

# CITE Managed Services

## *Equal Employment Opportunity and Anti-Discrimination Policies and Procedures*

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### Equal Employment Opportunity Policy

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#### INTRO

The purpose of this policy is to ensure CITE MS employees are aware of their rights and responsibilities in creating and maintaining a work environment which encourages and respects equal employment opportunity and diversity and is free from discrimination, harassment, victimisation and bullying.

#### LEGISLATION

- Human Rights and Equal Opportunity Commission Act 1986
- Equal Opportunity Act 1984
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

#### SCOPE

This policy applies to all employees and its application extends to workers and other individuals engaged in undertaking work or visiting our premises.

#### PRIORITIES/OBJECTIVES

In Australia, it is unlawful to discriminate against a person based on their sex(gender), race, colour, nationality, age, marital status, physical/mental/intellectual disability, sexual preference, pregnancy, family responsibilities, union membership and religious and political beliefs.

As an organisation, CITE MS is committed to equal employment opportunity and diversity where the rights of individuals are upheld, and everyone is treated with respect, fairness, equity and dignity

CITE MS will endeavour to:

- Provide equality of opportunity for all employees free of discrimination or harassment
- Ensure all aspects of employment, including recruitment, selection, transfer, promotion and access to entitlements will be free from bias and unlawful discrimination
- Acknowledge, respect and embrace the differences arising from diversity
- Continue provide flexible work practices for employees, supporting a balance of work and personal lives

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### ROLES & RESPONSIBILITIES

#### Employees are responsible for:

- Their own behaviour, consistent with the CITE MS's Code of Conduct, and actively preventing discrimination.
- Modelling professional practice that promotes equality and diversity principles and contributes to a productive and harmonious workplace; and
- Not engage in discriminatory or harassing behaviour, actions or communication towards other employees, potential employees, contractors, visitors, volunteers or any other person involved in providing or receiving services.

#### Managers are responsible for:

- Taking all reasonable steps to create a work environment that is free from all forms of discrimination, harassment, victimisation and bullying;
- Modelling leadership practice that promotes EEO/anti-discrimination principles;
- Including EEO/anti-discrimination principles in decision making; and
- Applying and monitoring the progress of strategies and initiatives relevant to EEO/anti-discrimination principles

### Flexible Work Adjustments Guidelines

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A workplace adjustment (also referred to as a 'reasonable adjustment') is a change to a work process, practice, procedure or environment that enables an employee with disability to perform their job in a way that minimises the impact of their disability

Under the Disability Discrimination Act (1992), employers are obligated to make adjustments to accommodate an individual's disability, unless that adjustment would result in unjustifiable hardship.

#### Examples:

- Flexibility in their working hours, such as working part-time or start and finish times.
- Redistributing minor duties (i.e. not inherent requirements of a job) that a person with disability finds difficult to do
- Using equipment like voice-activated software for someone with a vision impairment, an amplified phone for a person who is hard of hearing, or a digital recorder for someone who finds it difficult to take written notes
- Providing additional training, mentoring, supervision and support
- Providing an Auslan interpreter or captioning for a Deaf employee
- Providing increased font size for people with vision impairment
- Providing agendas in electronic formats for people who find it difficult to manipulate pages
- Providing adjustable furniture such as desks, chairs etc. upon request

There are a number of factors to take into account when considering whether an adjustment is reasonable:

- The effectiveness of the adjustment in assisting the employee with disability to perform their job
- The practicality of the adjustment
- The extent of any disruption caused to business operations
- The financial or other costs of the adjustment
- The availability of financial or other assistance to help make the adjustment (e.g. the Employment Assistance Fund)

### Bullying and Harassments Policy

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#### INTRO

CITE MS is committed to providing all employees with a safe and healthy work environment which is free from bullying, as required under the Occupational Safety and Health Act 1984 (OSH Act)

In accordance with the OSH Act, bullying is considered unlawful due to the effect on the safety and health of employees

#### SCOPE

This policy applies to all employees and its application extends to workers and other individuals engaged in undertaking work or visiting our premises.

#### PRINCIPLES

- Bullying can occur between two or more employees, by a manager or a person in authority toward an employee or employees, and can also occur by an employee to a supervisor or manager.
- All employees are responsible for ensuring they do not promote, engage in or ignore bullying behaviour.
- Bullying is behaviour that harms, intimidates, threatens, victimises, undermines, offends, degrades or humiliates an employee or employees, whether alone or in front of co-workers, clients, visitors, and/or customers.
- Managers will lead by example through the display of behaviours that support inclusivity, fairness and positive recognition of the skills and attributes of all employees.
- Bullying may include one or more behaviours, overt and/or covert and may also include violence and aggression. Where bullying involves assault or threat of assault it may become a police matter.
- Some bullying behaviours may also be unlawful under other legislation, e.g. discrimination, sexual and racial harassment

#### EXAMPLES OF OVERT BULLYING BEHAVIOUR

- Abusive, insulting or offensive language;
- Behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling and screaming;
- Inappropriate comments about personal appearance, lifestyle or their family;
- Teasing or regularly making someone the brunt of pranks or practical jokes;

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- Interfering with a person's personal effects or work equipment;
- Harmful or offensive initiation practices
- Isolation of workers from others; and
- Physical assaults or threats.

### **EXAMPLES OF COVERT BULLYING BEHAVIOUR**

- Overloading a person with work or not providing enough work;
- Setting timelines that are difficult to achieve or constantly changing deadlines;
- Constantly setting tasks that are below or beyond a person's skill level;
- Ignoring or isolating a person;
- Deliberately denying access to information, consultation or resources; or
- Unfair treatment in relation to accessing workplace entitlements such as leave or training.

While some workplace bullying involves verbal abuse and physical violence, bullying can also be subtle intimidation.

Workplace bullying can also be carried out indirectly via letters, emails and telephone text messages.

### **WHAT BEHAVIOURS CONSIDERED AS NOT BULLYING**

- The legal right to direct and manage how work is done;
- Monitoring workflow and providing feedback on performance;
- Performance management when it is conducted in a positive and constructive way and does not involve personal insults or derogatory remarks; and

### **REPORTING BULLYING**

Employees wishing to report incidences of alleged bullying are required to follow the process outlined in the CITE Grievance Resolution and Reporting Procedure.

Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially, in accordance with the principles of procedural fairness and natural justice

## Grievance Resolution and Reporting Procedure

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### INTRO

This procedure provides a step-by-step guide for resolving and managing work related grievances and disputes at ABC Ltd.

### GRIEVANCE REPORTING

A workplace grievance is a situation or an official statement by someone involved in the operations the ABC Ltd. Grievances may occur for any of the following reasons:

- Workplace harassment, discrimination or bullying
- Health and safety concerns that have not been addressed in a timely manner
- Worker's, manager's or client's behaviour
- Sudden changes in work or employment conditions that were not communicated ahead of time (salary, workload etc.)

At a first instance, any issues should be attempted to be resolved informally, before a formal complaint is made, if the employee feels comfortable doing so.

### INFORMAL REPORTING

If the employee is not comfortable talking to a person involved directly, they should raise the grievance with a superior not involved in a conflict. This can be done in writing and any verbal statements should be recorded. The Line Manager should meet both parties involved to understand and resolve the grievance informally.

- If the grievance is resolved, the process ends;
- If the grievance is not resolved a formal complaint can be lodged.

### FORMAL REPORTING

The management must form an investigation unit. Involved party must submit a formal response to grievance. Initiator or their representative will review the response and make a decision on whether the issue has been resolved or not.

- If they agree with the proposed solution or formulated response, the process ends;
- If the agreement has not been achieved further steps are required. See the next step.

### APPEALS

If the proposed response or solution is not accepted by the initiator or their representative, an appeal can be lodged. An appeal will involve a Senior Management of the organisation. The process repeats until agreement is reached.

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### **CONFIDENTIALITY**

Any discussions in regard to a grievance must be discussed in private and identity of those involved must not be disclosed to people in the workplace who has no involvement in the conflict as inappropriate release of information may lead to complication of the dispute resolution process



### Sexual Misconduct Policy

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Sexual harassment or violence involving a physical violent and/or coercive component, or threats of physical violence, such as physical molestation or assault, may constitute a criminal offence.

Sexual harassment or violence may be perpetrated or experienced by people of any sexual orientation or gender identity.

Sexual violence may be a single incident or a persistent pattern of unwelcome behaviour.

#### **SEXUAL HARASSMENT INFORMATION**

Sexual harassment is defined in legislation as conduct with a sexual component which is unwelcome, unsolicited and unreciprocated. Conduct with a sexual component includes physical, visual and non-verbal behaviour.

#### Examples of sexual harassment:

- Leering or staring
- Obscene sexual communications in any media including social networking
- Persistent unwelcome invitations, telephone calls, emails or use of other social media platforms
- Sending of sexually explicit emails or text messages
- Sexually suggestive words, gestures or sounds
- Unwanted ongoing declarations of affection or approaches for affection including gifts and/or display of sexually suggestive material
- The use of College computer systems for the retention and distribution of sexually explicit material
- Unwelcome behaviour or conduct of a sexual nature which offends, intimidates, embarrasses or humiliates an individual
- Sexual harassment involving persistent following or stalking, and indecent exposure may be considered sexual assault and possibly a criminal offence

#### Sexual harassment does not include:

- Mutual attraction
- Consensual romantic involvement or friendship

Behaviour may constitute sexual harassment if individual relationships change and non-consensual, unwelcome and unreciprocated behaviours continue.

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### **SEXUAL VIOLENCE INFORMATION**

Sexual Violence comprises of instances of:

- Sexual assault
- Sexual threat

### **SEXUAL ASSAULT**

Sexual assault comprises of unwanted sexual acts or behaviours which an individual did not consent to, or was not able to consent to, through the use of physical force, intimidation or coercion, including but not limited to:

- Aggravated sexual assault (sexual assault with a weapon)
- Attempted rape
- Indecent assault
- Penetration by objects and forced sexual activity that did not end in penetration
- Rape (sexual penetration without consent)

### **INTENT TO COMMIT SEXUAL MISCONDUCT**

Behaviour is considered to be sexual misconduct if an individual harassed is, or has reasonable grounds for believing that rejection, refusal or objection to a request, advance or other conduct will disadvantage them in any way related to their working or domestic environment. Disadvantage also includes the psychological and emotional distress affecting that individual's ability to pursue their usual work and individual activities

### **EMPLOYEE RIGHTS AND RESPONSIBILITIES**

All employees and customers have a right to participate in an environment free from sexual misconduct. Accordingly, all employees must act to prevent sexual misconduct and contribute to maintaining a culture of inclusivity and respect, and to uphold the rights of employees and customers to fair treatment.

### **REPORTING**

Employees wishing to report incidences of alleged sexual harassment or violence are required to follow the process outlined in the CITE Grievance Resolution and Reporting Procedure.

Any reports of workplace harassment in any form will be treated seriously and investigated promptly, confidentially and impartially, in accordance with the principles of procedural fairness and natural justice

If the complaint is found to be vexatious, CITE MS will take action against the complainant in accordance with the provisions of the Employee's Code of Conduct and Fair Work Act 2009.