



Equal Opportunity Policy

1. Statement of policy

Digital Technologies Geelong is committed to providing a safe, flexible and respectful environment for staff and clients free from all forms of discrimination, bullying, harassment, sexual harassment, and racial and religious vilification.

It is a requirement that all staff treat others with dignity, courtesy and respect. By effectively implementing our Workplace equal opportunity policy we will attract and retain talented staff and create a positive environment for staff.

2. Scope

This policy applies to:

- Board members;
- All staff, including: full-time, part-time or casual, temporary or permanent staff; job candidates; work experience, apprentices, contractors, sub-contractors and volunteers;
- How Digital Technologies Geelong provides services to clients and how it interacts with other members of the public;
- All aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport;
- On-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their duties at Digital Technologies Geelong;
- Staff treatment of other staff, of clients, and of members of the public encountered in the course of their duties at Digital Technologies Geelong.

3. Policy principles

3.1 Staff rights

All staff are entitled to:

- Recruitment and selection decisions based on merit and equity, not affected by protected personal characteristics;
- Work free from discrimination, bullying, sexual harassment, and racial and religious vilification;
- Raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised (see Workplace Complaint Resolution policy and procedure);
- Services and facilities which enable staff with disabilities to achieve equitable access to the work and social life of Digital Technologies Geelong;
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family and carer responsibilities, disability, religion and culture.

Refer *Flexible work arrangements SHRD PR 19* and *Parental Leave SHRD PR 25*

3.2 Unacceptable workplace conduct

The following behaviours are unacceptable at Digital Technologies Geelong and may be against the law. Any staff found to have engaged in such conduct may be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.



Discrimination, bullying, sexual harassment, and racial and religious vilification are unacceptable at Digital Technologies Geelong and are covered by Commonwealth and State legislation.

3.2.1 Discrimination

Discrimination occurs when someone, or a group of people, is treated less favourable than a person or group because of their race, sex, pregnancy, age, disability, religion, sexual preference or other attribute specified under anti-discrimination legislation.

Workplace discrimination can occur directly or indirectly.

3.2.2 Direct discrimination

Direct discrimination is when adverse action is taken against a person or group because of a personal characteristic protected by anti-discrimination legislation such as their sex, race, age or other attribute.

Examples of adverse actions include:

- Terminating an employee
- Not giving an employee legal entitlements such as pay or leave
- Changing an employee's job to their disadvantage
- Treating an employee differently than others
- Not hiring someone
- Offering a potential employee different (and unfair) terms and conditions for their job compared to other employees

3.2.3 Indirect discrimination

Indirect discrimination occurs when you are treated the same as everyone else but you are unable to comply with an imposed work requirement, condition or practice, whether existing or proposed, because of a personal attribute protected by anti-discrimination legislation such as your sex, race, age or other attribute.

Examples of indirect discrimination include:

- Conducting job interviews on the second floor of a building with no lifts. Applicants with a disability that affects their ability to use stairs would be disproportionately affected.
- Company policy requiring all employees to read and write English fluently when this is not an inherent requirement for all jobs within the company.

In this sort of case, if the treatment is not 'reasonable in all the circumstances' it will be indirect discrimination and against the law and our policy.

3.3 Protected personal characteristics

Protected personal characteristics under anti-discrimination legislation in Victoria include:

- A disability, disease or injury, including work-related injury;



- Parental status or carer status, for example because they are responsible for caring for children or other family members;
- Race, colour, descent, nationality, ancestry or ethnic background;
- Age, whether young or old, or because of age in general;
- Sex;
- Employment activity, for example because they ask questions or raise concerns about their rights or entitlements at work;
- Industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- Physical features, such as height, weight, size, hair or birthmarks;
- Religious belief or taking part in religious activity, or not holding a religious belief;
- Pregnancy and breastfeeding;
- Lawful sexual activity;
- Sexual orientation or gender identity, including gay, lesbian, bisexual, transsexual, transgender and heterosexual;
- Marital status, whether married, divorced, unmarried or in a de facto relationship;
- Political belief or political activity;
- An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

A complaint about potentially discriminatory conduct can be made using Digital Technologies Geelong's Workplace Complaint Resolution Procedure, refer *Workplace Complaint Resolution SHRD PR 23*.

3.3.1 Bullying

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to their health (including mental health) and safety.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Behaviours that may constitute bullying include:

- Sarcasm and other forms of demeaning language;
- Threats, abuse or shouting;
- Coercion;
- Isolation;
- Inappropriate blaming;
- Ganging up;
- Constant unconstructive criticism;
- Deliberately withholding information or equipment that a person needs to do their job or access their entitlements;
- The unreasonable refusal of requests for leave, training or other workplace benefits.

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Under the Equal Opportunity Act 2010, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.



Bullying is unacceptable at Digital Technologies Geelong and may also be against Occupational Health and Safety Legislation.

- Refer *SHRD PO 27 Prevention of Bullying in the Workplace*
- Refer *SHRD PR 23 Workplace Complaint Resolution*

3.3.2 Harassment

Harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, sex, sexuality, age, disability; or other protected attribute specified under anti-discrimination legislation that is:

- Not wanted, not asked for, and not returned, and
- Likely to cause a hostile or uncomfortable workplace

Depending on the circumstances, harassment may be a single incident or a series of incidents. It is not necessarily up to the person being harassed to say that behaviour or remarks are offensive and unwelcome.

Harassment that makes the workplace unsafe (including any forms of bullying) may also be against Occupational Health and Safety Legislation.

Some types of harassment, such as sexual assault, stalking and harassing phone calls, are also against criminal law, which means the police may prosecute anyone who commits these acts. Refer *Prevention of Bullying in the Workplace SHRD PO 27 and Workplace Complaint Resolution SHRD PR 23*.

3.3.3 Sexual harassment

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- Comments about a person's private life or the way they look
- Sexually suggestive behaviour, such as leering or staring
- Brushing up against someone, touching, fondling or hugging
- Sexually suggestive comments or jokes
- Displaying offensive screen savers, photos, calendars or objects
- Repeated requests to go out
- Requests for sex
- Sexually explicit emails, text messages or posts on social networking sites.

A single incident is enough to constitute sexual harassment – it does not have to be repeated. Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment.



All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Digital Technologies Geelong recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

A complaint of sexual harassment can be made using Digital Technologies Geelong's Workplace Complaint Resolution Procedure, refer *Workplace Complaint Resolution SHRD PR 23*.

3.3.4 Vilification

Racial and religious vilification is behaviour that encourages others to hate, disrespect, or abuse a person or group of people because of their race or religion.

This includes spoken, written, online or physical behaviour towards a particular race or religious group that encourages others to ridicule them, be hateful or violent towards them, damage their property, or make false claims against them.

It is also against the law to give permission or help someone to vilify others, for example by publishing or distributing information about them.

Some behaviour may not be vilification, if it is reasonable and done in good faith, such as publishing a media report about racist behaviour. Some comments or jokes about a person's race or religion may not be vilification, but they could still be discriminatory if they happen in one of the eight areas of public life covered by the law, such as at work.

A complaint of racial and religious vilification can be made using Digital Technologies Geelong's *Workplace Complaint Resolution Procedure SHRD PR 23*.

3.3.5 Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law. Examples of victimisation include:

- A worker is refused a promotion and told that it is because their complaint of bullying last year showed that they are not a team player.
- Threatening someone (such as a witness) involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator. Digital Technologies Geelong has a zero tolerance approach to victimisation. Anyone who believes they have been victimised is required to immediately report the matter to their manager or the Director of People, Safety and Culture, Refer *Workplace Complaint Resolution SHRD PR 23*.

3.3.6 Gossip



Gossip about equal opportunity problems or complaints is unacceptable at Digital Technologies Geelong. It is not appropriate for staff to talk with other staff members, clients or suppliers about any equal opportunity complaint, whether it is theirs or anyone else's.

Gossip is likely to reinforce a problem, create new problems (for example, victimisation) and make it harder to solve the original issue.

Staffs are encouraged to resolve their problem, concern or complaint as quickly as possible according to methods outlined in the *Workplace Complaint Resolution Policy and Procedure SHRD PR 23*.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

3.4 Merit at Digital Technologies Geelong

All recruitment and job selection decisions at Digital Technologies Geelong will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

Wherever possible, at least one person on every staff selection panel should have had some formal training in equal opportunity. Refer *Recruitment Policy SHRD PO 02* and *Appeals on Recruitment SHRD PR 03*.

3.5 Resolving issues at Digital Technologies Geelong

Digital Technologies Geelong strongly encourages any staff member who believes they have been discriminated against, bullied or harassed, sexually harassed, vilified or victimised to take appropriate action following the *Workplace complaint resolution procedure SHRD PR 23*.

Staff who do not feel safe or confident to take such action may seek assistance for advice and support through EO Contact Officers or the employee assistance program or Strategic HR & Development staff.

3.5.1 EO Contact Officers

EO Contact officers are staff members who have been trained to provide confidential and impartial information and support to help staff make an informed decision about how to try to resolve an issue. A current list of EO Contact Officers is published on the Strategic HR & Development page of Digital Technologies Geelong staff portal ([link](#)).



EO Contact officers will not solve the problem for you, but they can be a very useful sounding board for you to reflect on your situation, provide a new perspective and help you make a practical and effective decision that meets your needs.

3.5.2 Employee Assistance Program

Staff of Digital Technologies Geelong is entitled to free, professional counselling from our Employee Assistance Program. To access the Employee Assistance Program, contact:

- Davidson Trahaire Corpsych on 1300 360 364 during business hours and ask for a Gordon EAP Counsellor.

Employee Assistance Program counselling is confidential and nothing discussed with a counsellor will be communicated back to Digital Technologies Geelong. Employee Assistance Program counselling is available free to staff of Digital Technologies Geelong regardless of whether the issue is related to a workplace problem or other personal issue for the staff member.

Please refer to Digital Technologies Geelong Strategic HR & Development staff portal for further information regarding the [Employee Assistance Program](#) (EAP).

4. Governance / responsibilities

Position	Governance / Responsibility
Director of People, Safety and Culture	For the maintenance and communication of this policy.
Managers	For the implementation of this policy in their area and supporting the prevention of discrimination and harassment from occurring in their area. It is the responsibility of all staff to respect the rights of others.
Managers and supervisors	<p>must also:</p> <ul style="list-style-type: none"> • Model appropriate standards of behaviour; • Take steps to educate and make staff aware of their obligations under this policy and the law; • Intervene quickly and appropriately when they become aware of inappropriate behaviour; • Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard; • Help staff resolve complaints informally; • Refer formal complaints about breaches of this policy to Human Resources for investigation; • Ensure staff who raise an issue or make a complaint are not victimised; • Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made; • Ensure people's natural and acquired skills and abilities rather than characteristics of their impairments, are the basis of interactions; • Seriously consider requests for flexible work arrangements.
All staff	<p>must also:</p> <ul style="list-style-type: none"> • Follow the standards of behaviour outlined in this policy;



	<ul style="list-style-type: none"> • Offer support to people who experience discrimination, sexual harassment or vilification, including providing information about how to make a complaint; • Avoid gossip and respect the confidentiality of complaint resolution procedures; • Treat everyone with dignity, courtesy and respect.
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5. Key aligned internal documents

Mental Health & Wellbeing Policy SHRD PO 66

Flexible Work Arrangements SHRD PR 19

Workplace Complaint Resolution SHRD PR 23

Parental Leave SHRD PR 25

Prevention of Bullying in the Workplace SHRD PO 27

Recruitment Policy SHRD PO 02

Appeals on Recruitment SHRD PR 03

Employee Code of Conduct SHRD RD 20.01

6. Key aligned external documents

Fair work Ombudsman

Equal Opportunity Act (Victoria) 2010

Racial and Religious Tolerance Act (Victoria) 2001

Occupational Health and Safety Act (Victoria) 2004

Racial Discrimination Act (Commonwealth) 1975

Sex Discrimination Act (Commonwealth) 1984

Disability Discrimination Act (Commonwealth) 1992

Age Discrimination Act (Commonwealth) 2004

Victorian TAFE Teaching Staff Multi-Business Agreement 2009

Digital Technologies Geelong Institute of TAFE Enterprise Agreement for 2011 for Professional

Administrative Clerical Computing and Technical Staff (PACCT) Staff

Australian Human Rights Commission Act (Commonwealth) 1986

7. Review and approval

	Position	Work area
Author / reviewer:	Senior Business Partner ER/IR	People, Safety and Culture
Custodian:	Director	People, Safety and Culture
Endorsed by (if applicable):		
Ratified by (if applicable):		
Review schedule:	This policy will be reviewed every 3 years (or earlier as required)	
Last reviewed / updated:	24 March 2015	