

# Equal Employment Opportunity (EEO) & Anti-Bullying

## 1. PURPOSE

The purpose of this policy is to improve service delivery success by:

- Attracting and retaining the best possible employees, including people from diverse backgrounds
- Providing a safe, respectful, and flexible work environment
- Delivering our services in a safe, respectful, and reasonably flexible way.

Related documents	
Related policies and procedures, how-to task lists, forms, registers, or other organisational documents of The Junction	<ul style="list-style-type: none"> <li>• Grievance/Dispute Resolution Policy</li> </ul>
Other standards	<ul style="list-style-type: none"> <li>• NDIS Practice Standards</li> <li>• National Mental Health Standards</li> <li>• The International Standards for Clubhouse Programs</li> </ul>
Legislation or other requirements	<ul style="list-style-type: none"> <li>• Work Health and Safety Act 2011</li> <li>• Work Health and Safety Regulation 2011</li> <li>• Australian Human Rights Commission Act 1986</li> <li>• Anti-Discrimination Act 1991</li> <li>• Fair Work Act 2009</li> <li>• Fair Work Amendment Act 2013</li> <li>• Sex Discrimination Act 1984</li> <li>• Disability Discrimination Act 1992</li> <li>• Racial Discrimination Act 1975</li> <li>• Bullying in the workplace – Fair Work Ombudsman</li> </ul>

## 2. Scope

This policy applies to all employees, including members, contractors, sub-contractors, volunteers, and other stakeholders. The policy covers all work-related functions and activities such as, but not limited to, recruitment, selection and promotion decisions, external training courses sponsored by The Junction etc.

## 3. Policy Statement

To provide equal employment opportunities and to attract and maintain a diverse workforce. The Junction is committed to ensuring it will not discriminate against a person on prohibited grounds of discrimination. It will; however, consider the principles of affirmative action when recruiting employees to attract employees from a diverse range of backgrounds.

The Junction is also committed to providing a workplace free from discrimination, sexual harassment, and bullying. Behaviours that constitute discrimination, sexual harassment or bullying will not be tolerated and will lead to action being taken, which may include dismissal.

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## 4. Procedures

The following definitions explain the meaning of the terms and the steps that will be followed to avoid any discrimination, sexual harassment, and bullying.

### 4.1 Discrimination, Sexual Harassment and Bullying

#### Discrimination:

**Direct discrimination** occurs when someone is treated unfavourably because of a personal characteristic that is protected under Queensland law.

**Indirect discrimination** occurs when a rule seems neutral. A rule seems neutral but has a discriminatory impact on certain people. For example, a requirement for a job is that all applicants have ten years' experience in the field. (A young person could be well qualified but is ineligible for the job).

**Sexual harassment** includes unwelcome conduct of a sexual nature in circumstances in which it could reasonably be expected to make a person feel offended, humiliated, or intimidated. A reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

The Fair Work Amendment Act 2013 defines workplace bullying as repeated unreasonable behaviour by an individual towards a worker which creates a risk to health and safety. It can include physical or verbal abuse, excluding or isolating employees; or giving employees impossible jobs.

**Equal employment opportunity** legislation provides that it is unlawful to discriminate against a person on certain prohibited grounds of discrimination. Discrimination is unlawful in employment, which includes recruitment during employment and termination of employment.

The Junction provides equal opportunity in employment to people without discrimination based on a personal characteristic protected under state and federal equal opportunity legislation.

Under state legislation such characteristics include:

- Age
- Breastfeeding
- Carer status
- Disability
- Employment activity
- Gender activity
- Industrial activity
- Lawful sexual activity
- Marital status

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- Parental status
- Personal association with someone having any of these characteristics
- Physical features
- Political activity/belief
- Pregnancy
- Race
- Religious activity/belief
- Sex
- Sexual orientation

Any employee found to have contravened this policy will be subject to disciplinary action, which may include dismissal as outlined in the complaint procedure below.

Employees must report any behaviour that constitutes sexual harassment, bullying or discrimination to the Director.

Employees will not be victimised or treated unfairly for raising an issue or making a complaint.

### **4.2 Reasonable Adjustments**

Reasonable adjustments are changes that allow people with a disability to work safely and productively.

The Junction will make reasonable adjustments for a person with a disability who:

- Applies for a job, is offered employment or is an employee, and
- Requires the adjustments to participate in the recruitment process or perform the genuine and reasonable requirements of the job.

Reasonable adjustments can include:

- Reviewing and, if necessary, adjusting the performance requirements of the job
- Arranging flexibility in work hours
- Providing telephone typewriter (TTY) phone access for employees with hearing or speech impairments
- Purchasing screen reading software for employees with a vision impairment
- Approving more regular breaks for people with chronic pain or fatigue
- Buying desks with adjustable heights for people using a wheelchair.

When considering reasonable adjustments, The Junction will weigh up the need for a change with the expense or effort involved in making it. If making the adjustment means a very high cost or great disruption to the workplace, it may be unlikely to be reasonable.

In some cases, The Junction may not be able to accommodate a person with a disability if:

- The adjustments needed are not reasonable, or

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- The person with the disability could not perform the genuine and reasonable requirements of the job even if the adjustments were made.

### 4.3 Lodge a Grievance

If you believe you are being, or have been, discriminated against, sexually harassed or bullied, you may make a complaint using the following procedure:

1. Tell the offender the behaviour is offensive, unwelcome and against business policy and should stop (only if you feel comfortable enough to approach them directly, otherwise speak to the Director). Keep a written record of the incident (s)
2. If the unwelcome behaviour continues, contact the Director for support. If the complaint concerns the Director, contact the Chairperson of the Board
3. Employees may also lodge a complaint with the *Queensland Human Rights Commission (QHRC)*, *The Australian Human Rights Commission (AHRC)*, or the *Fair Work Act 2009*
4. As of 1 January 2014, the Fair Work Ombudsman can receive complaints from workers who believe they have been bullied at work. Further information is available at: [www.fairwork.gov.au/complaints](http://www.fairwork.gov.au/complaints)

Employees should feel confident that any complaint they make will be treated as confidential as far as possible. The *Grievance/Dispute Resolution Policy* (JQS.P6.11) will apply.

The Junction Clubhouse Cairns Ltd (The Junction) – Equal Employment Opportunity (EEO) and Anti-Bullying Policy		
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