

Equal Employment Opportunity - Discrimination, Vilification and Victimisation Prevention Policy

Intent

Namoi Cotton is committed to ensuring a workplace that is free from anything that impinges on equal employment opportunity including discrimination, vilification, and victimisation.

The purpose of this policy is to:

- Define the elements of equal employment opportunity;
- Outline measures to prevent discrimination, vilification, and victimising matters; and
- Provide links to the grievance handling policy and procedure, for the resolution of complaints.

Legislation

Equal Employment Opportunity is covered under the provisions of the *Workplace Health and Safety Act 2011*, *Australian Human Rights Commission Act 1986*, *Age Discrimination Act 2004*, *Disability Discrimination Act 1992*, *Racial Discrimination Act 1975*, *Sex Discrimination Act 1984*, *Workplace Gender Equality Act 2012*, *Queensland Anti-Discrimination Act 1991*, *New South Wales Anti-Discrimination Act 1977*, *Western Australia Equal Opportunity Act 1984*, *Western Australia Spent Convictions Act 1988* and the and this legislation will apply in conjunction with this policy.

Guidelines

Equal Employment Opportunity

Equal Employment Opportunity (EEO) is making sure that everyone has equal access to available employment by:

- Ensuring that workplaces are free from discrimination and harassment; and
- Providing programs to assist people to overcome disadvantage.

Equal opportunity means treating people as individuals with different skills and abilities, without making judgements based on stereotypes, or on characteristics as outlined below.

Equal Employment Opportunity in a workplace applies to hiring, promotion, transfer, compensation and training, also including leaves of absence and in some cases, termination. Employees should also be aware that it can apply to situations such as: access to premises; provision of goods, services and facilities; accommodation; buying land; or activities of clubs and associations.

Care should be taken to ensure that Namoi Cotton is not applying inappropriate decision-making elements in any of these situations.

Discrimination, Vilification and Victimisation are all covered in the sections below. Harassment is covered in the Workplace Harassment Prevention Policy in this Manual.

Discrimination

Discrimination in employment on the following grounds or attributes is against the law:

- Sex
- Relationship or marital status

Version #	Document Title	Date Approved	Page Number
1.0	PC.PP.005 Equal Opportunity Policy	03.02.22	1

- Pregnancy
- Parental status
- Breastfeeding
- Age
- Race
- Impairment
- Religious belief or religious activity
- Political belief or activity
- Trade union activity
- Lawful sexual activity
- Gender identity
- Sexuality
- Family responsibilities
- Criminal record
- Social origin
- Association with someone with an attribute listed above

Discrimination occurs when someone is treated unfavourably because of an attribute listed above and may involve:

- Making offensive ‘jokes’ about another worker’s racial or ethnic background, sex, sexual preference, age, disability, or physical appearance;
- Expressing negative stereotypes about particular groups;
- Judging someone on their political or religious belief rather than their work performance; or
- Using selection processes based on irrelevant attributes such as age, race, or disability rather than on skills and merit.

Direct Discrimination occurs on the basis of one (or more) of the above attributes, if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

Indirect Discrimination occurs on the basis of one (or more) of the above attributes, if a person imposes, or proposes to impose, a term:

- With which a person with an attribute does not or is not able to comply; and
- With which a higher proportion of people without the attribute comply or are able to comply; and
- That is not reasonable.

If discrimination occurred, it would undermine working relationships in Namoi Cotton business, and may also cause low morale amongst employees, absenteeism and in cases of severe dissatisfaction, even resignation. As an employer, Namoi Cotton do not wish to see this happen. Employees at Namoi Cotton have the right to work in an environment free from discrimination.

Vilification

Vilification is behaviour that:

- Happens in a public place; and
- Incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity.

Vilification on the basis of a person’s race, religion, gender identity or sexuality is unlawful. Workplaces can be considered public places which means that any conduct which can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered to have happened in a public place.

Examples of vilification include:

- Placing a poster or sticker on the customer service desk which incites others to hate people because of their race, religion, sexuality or gender identity;

Version #	Document Title	Date Approved	Page Number
1.0	PC.PP.005 Equal Opportunity Policy	03.02.22	2

- Hate graffiti written on work toilet walls which incites hatred because of race, religion, sexuality or gender identity;
- Wearing of symbols, badges or clothing in the workplace that incite hatred;
- An employee abusing another person because of their race, religion, sexuality, or gender identity in the workplace which encourages others to hate people of that group; or
- A work colleague making a speech in the workplace that incites hatred of people because of their race, religion, sexuality, or gender identity.

Victimisation

Victimisation occurs when a person does an act, or threatens to do an act against a person because:

- They have made a complaint (complainant), or are associated with a person who has made a complaint, under this policy, or
- They have had a complaint made against them (respondent) or are associated with a person who has had a complaint made against them, under this policy.

Adverse action taken against a complainant may be unlawful under the *Fair Work Act 2009* (Cth). Namoi Cotton will not tolerate victimisation of a complainant, respondent or person legitimately associated with the resolution of a grievance.

Roles and Responsibilities

It is the responsibility of each employee to treat others with respect and be fair and supportive of them. This includes not discriminating against them on any of the factors listed above, not victimising anyone, and not subjecting anyone to vilification.

Namoi Cotton requires all workers to behave responsibly by complying with this policy; treating others appropriately; not tolerating unacceptable behaviour; maintaining privacy during investigations; and immediately reporting incidents to management or the People and Culture team.

It is the responsibility of management to ensure that all employees know the grounds for unfair treatment and educate the team as to this policy. It is also the responsibility of management to treat any complaints received seriously, objectively and fairly and to investigate these promptly, confidentially and impartially where appropriate.

Workplace Strategies to Eliminate Discrimination, Vilification and Victimisation

Namoi Cotton may take the following actions to prevent and control exposure to the risk of discrimination, vilification and victimisation:

- Provide workers with awareness training;
- Educate and encourage employees to follow the *EEO – Discrimination, Vilification and Victimisation Prevention Policy*;
- Introduce a complaint handling system and inform workers on how to make a complaint, the support systems available, options for resolving grievances and the appeals process (see *Grievance, Conflict and Dispute Handling Policy*); and
- Regularly review the EEO Policy, complaint handling system and training.

What Happens Where Discrimination, Vilification and/or Victimisation Occurs?

What Can You Do If You Feel You Are Subject to Discrimination, Vilification and/or Victimisation?

If you feel you have been subject to these actions, or you believe you have seen a co-worker being subjected, Namoi Cotton encourage you to take action. Please refer to the *Grievance*,

Version #	Document Title	Date Approved	Page Number
1.0	PC.PP.005 Equal Opportunity Policy	03.02.22	3

Conflict and Dispute Handling Policy for details on the avenues available to you and how Namoi Cotton may handle complaints.

Namoi Cotton undertakes that we will treat all complaints seriously and carry out an objective investigation where appropriate. You will not be disadvantaged in employment conditions or opportunities for making a complaint, and Namoi Cotton will take reasonable measures to ensure that you are not victimised.

If any Namoi Cotton employees are found to discriminate, vilify or victimise others in the course of their employment, Namoi Cotton may take disciplinary action against them. Complaints of alleged discrimination, vilification and/or victimisation found to be malicious, frivolous or vexatious may make the complainant liable for disciplinary action. This may include a warning, counselling, demotion or dismissal, depending upon the circumstances.

Summary

Namoi Cotton believes that everyone should be able to work in a comfortable and safe work environment free of discrimination, vilification, and victimisation.

Version #	Document Title	Date Approved	Page Number
1.0	PC.PP.005 Equal Opportunity Policy	03.02.22	4