

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Passion HealthCare (PHC) places a high value on the contribution its staff makes in the delivery of services provided to its Clients. PHC believes that all of our staff should enjoy positive working relationships with each other, management, and our Clients.

Yours and our ongoing success will be achieved if we ensure that all of our staff and Clients are treated in a manner consistent with the aims of 'equal opportunity'. Essentially, equal opportunity is working together to eradicate all discrimination, workplace harassment, victimisation, sexual harassment, and racial and religious vilification. This also includes any conduct that is considered unlawful, as well as conduct that is not subject to legislation, but is still detrimental to our working relationships.

Discrimination

Unlawful discrimination can be described as treating anyone less favourably because of a factor such as

- Age;
- Disability – Includes physical and/or mental impairment/s, past and future, and assumed impairment/s;
- Actions in Employment – such as reasonable requests re employment entitlements;
- Industrial Activity – such as participation in or membership of an industrial organisation;
- Gender Identity;
- Lawful sexual activity/sexual orientation;
- Marital Status;
- Parental Status or Carer Status;
- Physical features;
- Political Activities or Beliefs;
- Pregnancy – Actual or potential;
- Breastfeeding;
- Personal Associations – It is illegal for an employer to discriminate because of a persons personal association with someone who is assumed to or has one or more of the protected characteristics;
- Race;
- Religious activity or beliefs;
- Sex;

Unlawful discrimination examples are: failure to employ an individual, give someone a promotion, access to any benefit (such as increase in salary) and/or subject someone to disciplinary proceedings, providing that the reason for such is connected to one of the factors listed above. It is unlawful discrimination if there is more than one reason, and only one reason relates to one of these factors.

Harassment

Harassment is defined as unwanted and unwelcome behaviour which causes another distress whether intended or not. Unlawful harassment is when an individual is made to feel intimidated, humiliated or insulted because of any characteristic specified under anti-discrimination legislation (such as sex, race, disability, sexual preference).

Sexual Harassment

Sexual Harassment is one type of discrimination. It is conduct of a sexual nature (which includes physicality, verbal comments, jokes, any documentation including electronic means) that is unwanted, and is reasonably understood to be unwanted, and which causes offence, humiliation and intimidation. It includes offensive material and behaviour which creates a hostile work environment. This can occur not only during working hours or in the workplace itself, but in any work related context including work functions, conferences and work trips. It is the belief of PHC that it is the onus of the individual undertaking the sexual conduct to ask if it is unwanted, unless s/he is certain that no offence will be taken.

Racial or Religious Vilification

This occurs where an individual on the ground of the race or religious belief/activity of another/s behaves in such a way that incites hatred against, serious contempt for or revulsion or severe ridicule of other/s.

Racial or Religious Victimisation

This occurs where an individual victimises another if they subject or threatens to subject that person to any detriment because that person, or a person associated with that person:

- has made a complaint against another;
- has, under the 'Racial and Religious Tolerance Act 2001', brought any other proceedings against another;
- has provided evidence/information in connection with the Act;
- attended a compulsory conference at the tribunal;
- carried out anything in accordance with the Act in regards to any person;
- alleged that any individual has contravened a provision of the Act unless the allegation is false and not made in good faith;
- refused to do anything that would contravene the Act; or
- because the individual believes that the other has done or intends to do any of those things.

Workplace Harassment

This can be described, but not be limited to abusive, offensive, belittling or threatening behaviour which results in making the workplace or association with work unpleasant, intimidating or humiliating for staff and others. This must be differentiated and not confused with legitimate advice and comment, including relevant negative feedback and comment from staff regarding work performance. Examples of workplace harassment:

- interfering with an individual's work materials, work space, property or equipment, outside that which is necessary for the work requirements;
- offensive or coercive behaviour which is intended to be intimidating or derogatory;
- continual unnecessary and unjustified comments regarding an individual's work or capacity for work;
- any communications, written, verbal or electronic, which is threatening, offensive or abusive;
- continual exclusion of an individual from normal conversation, work related social activities and networks, or projects.

Actions to Avoid Discrimination

PHC will make every effort to ensure that our policies and practices allow all an equal chance in regarding employment, promotion or training opportunities and the access of all other benefits of employment with PHC. These principles also apply to our dealings with our clients.

In order to do this, PHC upholds the principle of equal opportunity which ensures that all existing and potential staff and clients are treated fairly and equitably.

Selecting the best person for the job based on an objective assessment of the skills, work experience and qualifications relevant to the job requirements along with the ability to develop outside PHC's organisational culture underlies all of PHC's human resource activities.

Policy Objectives

It is PHC's policy that:

- Discrimination of any type, including sexual and workplace harassment, religious and racial vilification and victimisation will not be tolerated under any circumstances. All staff should be treated with courtesy and respect and encouraged to proffer criticism/suggestions in relation to any policy/procedure.
- PHC will ensure achievement of these objectives through the notification and training of all staff with regard to EEO and related issues;
- All staff have the opportunity to make a complaint regarding the above to an Equal Opportunity Officer, to PHC management or to the State Equal Opportunity Authority;
- All complaints will be treated seriously, promptly, sympathetically and confidentially. They will be investigated impartially and fairly;
- PHC will take action to ensure that the discrimination, sexual or workplace harassment, vilification and victimisation ceases;
- There will be no victimisation of complainants or witnesses in regards to a complaint or providing evidence in an investigation;
- Every effort will be made to settle a complaint within the workplace wherever possible.

Staff Responsibilities

All staff should be aware of this policy and are expected to abide by it. All staff have a responsibility to prevent workplace harassment and discrimination, and are encouraged to speak out against harassment when they are witnesses to it. A critical and assertive response by witnesses ensures that 'victims' are not isolated and that it does not give the impression that that behaviour is approved or condoned.

Grievance Handling Procedure

PHC has a Grievance Handling Procedure which details what action to take if a staff member feels that they have been harassed or discriminated against. The complaint will be investigated in a fair, empathetic and confidential manner. Action will be taken to terminate the harassment.

Breaches of Policy

Staff breaching this policy against discrimination and harassment, whether in relation to existing or potential staff, Clients, suppliers or member of the public will lead to appropriate disciplinary action and may include termination of employment.

PHC Commitment

PHC's commitment to equal opportunity principles benefits all staff and its relationships with Clients. It allows all staff members to identify and remove direct and indirect discriminatory practices which some have experienced in their working lives. It also ensures that PHC provides a non-discriminatory service to Clients by providing the best person for the right job, in a harmonious work environment and that we continue to 'Staff with Passion'.

Authorised by:	
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