



ABN 61 456 305 396

# Equal Opportunity and Discrimination Policy

## 1. Policy

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- 1.1 This is Plenty Valley Community Radio Inc's (**Plenty Valley FM**) official policy on equal opportunity and discrimination.
- 1.2 Plenty Valley FM recognises that everybody in the workplace has the right to be treated with respect and dignity.
- 1.3 Plenty Valley FM expressly prohibits discrimination in the workplace and in all aspects of work. It is unacceptable and unlawful and may expose the perpetrator and Plenty Valley FM to liability.
- 1.4 This Policy sets out what constitutes discrimination and what you can do if you experience this type of conduct. It also details the complaints procedure which Plenty Valley FM has implemented to seek to ensure that issues of discrimination are dealt with promptly and appropriately.
- 1.5 This policy applies to all individuals who perform work for Plenty Valley FM in any capacity, including:
  - (a) employees, members and directors;
  - (b) contractors, subcontractors and outworkers;
  - (c) apprentices, trainees, students gaining work experience and volunteers; and
  - (d) representatives and agents.
- 1.6 Any reports of discrimination will be treated seriously by Plenty Valley FM. Disciplinary action may be taken against anyone found to have engaged in conduct amounting to discrimination or otherwise breached this Policy.

## 2. What is Discrimination?

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- 2.1 It is unlawful and in breach of this Policy to discriminate against anyone in employment or in providing goods and services on the basis of any of the following attributes:
  - (a) age;
  - (b) breastfeeding;
  - (c) employment activity (making a reasonable request for information or expressing a concern regarding employment entitlements);
  - (d) gender identity;
  - (e) physical or mental disability (including illness);

- (f) industrial activity (union membership or activity);
- (g) lawful sexual activity;
- (h) marital status;
- (i) parental status, family responsibilities or status as a carer;
- (j) physical features (height, weight, size or other bodily characteristics);
- (k) political belief, opinion or activity;
- (l) pregnancy;
- (m) race (including colour, descent or ancestry, nationality and ethnicity);
- (n) religious belief or activity;
- (o) sex;
- (p) sexual orientation;
- (q) irrelevant criminal record;
- (r) personal association (as a relative or otherwise) with a person who is identified by any of the above attributes.

2.2 Discrimination can be direct or indirect (see below).

2.3 Motive is irrelevant to discrimination. It does not matter if you did not intend to discriminate against someone if your conduct is in fact discriminatory.

### **3. Direct Discrimination**

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3.1 Direct discrimination occurs if a person treats or proposes to treat someone with an attribute less favourably because of that attribute.

3.2 The attribute does not have to be the sole or dominant reason for the unfavourable treatment.

3.3 Examples of direct discrimination include:

- (a) a supervisor or manager making comments at a staff meeting that an employee has taken too much leave due to illness;
- (b) allocating particular tasks to an employee or overlooking an employee for training and promotional opportunities because she is female (or male);
- (c) making negative comments about a colleague's race or making racial jokes;
- (d) excluding or isolating an employee due to their religion;
- (e) not allocating particular shifts to an employee who enquires about their employment entitlements;
- (f) not serving a customer due to their disability.

### **4. Indirect Discrimination**

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4.1 Indirect discrimination occurs if a person imposes or proposes to impose a requirement, condition or practice that:

- (a) has or is likely to have the effect of disadvantaging persons with an attribute; and

(b) is not reasonable.

4.2 Examples of indirect discrimination include:

- (a) an unreasonable policy of not letting any staff work part time (which might disadvantage parents and carers);
- (b) unreasonable minimum height requirements for a job (which might disadvantage some races or women).

## **5. Victimisation**

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- 5.1 A person must not victimise another person for making a complaint or being involved in a complaint (e.g. as a witness) of discrimination. Victimisation is unlawful and may expose the perpetrator and Plenty Valley FM to liability.
- 5.2 Any person who victimises another person may be subject to disciplinary action in accordance with this Policy.

## **6. Malicious complaints**

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- 6.1 A person must not make a complaint of discrimination against another person that is malicious, vexatious or knowingly false.
- 6.2 Any person who does so may be subject to disciplinary action in accordance with this Policy.

## **7. What can you do if you experience Discrimination?**

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- 7.1 If you feel that you have been discriminated against on the basis of a relevant attribute, you should not ignore it.
- 7.2 If you feel that you have been discriminated against, you should take the following steps:
  - (a) If you feel comfortable doing so, you may wish to address the issue with the person concerned and request that he or she stops the behaviour in question. If you do not feel comfortable confronting the person directly, you should not feel that you have to do so but it can sometimes be the best way to resolve the issue.
  - (b) If you do not feel comfortable confronting the person directly, or if you confront the person and the behaviour continues, then you should go to one of Plenty Valley FM's Complaints Officers and discuss your complaint. The names and contact details of Plenty Valley FM's current Complaints Officers are as follows:

Sylvia Karalkas    [fsk@netspace.net.au](mailto:fsk@netspace.net.au)    0425 782 401

Tony Hayes    [ahayes45@bigpond.com](mailto:ahayes45@bigpond.com)    0433 712 404

It is a good idea to make a written note about the behaviour including details of the date and time of the incident, what happened and any witnesses.

- 7.3 Complaints of discrimination will generally be dealt with in accordance with Plenty Valley FM's complaint handling procedure which is set out below. Each complaint is different so Plenty Valley FM may apply alternative procedures if necessary in the circumstances of the case.

## **8. Complaints Procedure**

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### ***Step 1: Raising your complaint with the Complaints Officer***

- 8.1 The Complaints Officer is your first point of contact if you have an issue relating to discrimination. Even if you do not know whether you intend to make a formal complaint, a Complaints Officer is available to discuss any issue relating to discrimination with you.

- 8.2 The Complaints Officer will explain the options that are available and the steps that may be taken to address the issue.
- 8.3 If you wish to make a formal complaint, the Complaints Officer may prepare a summary of the complaint. You should review the summary to ensure that you are satisfied that the information which it contains is correct.
- 8.4 Where Plenty Valley FM considers it appropriate, your discussion with the Complaints Officer is confidential and will not be disclosed to any person unless you elect to proceed with a formal complaint.
- 8.5 However, Plenty Valley FM has legal obligations in relation to the prevention of discrimination in the workplace, and in some cases it may be necessary for further action to be taken in relation to the issues raised even if you do not wish to make a formal complaint. This might be necessary, for example, if the issue is particularly serious or widespread.

### ***Step 2: Investigation of the Complaint***

- 8.6 If you make a formal complaint, or Plenty Valley FM otherwise considers it necessary in response to the issues you have raised, a formal investigation may be undertaken.
- 8.7 The function of the investigator is to impartially investigate and resolve complaints.
- 8.8 Depending on the circumstances, the investigation may involve:
- (a) interviewing you, the alleged perpetrator and witnesses;
  - (b) obtaining relevant documents and other evidence;
  - (c) making findings as to whether discrimination or other improper conduct has occurred.
- 8.9 Plenty Valley FM will determine whether an investigation is necessary in each case and the form that the investigation will take.

### ***Step 3: Possible Outcomes***

- 8.10 The possible outcomes will depend on whether a complaint is substantiated and the nature of the complaint.
- 8.11 Where an investigation has found that a complaint is substantiated, disciplinary action may be taken against the person about whom the complaint was made. This may include disciplinary action, up to and including termination of employment or volunteering or reference to the appropriate authorities in serious cases. In less serious cases, other possible outcomes include warnings, counselling, training and similar measures.
- 8.12 If an investigation finds any contravention of clauses 5 or 6 of this Policy, then that person may also be disciplined.

## **9. Further information**

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- 9.1 Further information relating to discrimination may be obtained from one of the Complaints Officers.

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**Prepared with the assistance of HWL Ebsworth Lawyers**