

# ANTI-DISCRIMINATION

## *Background*

Equal opportunity is a requirement under both Victorian and Commonwealth legislation. In Victoria, the main piece of legislation which makes it unlawful to discriminate is the *Equal Opportunity Act 2010*.

Equal opportunity law aims to promote everyone's right to equal opportunities; eliminate, as far as possible, discrimination and harassment; and provide redress for people whose rights have been breached.

## *Purpose*

3RPC Community Radio has an ethical and legal responsibility for providing a work environment which is free of discrimination and harassment. Everyone has the right not to be discriminated against or harassed in the workplace. 3RPC Community Radio supports that right.

The objectives of this policy statement are to:

1. Ensure that 3RPC Community Radio is aware and respectful of the rights of its volunteers.
2. Provide 3RPC Community Radio volunteers with information about their rights at 3RPC Community Radio.
3. Provide 3RPC Community Radio volunteers with information about their responsibilities.

## *Policy Statement*

This policy applies to 3RPC Community Radio's volunteers, presenters, committee members and paid staff.

3RPC Community Radio recognises it is the right of its volunteers and paid staff to be able to attend the radio station and to perform their duties without being subjected to any form of discrimination, harassment or bullying.

It is also the obligation and responsibility of every volunteer and paid staff member to ensure that the workplace is free from discrimination, harassment and bullying.

3RPC Community Radio will encourage its volunteers and paid staff to have the confidence to deal with situations that arise and find the best solution and outcomes for themselves either formally or informally.

3RPC Community Radio will provide and/or seek advice and guidance on how such situations should be dealt with.

### *Types of discrimination*

In Victoria, it is against the law for someone to discriminate against you because of a characteristic that you have, or that someone assumes you have.

What this means is, you should not harass or otherwise treat someone differently or less favourably because they:

- a. come from a different background, including their race, skin colour, nationality, descent, ethnic, ethno-religious or national origin;
- b. have different religious beliefs, affiliations, convictions or activities;
- c. are male, female or otherwise do or do not identify with a particular gender or combination of genders;
- d. are married or not married or have a particular relationship status;
- e. are or are not pregnant or might be pregnant;
- f. are or are not homosexual, transsexual, bisexual or otherwise identify with a particular sexual preference/orientation;
- g. have carers' responsibilities, family responsibilities, carer or parental status or are childless;
- h. have any disability/impairment, including physical, mental and intellectual disability;
- i. breastfeed;
- j. are or are not a particular age;
- k. have or do not have particular physical features;
- l. are from a particular profession, trade, occupation or calling;
- m. have, hold or undertake particular political beliefs, opinions, affiliations, convictions or activities;
- n. are or are not a member of a trade union;
- o. have the right to take or have taken action that is legitimately associated with their trade union membership;
- p. have particular workplace rights or entitlements, including the right to make a complaint or inquiry in relation to their employment;
- q. have a medical record that is not relevant to their employment;
- r. have a criminal record that is not relevant to their employment (including spent convictions);
- s. have or do not have human immunodeficiency virus (HIV) and/or acquired immune deficiency syndrome (AIDS);
- t. have the need to take leave for the purposes of Defence services, or
- u. past or present association (i.e. association with a member who has one or more of the attributes for which discrimination is prohibited).

## *Sexual Harassment*

Sexual harassment occurs when a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to another person or engages in any other unwelcome conduct of a sexual nature in relation to another person.

Some examples of sexual harassment include:

- a. persistent, unwelcome demands or even subtle pressures for sexual favours or outings;
- b. leering, patting, pinching, touching or unnecessary familiarity;
- c. offensive comments on physical appearance, dress or private life; and
- d. the public display of pornography (especially when it is directed at particular individuals) ranging from material that might be considered mildly erotic through to material that is sexually explicit.

Sexual harassment will not be tolerated at 3RPC Community Radio (refer to 3RPC Community Radio's Sexual Harassment policy).

## *Bullying*

Workplace bullying is repeated, unreasonable behaviour by one or more volunteers or paid staff member, against another volunteer(s) or paid staff member and where that behaviour creates a risk to health and safety.

The behaviour:

- a. need to have happened more than once and might be different behaviour, and
- b. will be unreasonable if a reasonable member would view the behaviour as unreasonable.

Even if you did not intend to engage in bullying behaviour it can still be bullying.

Bullying is a risk to the health and safety in the workplace and will not be tolerated by 3RPC Community Radio (refer to 3RPC Community Radio's Workplace Bullying Policy).

## *What is not bullying?*

3RPC Community Radio understands that you might feel pressure and concern if:

- a. you are subject to a process or having performance related discussions with a 3RPC Community Radio Committee of Management member. However, this is not bullying so long as you are being given reasonable performance goals, standards and deadlines;
- b. you are being rostered and allocated working hours in a fair and reasonable manner;
- c. you are not selected to present a program, following a fair process; or

- d. you are being disciplined for any reason in an objective and confidential way.

### *Rights, responsibilities and accountabilities*

1. The Committee of Management is accountable for content, review and implementation of this policy.
2. The Committee of Management has a right to be informed of anti-discrimination issues and has a responsibility to maintain confidentiality about the complaint until it is determined whether mediation or disciplinary action is required, possibly involving other parties.
3. Individuals have a legal and ethical responsibility to treat each other fairly, to demonstrate positive behaviours and are expected to meet these responsibilities as a condition of employment or engagement.
4. Committee of Management members are obliged to treat reports of possible discrimination, harassment and bullying seriously and sympathetically and to ensure that they are investigated thoroughly by the most appropriate person. They are also obliged to ensure that no one is disadvantaged or victimised because of a discrimination or harassment complaint being made or investigated.

### *Key Outcomes*

1. 3RPC Community Radio will fulfil its ethical and legal responsibility to provide a work environment which is free of discrimination and harassment.
2. All individuals will be aware that any form of discrimination, harassment or victimisation, whether direct or indirect, will not be tolerated by 3RPC Community Radio.
3. Any complaints or reports of discrimination or harassment will be treated quickly, seriously and sympathetically. They will be investigated thoroughly and impartially.
4. All matters will be treated confidentially.

### *What if you are being harassed or bullied?*

1. Do not ignore the harassment (ignoring the behaviour could be taken as tacit consent).
2. If you feel comfortable speaking with the offender, tell the individual in a direct and firm manner that their behaviour is unacceptable and unwelcome. If you don't feel comfortable in speaking directly with the offender, tell the individual in writing. Telling the offender how you feel may be enough to stop the unwelcome behaviour.

3. If you are uncomfortable with either of the above options or the behaviour continues following your direct approach, seek assistance by discussing your concerns with a member of the Committee of Management.

### *Who can assist you in making a report or complaint?*

If you feel that you are unable to resolve the matter yourself or with the support of the Committee of Management and that it would be best resolved through an official complaint, you have the right to contact the Equal Opportunity Commission Victoria or WorkSafe (bullying only) for independent advice.

**Note:** 3RPC Community Radio fully encourages and supports volunteers in making a report or complaint.

### *What will happen if you make a complaint or report?*

Any complaint or report of discrimination or harassment will be treated quickly, seriously and sympathetically. It will be investigated thoroughly, objectively and confidentially by an impartial party. An individual will not be disadvantaged in their conditions or opportunities as a result of lodging a complaint.

Where complaints of discrimination or harassment have been substantiated against an individual, appropriate disciplinary action will apply. This action will be implemented and monitored by the Committee of Management. Serious or repeated breaches of the policy may lead to termination.

### *Complaint Procedure*

Because complaints are more likely to be effectively resolved if handled quickly and locally, 3RPC Community Radio is committed to attempting to resolve complaints satisfactorily in an in-house manner. However, where this is not practicable, an external mediator or investigator will be engaged.

### *3RPC Community Radio Code of Conduct*

The 3RPC Community Radio Equal Opportunity Policy is underpinned by the 3RPC Community Radio Code of Conduct. All 3RPC Community Radio staff and volunteers are expected to apply the Code.

- Refer to the Victorian Equal Opportunity and Human Rights Commission for the relevant Acts:  
<http://www.humanrightscommission.vic.gov.au/index.php/discrimination>