

Equal Opportunity and Anti Discrimination

Purpose

This document describes how Ella Baché supports the principles of equal opportunity and anti-discrimination. Ella Baché College believes all staff and students have a right to be treated fairly and to work in a safe and healthy environment free from discrimination and harassment. Ella Baché expects all staff and students to work hard towards ensuring a supportive, safe and fair environment.

Scope

This policy applies to staff, contractors, and domestic and international students enrolled in Ella Baché College courses and includes:

- In connection with work, or education, even if it occurs outside of normal business hours;
- During work or College related activities, and all work or College related events;
- At other functions in your capacity, in representing Ella Baché (e.g. Social events organised by the Company)
- On social media, through phone calls, text messaging, email or any other form of digital media.

This Policy has been developed in conjunction with the requirements of the Federal and State based Acts. A worker or student will be covered under the relevant Act for the State or Territory they primarily carry out their duties.

Principles

Ella Baché is committed to the principles of Equal Opportunity and Anti-Discrimination and regards discrimination, bullying, sexual harassment, and victimisation as serious matters.

Ella Baché strives to ensure all practices of the Company (including but not limited to; recruitment, hiring, placement, promotion, benefits, performance, training and termination) are free from discrimination for staff and students.

Direct discrimination can be any practice that makes distinction between individuals or groups so as to arbitrarily advantage one and disadvantage the other. Indirect Discrimination occurs where there is a policy or rule for everyone but has an unfair effect on people who share a particular attribute. Discrimination occurs when somebody is treated less favourably on grounds such as the following attributes:

- Gender
 - Imputed characteristics (stereotypes)
 - Family or Carers' responsibility
 - Sexual orientation
 - Gender identity
 - Marital status
 - Race
 - Age
 - Impairment (physical or intellectual)
 - Religion
 - Political belief or activity
 - Trade union activity
 - Pregnancy, potential pregnancy, or breastfeeding
- and any other attributes protected by law.

All students and workers at Ella Baché have the right to be treated equally, at the same time as being responsible for creating and maintaining a safe and respectful environment for others. It is the responsibility of every worker or student, regardless of their position, to actively identify and discourage any behaviour which could be considered unfair, cause someone to feel uncomfortable, embarrassed or unfairly treated, or put their mental or physical health at risk. Any reported instances of alleged discrimination will be responded to immediately, will be thoroughly investigated, and where appropriate, disciplinary action will be taken.

Harassment

Is unwanted or uninvited behaviour in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Harassment can also happen if someone is in an environment permeated by conduct or activities that make it hostile or intimidating. The behaviour can be overt or subtle, verbal, non-verbal or physical. Sexual harassment may be a single incidence or a series of incidents. It may also include the behaviour of one or more persons towards one or more other people.

Any reported instances of alleged harassment will be thoroughly investigated and where appropriate, disciplinary action will be taken.

Depending on circumstances sexual harassment may include:

- Staring or leering in a sexual manner (looking someone up and down);
- Unnecessary familiarity, such as deliberately brushing up against someone or unwelcome touching such as putting an arm around someone;
- Suggestive comments or jokes;
- Insults or taunts of a sexual nature;
- Intimate comments on a person's physical appearance;
- Offensive gestures, including 'wolf' whistles;
- Intrusive questions or statements about a person's private life;
- Displaying posters, magazines or screen savers that are sexually explicit, homophobic or sexist;
- Sending sexually explicit emails or text messages;
- Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites;
- Verbal comments, abuse or taunts that put down or stereotype people because of their sex, appearance, gender identity, intersex status or sexual preference. These gestures may not need to be obviously crude for the behaviour to be deemed sexual harassment;
- Requests for sex or repeated unwanted requests to go out on dates; and/or, behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Sexual harassment does not include any interaction, flirtation or friendship which is mutual or consensual.

Bullying

Bullying is any behaviour that creates a risk to health and safety. It occurs when a person or group of people repeatedly act unreasonably towards another individual or group of people. It is irrelevant whether the offender intended to intimidate, threaten, offend or humiliate the victim. The following types of behaviour, where repeated, may be considered to be bullying:

- Abusive, insulting or offensive language or comments;
- Unjustified criticism or complaints;
- Deliberately excluding someone from workplace activities;
- Withholding information that is vital for effective performance;
- Setting unreasonable timelines or constantly changing deadlines;
- Setting tasks that are unreasonably below or beyond a person's skill level;
- Denying access to information, supervision, consultation or resources to the detriment of the worker or student;
- Spreading misinformation or malicious rumours;
- Changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular employee or group of employees.

Where a single incident of unreasonable behaviour occurs, which is not considered bullying, appropriate action will be taken by the Company; including training or in some instances dismissal.

Even though some situations may seem unfair, they may not be considered bullying. The Company can transfer, demote, retrench, discipline or dismiss a worker or student, as long as they act reasonably.

Grievance Handling

If you believe that yourself or someone else is being discriminated against, harassed, bullied or victimised at work, you have a legal right to speak out to try to stop it from happening. Ella Baché's complaints procedure is impartial, free from repercussions, free from victimisation, timely and completely confidential.

Ideally a complaint must be reported immediately, and reporting should not be delayed longer than 5 working days.

The first thing you can do, if you feel you are able, is to speak to the person concerned. Let them know that their behaviour is unwelcome and unacceptable to you and ask them to stop. The person may not realise that their behaviour has affected you. Addressing the issue directly with the individual will often result in the behaviour to stop immediately.

However, if the behaviour does not cease, or you feel as though you cannot approach the responsible person, the formal process should be followed.

The first step to the formal process is to raise the concern, in writing, with either:

- Staff: immediate Manager or CEO if your immediate manager is involved in the grievance
- Students: Head of Education or Education Manager

Consistency and procedural fairness will be offered to all parties involved. All parties will have an opportunity to raise their grievance and respond accordingly. The parties are permitted to have a support person, advocate or other representative accompany them to

any interviews or meetings. The support person cannot be any person directly or indirectly involved in the matter that is being examined.

If there is a dispute over facts, statements from any witnesses and other relevant evidence may be gathered. The facts will then be assessed, and a decision will be made. Parties involved will be provided a written report of the process and outcome.

If the evidence shows that the complaint can be substantiated, management will decide within 5 working days of the action to be taken, which may include:

- a written apology
- an official warning
- counselling
- suspension from studies
- summary dismissal

The complainant will be given a written outcome of the investigation.

If the evidence does not substantiate the complaint Ella Baché may elect the following action:

- Train all workers and/or students on the relevant issue – e.g., sexual harassment, discrimination, etc.
- Remind students of the student Code of Conduct
- Reconfirm Company Policies
- Keep a closer watch on staff

If a student is not satisfied with this outcome they can pursue the complaints, grievances and appeals policy.

If you are found to have raised a false or malicious complaint against another person in order to prejudice that person, then you may be subject to disciplinary action up to, and including, summary dismissal.

Confidentiality

Ella Baché considers confidentiality to be a crucial factor in addressing concerns under this Policy. Therefore, only persons involved in attempting to resolve the concern, in investigating the concern or referred to in this Policy will have access to your information or concern.

In appropriate circumstances the Company may be required to supply the details of your EEO complaint to a regulatory authority, its professional advisers or insurers.

Related Legislation

- *Ella Bache complies with the following Australian legislation:*
- *Sex Discrimination Act 1984 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Age Discrimination Act 2004 (Cth)*
- *Anti-Discrimination Act 1977 (NSW)*
- *Equal Opportunity Act 2010 (Vic)*
- *Anti-Discrimination Act 1991 (Qld)*
- *Equal Opportunity Act 1984 (SA)*
- *Equal Opportunity Act 1984 (WA)*
- *Fair Work Act (2009)*
- *Australian Human Rights Commission Act (1986)*
- *TEQSA Act (2011)*
- *National Code 2018, Standard 10 (Complaints and Appeals)*
- *Australian Privacy Principles (APPs)*
- *Note: this list is not exhaustive and other Acts may apply in some circumstances*

It is every individual's responsibility to ensure that they fully understand this Policy. If any clarification is required it is the responsibility of the individual to contact their Manager or nominated representative.