# Introduction

YBE aims to provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, and vilification.

YBE aims to ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess. YBE also tries to create a work environment which promotes good working relationships.

# Statement of Authority

Under EEO laws, discrimination, vilification, sexual harassment, and victimisation are unlawful and strictly prohibited.

# Intent

This Policy applies to employees, agents and contractors (including temporary contractors) of YBE, collectively referred to in this Policy as ‘workplace participants’.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches, conferences, Christmas parties and client functions. Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

This Policy does not form part of any employee’s contract of employment. Nor does it form part of any other workplace participant’s contract for service.

# Relevant Definitions

**CEO** the Chief Executive Officer of YBE or his/her delegate.

**Code of Conduct** is the Code of Conduct required by all YBE employees.

**Co-ordinator** a person employed by YBE under an employment contract as a Co-ordinator.

**Current Employment Agreement** is the employees’ contract of employment in force at any given time

**Employee** describes employees, apprentices, trainees, agents and contractors (including temporary contractors).

**Formal verbal warning** is a two-way discussion, addressing any shortcomings regarding conduct and required expectations. This discussion shall be documented by the conductor.

**FWA** Fair Work Australia.

**HR Manager** Human Resource Manager or his/her delegate.

**Manager** a person employed by YBE under a written contract as a Manager.

**Supervisor** a person employed by YBE under a written contract as a Supervisor.

**Work-related function** is any function that is connected to work. For example: work lunches, dinners, conferences, community/festive functions and client/customer functions.

**YBE** YBE (2) Pty Ltd.

# Policy

1. Discrimination

Direct discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the Federal, State and Territory anti-discrimination laws and include sex, race, age etc. A full list of the grounds of discrimination which operate federally and in the State and/or Territories in which workplace participants undertake their work for YBE will be relevant and are listed below.

* Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
* Sex
* Sexual Orientation (also known as sexual preference) eg - heterosexuality, homosexuality, lesbianism, bisexuality, trans sexuality.
* Gender Identity
* Intersex status
* Pregnancy (including potential pregnancy)
* Carers’ responsibilities, family responsibilities, carer or parental status, being childless
* Breastfeeding
* Industrial/trade union membership, non-membership or activity
* Employer association membership, non-membership or activity
* HIV/AIDS
* Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)
* Defence service
* Religious belief, affiliation, conviction or activity
* Marital status, domestic status, relationship status
* Disability/impairment, including physical, mental and intellectual disability
* Age (including compulsory retirement)
* Political belief, opinion, affiliation, conviction or activity
* Irrelevant criminal record (NT and TAS only)
* Irrelevant medical record (NT and TAS only)

1. Indirect discrimination

Indirect discrimination may occur when an employer imposes a policy, requirement or condition which applies to everyone equally but it in fact operates to disadvantage a particular condition which applies to everyone equally but it in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (ie a prohibited ground of discrimination).

Discrimination also includes the situation where a workplace participant harasses another person based on a ground of discrimination. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.

1. Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

1. Sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

Examples of sexual harassment include, but are not limited to:

* physical contact such as pinching, touching, grabbing, kissing or hugging
* staring or leering at a person or at parts of their body
* sexual jokes or comments
* requests for sexual favours
* persistent requests to go out, where they are refused
* sexually explicit conversations
* displays of offensive material such as posters, screen savers, internet material etc
* accessing or downloading sexually explicit material from the internet
* suggestive comments about a person’s body or appearance
* sending rude or offensive emails, attachments or text messages.

1. Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment.

1. Rights and responsibilities

All workplace participants must:

* + - understand and comply with this Policy;
    - ensure they do not engage in any unlawful conduct towards other workplace participants, customers/clients or others with whom they come into contact through work;
    - ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
    - follow the complaint procedure in this Policy if they experience any unlawful conduct;
    - report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy; and
    - maintain confidentiality if they are involved in the complaint procedure.

Workplace participants should be aware that they can be held legally responsible for their unlawful conduct.

Workplace participants, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

1. Gender equality in the workplace

YBE aims to fulfil its obligations under the *Gender Equality Act 2012* (Cth) (‘the **Act’**), by developing and implementing a workplace program which will attempt to eliminate discrimination and contributing to gender equality in employment and in the workplace.

The aim of YBE’s actions are to:

* + 1. promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace; and
    2. support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters; and
    3. promote, amongst employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities); and
    4. foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace; and
    5. improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace.

These Actions are about attempting to achieve the potential of all workplace participants. It has direct benefits throughout the organisation. These benefits include increased productivity, increased morale, reduced absenteeism, and higher retention rates of employees. For these reasons, Actions in this area have been incorporated into YBE’s strategic plan.

1. Complaint Handling Procedure

If a workplace participant feels that they have been subjected to any form of unlawful conduct contrary to EEO laws or this Policy, they should not ignore it. YBE has a complaint procedure for dealing with these issues. The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The manner in which a complaint will be handled is solely at the discretion of YBE’s HR Coordinator.

# Supporting Documentation

HRPRO105 - Complaint Procedure

HRFRM111 – Complaint Form

# Responsibilities

The HR Manager is responsible for the implementation of this policy.