

EQUAL OPPORTUNITY, DISCRIMINATION AND HARASSMENT POLICY

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1. Overview

Five Good Friends (The Company) is committed to the prevention of any form of discrimination, sexual harassment or victimisation in the workplace. The Company considers these unacceptable forms of behaviour and it will not tolerate such behaviour under any circumstances.

The Company can be held vicariously liable for breaches of this policy committed by an employee or contractor of the Company.

This policy applies to employees, volunteers, independent contractors and subcontractors (collectively, **Workers**) in their relationships with each other, applicants for employment with the Company and persons who have dealings with the Company. All Workers have a right to be treated equitably and without harassment occurring in the workplace. All Workers have the responsibility to respect the rights of fellow Workers, by not taking part in any action that may constitute harassment and by supporting and promoting the achievement of equal opportunity.

2. Equal employment opportunity and discrimination policy

This policy reflects the spirit and intent of federal and state affirmative action and anti-discrimination legislation in Australia, including:

- *Equal Opportunity Act 2010 (Vic)*;
- *Sex Discrimination Act 1984 (Cth)*;
- *Disability Discrimination Act 1992 (Cth)*;
- *Age Discrimination Act 2004 (Cth)*;
- *Racial Discrimination Act 1975 (Cth)*; and
- *Fair Work Act 2009 (Cth)*.

The Company believes that people perform more productively in an environment that is free from discrimination.

The Company is an equal opportunity employer. It is committed to ensuring that factors relating to a person's ability to perform their responsibilities, and to develop in their employment, are paramount in the Company's decisions about an employee's work.

Equal opportunity means ensuring that employment policies and practices are based on, and operate according to, the principle of merit. The Company is therefore committed to ensuring that its employment practices are free from any unlawful discrimination based on:

- race or ethnicity;
- gender;
- national origin;
- marital status;
- sexual preference or lawful sexual activity;
- age;
- disability or impairment, including infectious disease;
- industrial activity;
- physical features;
- pregnancy;
- family responsibilities;
- religious beliefs;
- political conviction;
- breastfeeding; and
- gender identity.

The Company is also committed to ensuring that its employment practices are free from any unlawful discrimination based on a person's association (including as a relative) with someone who has one of the characteristics listed above.

Discrimination can take many forms, some of which are direct or open. Others may be indirect or hidden:

Direct discrimination occurs when a person is treated less favourably than another, simply because of a personal characteristic or status unrelated to job performance, such as gender, race, sexuality, marital status (as listed above).

Indirect discrimination occurs when a policy or requirement which at first glance seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group, such as age, race, family circumstances or gender (as listed above).

3. Workplace Harassment Policy

The Company is committed to providing an environment that is free from sexual harassment and from harassment on the discriminatory grounds listed above.

While the Company does not intend to intervene in the personal relationships of staff, it does have a proper concern where harassment:

- creates an intimidating, hostile or offensive working environment;
- adversely affects an individual's work performance;
- adversely affects an individual's employment or promotion prospects;

- results in resignation or unfair dismissal; and
- reflects on the integrity and standing of the firm.

4. Definitions

At law, **unlawful harassment** includes some things that might not be perceived to be harassment, such as the creation of a work environment that is generally hostile to a person or group of people with particular characteristics.

Sexual harassment, discriminatory harassment and victimisation due to making a complaint are unlawful and amount to discrimination under federal and state antidiscrimination law:

Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances that are likely to make a person feel offended, humiliated or intimidated. It does not require an intention to harass and does not require the recipient to ask for the behaviour to stop. Sexual harassment is unwelcome or unreciprocated behaviour. It is not mutually accepted behaviour, e.g. harassment does not usually include genuine compliments or mutually acceptable physical contact.

Discriminatory harassment is a recognised form of discrimination that occurs when a person is harassed because of characteristics such as disability, gender, race and age (or any of the other grounds outlined above).

Victimisation occurs when a person is treated unfairly or less favourably because of making or intending to make a complaint of sexual harassment or discrimination.

Some examples of behaviour that can be sexual harassment or discriminatory harassment include:

- acting towards, or speaking to a person in a manner that threatens or vilifies that person;
- making jokes, suggestive comments or offensive gestures related to a person's race, colour, ethnic origin, disability, gender or sexual characteristics;
- distribution or display of material (including through e-mail) that may be offensive, such as sexually explicit posters or pictures, racist or sexist jokes or cartoons;
- persistent questions about a person's private life;
- personal comments about appearance, size, clothing;
- demands for sexual favours, either directly or by implication;
- unwanted and deliberate physical contact; and
- indecent assault, rape and other criminal offences.

5. Grievance procedure

The Company is required to ensure that all Workers are treated fairly and equitably and are not subject to discrimination, victimisation or harassment. Any concerns can be discussed privately and confidentially with one of the following Contact Officer:

- Nathan Betteridge – Chief Operations Director

All Workers must appreciate that raising an allegation of harassment, discrimination or victimisation against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences both personally and professionally for the other party. The Company will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

Use of the Grievance Procedure to deal with issues of harassment, victimisation or discrimination is purely voluntary and not mandatory. However, if an employee decides not to raise the issue in the manner outlined in this policy or by seeking external help, the Company expects that this will be the end of the matter. In particular, the employee must not seek to progress the issue informally, e.g. allowing the matter to be the subject of innuendo or gossip, harassing the other party, etc. Breach of this aspect of the policy may attract disciplinary sanctions.

6. Complaint handling guidelines

The Company has established confidential procedures for handling complaints under this policy. These procedures are based on the principle that the rights and privacy of both parties to a complaint should be safeguarded. The Company considers that it is important that any complaint be dealt with as promptly as possible, professionally and with sensitivity. If you have a complaint or a harassment problem, you can speak confidentially to one of the Contact Officers, or contact the relevant agencies for advice:

- ACT Human Rights Commission;
- Anti-Discrimination Board of New South Wales;
- Northern Territory Anti-Discrimination Commission;
- Anti-discrimination Commission of Queensland;
- Equal Opportunity Commission (South Australia);
- Office of the Anti-Discrimination Commissioner (Tasmania);
- Victorian Equal Opportunity and Human Rights Commission;
- Western Australian Equal Opportunity Commission.

The relevant agencies and the Company encourage the internal resolution of complaints if possible. Our internal complaint handling guidelines are as follows:

1. If you feel comfortable doing so, you should first advise the other person, verbally or in writing, in a direct or firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour. You can speak with a Contact Officer who can assist with this step or suggest other options. It is suggested that you keep diary notes of all incidents with names, dates, witnesses and any response you make in respect to the incidents.
2. Speak with a Contact Officer about the incident(s). The Contact Officer will discuss options for stopping the harassment. This may involve nominating an internal Conciliator who will first discuss and clarify the allegations with the relevant parties and then attempt to find a suitable and appropriate resolution. The conciliator/s are:
 - Julia Lawrence – Head of Care and Member Services
3. If either party is unhappy with the progress of the complaint or the resolution, they can request the Company to appoint an independent investigator. If the complainant is dissatisfied with the progress or resolution they can lodge a complaint with the relevant agencies (as listed above). Both parties will be afforded natural justice. This means that:
 - complaints will be investigated promptly;
 - the allegations will be put to the alleged perpetrator;
 - each party will be given the opportunity to express their version of events; and
 - the alleged perpetrator will be treated as innocent unless the allegations are proven.

All file notes relating to the complaint will be kept in specially provided locked files. Only Contact Officers and Conciliators dealing with particular complaints will have access to these files.

Workers involved in a harassment or discrimination complaint may also be offered professional support services such as counselling or medical advice, as appropriate.

These guidelines may not be practical for every case, and you or the Contact Officer may suggest more applicable resolution procedures.

7. Outcome of grievance process

Any person who has been found to have harassed, discriminated against or victimised another person may be disciplined. The discipline will be appropriate to the severity of the offence, but may involve warning or dismissal.

Similarly, any person found to have made a complaint that is vexatious or based on facts that the complainant ought to reasonably believe to be untrue will also be subject to disciplinary sanction.

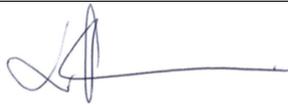
Mitigating factors such as personal circumstances, disciplinary and work history and work performance will be taken into account in determining the appropriate disciplinary measures to be adopted.

8. Further information

Simon Lockyer – Chief Executive Officer
 Julia Lawrence – Head of Care and Member Services

9. Authorisation and Contacts

Equal Opportunity, Discrimination and Harassment Policy Updated August 2017
Date adopted: 28.02.17
Applies to: All Five Good Friends staff, volunteers, contractors, sole traders and others

Director: Simon Lockyer	Signature: 
Date Authorised: 28.02.17	Next Review Date: 28.02.18
Endorsed by: Head of Care and Member Services	