLOYMENT OPPORTUNITY, DISCRIMINATION & WORKPLACE BEHAVIOUR POLICY**

This document contains abbreviated policies regarding:

**Equal Employment Opportunities  
Workplace Behaviour  
Discrimination  
Harassment & Bullying  
Grievance  
Alcohol & Drugs**

### **1. ADAPS COMMITMENT**

At Adaps, we are committed to ensuring a workplace free of unlawful discrimination and harassment. This means that Adaps will attempt to ensure through all policies, practices and procedures that there is no form of unlawful discrimination or harassment and that all employees enjoy equal access to employment and related opportunities and benefits.

This policy applies to all matters of employment including, but not limited to, recruitment, selection, placement, transfers, performance review, promotions, training and development, and separations. It also applies to all aspects of remuneration practices, benefits and all other conditions of employment within Adaps.

Discrimination and harassment, as defined by the Federal and State legislation, is not only unlawful but is totally unacceptable within Adaps. Anyone found engaging in acts of this nature will face disciplinary procedures that could result in termination of employment.

### **2. ADAPS OBJECTIVES**

ADAPS objectives are:

- to ensure all employees are treated fairly, equitably and with respect
- to have a work environment free from unlawful harassment, discrimination or bullying
- to maintain the company's current values of integrity and caring
- to fully utilise and develop the skills, abilities and potential of every Adaps employee
- to keep all policies and procedures consistent with EEO principles
- to augment employee morale and motivation by increasing staff confidence in the equity of our human resource practices and access to employment opportunities, and
- to ensure achievement of our objectives through our EEO program
- to implement an accessible process for employees to identify concerns about behaviour in the workplace, either because the behaviour is affecting them personally, or because of its affect on others or the workplace more generally
- to implement a procedure for dealing with any complaints of inappropriate workplace behaviour that is:
  - clear;
  - easily used;
  - understood by all staff;
  - fair to everyone involved;
  - timely;
  - protective of the confidentiality of everyone involved;
  - without any negative consequences for the person making a genuine complaint.

- to achieve standards of conduct in the workplace that are consistently high and in accordance with this Policy.
- have all its employees aware both of their obligations to their co-workers and their right to work in an environment that achieves the above objectives.

### **3. LEGISLATION**

The relevant Federal legislation applicable to this policy is:

- Equal Opportunity for Women in the Workplace Act 1999
- Human Rights & Equal Opportunity Commission Act 1986
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Workplace Relations Act 1996
- Defence Reserve Service (Protection) Act 2001

The relevant State legislation applicable to this policy:

- Anti-Discrimination Act 1977 (New South Wales)
- Equal Opportunity Act 1995 (Victoria)
- Anti-Discrimination Act 1991 (Queensland)
- Equal Opportunity Act 1984 (South Australia)
- Racial Vilification Act 1996 (South Australia)
- Equal Opportunity Act 1984 (Western Australia)
- Criminal Code Chapter XI - Racist Harassment and Incitement to Racial Hatred (Western Australia)
- Spent Convictions Act 1988 (Western Australia)
- Discrimination Act 1991 (Australian Capital Territory)

### **4. DEFINITIONS**

#### **Equal Employment Opportunity (EEO)**

EEO is a positive way of describing the absence of unlawful discrimination within the workplace. EEO aims to ensure people are not discriminated against on the basis of certain characteristics such as race, colour, sex, religion, political opinion, national extraction or social origin, medical record, irrelevant criminal record, impairment, marital status, pregnancy, age, sexuality, transgender status, family or carer responsibilities or membership of any lawful organisations.

#### **Special Measures and Equal Opportunity**

State and Federal legislation enables employers to implement programs that are aimed at addressing the barriers to or in employment faced by particular groups. Such programs are referred to as "special measures". Along with the *Equal Opportunity for Women in the Workplace Act 1999* ("the EOWW Act"), these laws encourage employers to reduce the incidence of the types of discrimination that limit employment opportunities for particular groups.

The EOWW Act requires larger employers, including Adaps, to develop an equal opportunity for women in the workplace program and to report annually on this program. When developing the program Adaps is required to review the composition of its workforce, analyse the workforce and workplace to identify and set priorities for dealing with issues facing women, and create a plan of action.

Where barriers or potential barriers are identified that affect other people in the workplace, Adaps will consider these issues and determine the most appropriate actions to address these issues.

**Activities**

The Managing Director has overall responsibility for this policy, whilst day-to-day operation of the policy is the responsibility of each Department Manager. All managers and staff are requested to actively apply the same ingenuity, dedication and effort in applying the principles of Equal Employment Opportunity.

The EEO Program will include:

- issuing this policy statement;
- undertake the activities required under the EOWW Act;
- reviewing all 'People' policies and procedures to ensure that areas of discrimination are eliminated;
- setting objectives and forward estimates for the program;
- reporting annually on the program to management and staff, monitoring program results and recommending policy initiatives to address concerns;
- monitoring recruitment, selection, promotion and remuneration practices to ensure that discrimination is eliminated;
- actively encouraging suitably qualified and competent people to apply for vacant positions;
- actively querying areas where qualified or interested employees are not included in meetings/discussions/courses or training and development opportunities;
- ensuring that all internal and external communications, particularly recruitment advertising, reflect principles of equality and do not reinforce stereotyped behaviour or roles.

**5. RESPONSIBILITIES**

The responsibility for implementing EEO at Adaps lies with every line manager, and all employees are responsible for contributing to a working environment free of discriminatory practices.

The Managing Director has been appointed the company's EEO Officer and is responsible for the following:

- ensuring that equal employment opportunity is implemented;
- overseeing the content and direction of the company's equal employment opportunity programs;
- training employees on EEO and related issues;
- keeping the senior management group up to date with legislative changes and requirements;
- reporting to the Equal Opportunity for Women in the Workplace Agency on the company's program under the EOWW Act.

All employees are responsible for the following:

- avoiding acting in a discriminatory or harassing manner to co-workers, customers, clients or managers;
- advising the Managing Director of any issues or incidents that they consider may create discriminatory barriers in the workplace or could be harassment.

## **6. WORKPLACE BEHAVIOUR POLICY**

At Adaps, we are committed to a workplace free of harassment and discriminatory behaviour.

Through this policy, Adaps prohibits behaviour that constitutes unlawful harassment, discrimination, bullying or otherwise unwelcome behaviour.

Harassment is a particular form of discrimination. It is not only offensive and unacceptable, it is also unlawful under laws at both Federal and State levels. Federal and State legislation protect the individual against harassment and oblige the company to take action to stop harassment if it occurs in the workplace.

Harassment can lead to both the offending employee and the company being exposed to costly litigation and compensation payments to the victim. **Harassment is totally unacceptable at Adaps** and should a case be proven, it could result in the offending person's dismissal.

Managers and more senior staff are to be particularly aware of their obligation to avoid action or behaviour that could reasonably be understood by a less senior staff member as a request for intimacy, a personal relationship or sexual favours.

Adaps also prohibits anyone taking retaliatory action against a person who makes a complaint, be it formal or informal, under this Policy.

Management has a responsibility to provide a working environment that is free of harassment, and are required by law to take all reasonable practicable steps to prevent such behaviour. All complaints are to be dealt with promptly, seriously, confidentially and with due sensitivity.

All employees should be aware that if they consider they are being harassed or discriminated against, their manager and the Managing Director should be informed promptly so that investigation and action can be taken if warranted and necessary.

### **What is Discrimination**

**Discrimination** in the workplace is any action or behaviour that results in a person being treated less favourably or having restricted access to the benefits of employment because of their race, national or ethnic origin, religious beliefs, gender, pregnancy, sexual preference, sexuality, political affiliation, disability, age or other personal characteristic. The actions or behaviours include:

- excluding a person from workplace or work-related professional or social activities;
- limiting a person's access to opportunities, promotion, transfer, training, or other benefits of employment;
- harassing a person;
- unnecessarily requiring a person to do something they are unable to do.

because of any of the characteristics described above.

**What is Harassment?**

While social interaction, attractions and humour can play a role in the day-to-day exchange between employees, the distinguishing feature about harassment is that it is unwelcome. The legal test for harassment is whether a reasonable person would have anticipated that the person harassed would be offended, humiliated or intimidated by the behaviour.

Harassment can cause the individual enormous stress, which can affect their emotional and physical wellbeing and their work performance. It also creates an unpleasant environment for all those who witness the harassment and share that work environment.

Harassment is any unwanted, unwelcome or uninvited behaviour which makes a person feel humiliated, intimidated or offended because of their race, gender, national or ethnic origin, pregnancy, religious beliefs, sexuality, sexual preference, political affiliation, disability, age or other personal characteristic. It can take many forms, including:

- deliberate physical contact
- verbal or written comments
- innuendo
- propositioning (unwelcome sexual advances or requests)
- stalking or staring
- the display of sexually offensive or gender-biased material
- requests for sexual favours
- the use of a person's position in the Company to seek an intimate or sexual relationship with another employee
- comments or jokes focussing on personal characteristics
- persistent requests for dates
- questioning about a person's personal or sexual activities
- slurs, taunts or name calling
- the display of material that draws a negative or superior distinction on the basis of a personal characteristic
- mimicking of a person's personal characteristics or actions related to those characteristics
- public displays of nudity
- nuisance telephone calls
- interfering with anything relating to a personal characteristics
- the use of electronic media eg. e-mail, internet etc. to access, view, down-load or transmit harassing or offensive information

**What is Bullying**

**Bullying** is behaviour that may or may not be harassment or discrimination, but nevertheless creates a hostile or unpleasant work environment. It includes:

- threatening behaviour,
- unwarranted use of authority,
- use of abusive language,
- physical or verbal intimidation,
- practical jokes or "initiations".

**What should I do?**

If what confronts you could be discrimination, harassment or bullying you should:

- remember that harassment is not only contrary to ADAPS policy, it is unlawful;
- not ignore the harassment as this may be interpreted as tacit consent;
- make it very clear that the behaviour is both offensive and unacceptable to you;
- make a formal complaint to your manager who will take steps to investigate and resolve the situation;
- be open with the person investigating the complaint about what happened so that appropriate action can be taken.

If you witness an incident of discrimination, harassment or bullying, assist the victim by ensuring they are aware of their rights and the proper procedure for making a complaint.

**Making a formal complaint**

You can make a formal complaint to:

- your manager; or
- the Managing Director

You can also consult with the Managing Director for an impartial and confidential discussion and advice on how best to approach the situation. While you may want to try to resolve the problem yourself, Adaps is obliged to ensure that it protects you and other staff from any potential harm and to take appropriate action to address the issues.

Once an employee makes a formal complaint of discrimination, harassment or bullying, the Managing Director must be advised. All "Adaps" management involved will treat the matter as highly sensitive and confidential.

**What will the Company do?**

If harassment is reported, the complaint will be investigated swiftly, and confidentially and will be taken seriously.

If after investigation discrimination, harassment or bullying is found to have taken place, the company will either:

- counsel and formally warn the offender in writing that he / she has been cautioned and their employment may be terminated if it happens again - **even once**;
- or
- in the case of serious harassment or bullying, terminate the employment relationship immediately.

## 7. GRIEVANCE PROCEDURE

### Step One

Employees who feel they have been subject to discrimination, harassment or bullying can, in the first instance, take their complaint to their Manager or the Managing Director who will provide information regarding the options available to the complainant both internally at Adaps, and externally.

At this stage the complaint may be resolved locally by the employee handling it himself or herself (at their request), or by their direct manager. If this is the case, no further action need be taken.

### Step Two

If the complaint remains unresolved, or step one is inappropriate, the employee can make a formal complaint to the Managing Director who will fully investigate the complaint and attempt to conciliate a resolution between parties.

### Step Three

If conciliation at step two is unsuccessful, the Managing Director will make a determination as to whether or not the complaint is substantial, and recommend or take appropriate action.

## 8. DRUGS & ALCOHOL

Adaps provides a work environment, which aims to ensure the health, safety, respect and productivity of its employees. The purpose of this policy is to maintain a work environment that is free from the effects and use of drugs and alcohol and outlines the consequences of breaching this policy.

The use of drugs and alcohol may impair an individual's capacity to perform their job safely, efficiently and with respect for their work colleagues and customers. The use of such substances may result in the risk of injury or a threat to the wellbeing of the impaired employee, other employees, customers or other parties.

Adaps strongly maintains that no employee is to commence work, or return to work while under the influence of alcohol or drugs. Should Adaps determine that an employee is in breach of this policy the conduct and counselling process will be followed.

### Company vehicles

Company vehicles are not to be used by anyone who is under the influence of alcohol or drugs. Adaps will not accept liability for any damage to a company vehicle, injury to any person, or damage or injury to any third party, incurred while the driver of the company vehicle is in breach of this policy or of the law. All liabilities shall rest with the driver concerned.

### Prescription drugs

If you take prescription drugs please check with your doctor to establish if the use of the drug will impact on your work performance or ability to arrive safely at work. If so, please obtain this advice in writing and provide it to your direct manager.