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Diversity Policy

1 Australian Synchrotron Values

The Australian Synchrotron values underpin the way we work and highlight our commitment to professionalism. The five core values, are described below:-

<u>Passion:</u>	Enthusiasm
<u>Respect:</u>	Ethical, professionalism, encouragement, recognition
<u>Collaboration:</u>	Team work, accountability connections, responsiveness to industry
<u>Innovation:</u>	Striving for scientific and technical excellence
<u>Continuous Improvement:</u>	In contributions to user success

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2 Diversity

2.1 Introduction

The employer will actively manage diversity by having management practices and processes in place that fully utilise and develop the skills, initiatives and creativity of all individuals within the organisation.

2.2 Scope

Applies to all employees.

2.3 Definitions

Diversity means the differences in gender, race, culture, age, family or carer status, religion and disability that exist among employees of the employer.

Equal employment opportunity is defined as providing a fair go for all, making employment decisions that are based on the ability to do the job, and not irrelevant considerations such as age, gender, family or carer status, ethnicity, seniority or affiliation, and providing a workplace that is free from discrimination and harassment.

2.4 Principles

Managing and valuing diversity is a key component of effective people management. It is about improving the performance of the organisation through recognition and appreciation of the range of backgrounds, beliefs, abilities and status people have, and it promotes practices that improve the performance of all staff.

Valuing diversity is one of the employer's key values: the employer aims to create an environment in which people from all backgrounds can work together harmoniously, and advance organisational objectives by capitalising on their differences. Diversity recognises that people have different abilities to contribute to the organisation. The employer recognises the need to be flexible and adaptable so to continue to realise the full potential of the diverse workforce.

2.5 Policies that Support Diversity

The employer active diversity management is reflected through its internal policies, practice and people management strategies that address the areas of:

- code of conduct;
- anti-discrimination;
- recruitment and selection;
- developing people;
- work life balance;
- grievance and dispute resolution;
- designated groups;
- retention strategies;
- leadership, coaching, mentoring and promotion;
- ensuring broad representation of stake holders in decision making forums;
- workforce planning.

2.6 Employee's responsibility

All employees are required to behave ethically and professionally in the workplace which includes being impartial, choosing people for the right reasons, fair and reasonable treatment for all and equal employment opportunities.

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2.7 Manager's Responsibility

Managers are responsible for creating an environment which values diversity, and for reinforcing equality principles through the day to day management of staff. Managers are required to ensure that decisions are consistent with diversity principles.

Managers are required to treat complaints of discrimination seriously and to take steps to address such complaints in accordance with the disputes and grievance resolution process.

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3 Discrimination, Bullying, Harassment and Sexual Harassment

3.1 Introduction

The employer will provide a working environment where all employees can work without fear of discrimination, bullying, harassment or sexual harassment.

This extends to providing a workplace that provides equal opportunities for all and is free from discrimination. Discrimination is unlawful as stipulated by State and federal legislation. Direct and indirect discrimination jeopardises the safe, supportive and positive environment that the employer wishes to provide for all its employees. Discrimination is derisive, reduces productivity and can damage personal and corporate reputations.

3.2 Scope

Applies to all employees.

3.3 Definitions

Discrimination - it is unlawful to discriminate against a person on the basis of the following attributes:

- age;
- disability;
- physical features;
- race;
- religions belief or activity;
- political beliefs or activity;
- industrial activity;
- industrial organisation;
- employment activity;
- gender;
- marital, parental or carer status;
- sexual orientation;
- gender, marital or parental or carer status;
- lawful sexual activity;
- sexual orientation;
- gender identity;
- pregnancy;
- breast feeding;
- personal association with a person who is identified by reference to any of the above attributes.

Direct and indirect discrimination is prohibited.

Employers and employees are responsible for maintaining a workplace free of discrimination and sexual harassment - all employers and employees can be held vicariously liable for their behaviour.

It is unlawful to sexually harass a person at the workplace.

Equality of opportunity between persons of different sex, age, marital status, race and other specified attributes is to be promoted.

Redress is provided for those who have been subject to discrimination.

3.3.1 *Bullying*

WorkSafe Victoria has defined bullying as repeated, unreasonable behaviour directed toward an employee or group of employees that creates a risk to health and safety.

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Unreasonable behaviour is behaviour that a reasonable person, having regard to all the circumstances, would deem to victimise, humiliate, undermine or threaten an individual.

Behaviour includes actions of individuals or a group, and may involve a system of work as a means of victimising, humiliating, undermining or threatening.

Risk to health and safety includes risk to the mental or physical health of the employee.

3.3.2 **Harassment**

The following characteristics can help you to understand and recognise harassment:

- harassment always involves unwanted conduct of a discriminatory and/or intimidating kind, which may be directed at an individual, group, culture, religion or lifestyle;
- harassment may create conditions in the workplace which are oppressive and/or offensive to one or more individuals;
- harassment frequently involves a display of power which undermines, intimidates, isolates or degrades the victim.

3.3.3 **Sexual Harassment**

Any verbal or physical conduct of a sexual nature when any of the following occur:-

- it is uninvited, unreciprocated or unwelcome and behaviour which the recipient finds undesirable, offensive, humiliating or intimidating;
- submission to such conduct is implicitly or explicitly a term or condition of an individual's employment;
- submission to such conduct is implicitly or explicitly a term or condition of decisions which would affect promotion, salary or any other job condition;
- such behaviour creates an intimidating hostile or offensive work environment for one or more employees.

3.4 **Principles**

Employers and employees are responsible for maintaining a workplace free of discrimination and sexual harassment. All employers and employees can be held vicariously liable for their behaviour.

It is unlawful to sexually harass a person at the workplace.

Equality of opportunity between persons of different sex, age, marital status, race and other specified attributes is to be promoted.

Redress is provided for those who have been subject to discrimination.

In order to eliminate discrimination, bullying, harassment and sexual harassment, the employer will ensure:

- a prompt response and a clear time line in the investigation and resolution of all claims of bullying and harassment;
- a fair process based on natural justice is used;
- that individuals can seek a resolution without threat of alienation or further humiliation;
- that people involved in grievances are not subject to any victimisation;
- formal mechanisms exist which are clear and accessible;
- the involvement of support people if required;
- provision of professional counselling when needed.

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3.5 Process

There are a number of avenues for dealing with bullying or harassment. This includes informal mediation and formal procedures, as described in the policy document Preventing and Dealing with Discrimination, Bullying, harassment and Sexual Harassment.

Where a complaint is made an investigation will be held and a right of appeal allowed.

3.6 Employee's responsibility

All employees are required to behave ethically and professionally in the workplace.

Employees who are found to have engaged in appropriate behaviour may be subject to the Discipline Process.

3.7 Manager's Responsibility

Responsibility for discrimination, bullying and harassment rests not only with the perpetrator but also with the employer and the appropriate supervisor, where they are aware that harassment takes place.

Managers are responsible for putting in place preventative strategies to ensure discrimination, bullying and harassment do not occur. This includes:

- highly visible modelling of professional and ethical behaviour by managers;
- providing employees with clear information about what constitutes acceptable behaviour;
- providing new employees with a comprehensive induction on acceptable workplace behaviour that explains their responsibilities and rights;
- ensuring proper standards of conduct are maintained at all times and that all staff, including temporary, casual or contract staff are aware of and maintain appropriate standards of behaviour at work;
- fostering an environment that encourages acceptance of diversity;
- taking prompt action to deal with inappropriate conduct;
- treating complaints of bullying and harassment seriously and confidentially;
- ensuring there is no victimisation arising from complaints.

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4 Personal Information

4.1 Introduction

All personal information pertaining to employees, former employees and prospective employees will be handled with confidentiality at all times, consistent with the *Information Privacy Act 2000* and the Employer's privacy policy.

4.2 Scope

Applies to all employees.

4.3 Definitions

Personal information includes all information collected and stored by Human Resources on employees and prospective employees, such as bank accounts, home address and phone numbers, date of birth and salary. Personal information also includes information on job applications from prospective employees which may refer to a criminal record, ethnicity, gender etc. Please refer to the *Information Privacy Act 2000* for a full definition.

4.4 Parameters

Personal information is only collected when it is directly related to the employment of an employee or potential employee. Disclosure of personal information is limited to:

- the employee whose information it is;
- Human Resources and Finance employees who require access to this information to do their job;
- relevant third parties who require this information as part of the employment process, such as approved superannuation bodies, the Australian Taxation Office;
- other third parties as authorised by the relevant employee, such as financial institutions, health benefit funds;
- persons involved in the recruitment and interview process;
- where authorised in accordance with Information Privacy Principle 2 of the *Information Privacy Act 2000*.

Where an employee has access to personal information it should only be accessed on a need to know basis and shall not be used released or disclosed for any other reason than in the performance of their duties within the workplace.

Personal information for current employees will be kept securely in a locked facility. During recruitment processes applications for advertised positions shall be kept in a secure place and at the conclusion of the process all original applications returned to Human Resources and copies confidentially disposed of.

Applications from unsuccessful applicants shall be securely stored for a period of time and then disposed of. Once an employee has ceased employment with the department their files shall be archived in a secure location.

4.5 Manager's Responsibility

Where a manager considers an employee has breached the Personal Information Policy, an investigation may be undertaken in accordance with the Disciplinary Process Policy.

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5 Privacy

5.1 Introduction

The Employer's functions and responsibilities require its employees to collect and handle personal and sensitive information about stakeholders, members of the public, our staff and people who assist in the work that the employer does. The employer is committed to protecting personal and sensitive information consistent with the principles set out in the *Victorian Information Privacy Act 2000* (IP Act) and the *Health Records Act 2001* (HR Act). Any personal information collected by the employer will be treated in accordance with the IP Act and the HR Act.

5.2 Purpose

This policy, together with the Privacy guidelines, establishes the framework in which the obligations under the IP Act will be implemented in Australian Synchrotron, its agencies and contractors.

5.3 Principles

The ten Information Privacy Principles (IPPs) Schedule 1 - *Information Privacy Act 2000* are the practical core of the IP Act.

Australian Synchrotron, its agencies and contractors collect and use personal information according to the IPPs contained in the IP Act. The IPPs are designed to protect the privacy of individuals by ensuring that personal information kept by government departments is managed securely and responsibly.

In accordance with the IPP's, Australian Synchrotron:

- collects only personal information that is necessary for the performance of its functions;
- uses or discloses personal information for the primary purpose for which it was collected or related secondary purposes or with the consent of the person (unless otherwise permitted by the law);
- takes reasonable steps to ensure that information is accurate, complete and up to date;
- takes reasonable steps to protect information from misuse, loss, unauthorised access, modification and disclosure;
- Australian Synchrotron has documented policies and procedures relating to the collection and management of information that is readily available to anyone who requests them;
- enables individuals to have access to personal information held about them, usually through Human Resources, and enable corrections to that information to be made;
- will limit the use of unique individual identifiers only to situations where this is essential to the function for which it is required;
- when practicable, will allow for information on individuals to be anonymous;
- ensure that transborder data flows will only occur where recipients have similar standards to Victoria; and
- may collect sensitive information. Sensitive information relates to an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record, according to the restrictions provided by the IP Act.

5.4 Complaints

A complaint about information privacy is an expression of dissatisfaction with Australian Synchrotron's procedures, staff, agents or quality of service associated with the collection or handling of personal or health information. Australian Synchrotron will be efficient and fair when investigating and responding to information privacy complaints.

The IP Act does not apply to health information, which is governed under a separate scheme contained in the *Health Records Act 2001*. Collection of health related information such as medical certificates is covered by the HR Act.

For complaints about information privacy, contact Human Resources.

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6 Grievance Procedure

6.1 Introduction

This policy applies to all employees of the Australian Australian Synchrotron but it does not apply to agency staff or contractors or consultants.

6.2 Purpose

The grievance process aims to balance the need for staff with those of the employers. While we have a flexible approach to work, sometimes it will not be possible to match what staff want to do with how we need to work to meet facility needs.

If an employee and their immediate or appropriate manager cannot quickly resolve an issue to mutual satisfaction then the grievance process should be followed.

The relevant manager or a representative of human resources should inform the employee of the status of their grievance at each step of the process and within a reasonable time frame. Until the grievance is resolved or determined work should continue normally in accordance with established customer practice. No party will be prejudiced as to the final resolution of the matter by the continuance of work.

6.3 Process

Where an employee has an issue or does not agree with a decision:

- the employee is to raise the concern promptly with their manager and try to resolve it by an informal discussion;
- if the employee is uncomfortable with discussing the matter with their immediate manager, the employee may seek to involve Human Resources in the matter ;
- a time frame for an informal discussion and possible resolution of the matter should be set down as soon as possible.

Where a concern is raised by an employee, the Manager/Human Resources Manager or delegate must:

- ensure the issue is acknowledged and resolved (or escalated to Human Resources or a senior manager if appropriate) within a reasonable time frame;
- ensure that the employee understands the grievance process;
- if the matter is not resolved then the matter should be escalated to the next level of management or to Human Resources.

Where the matter still remains unresolved:

- the matter should be taken to the relevant member of the Senior Management Team for a resolution.

If the matter is still not resolved the employer will implement a fair treatment process which will involve investigation and, if necessary, determination by an independent internal reviewer. The fair treatment process is as follows:

- a panel of employer representatives who are able to independently review grievances will be put together by the Human Resources team who will determine the matter in a fair and reasonable manner on the principles of merit and equity.

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7 Bullying and Harassment

7.1 Introduction

The employer is committed to providing a harmonious and co-operative working environment where all employees can work without fear of bullying or harassment.

7.2 Scope

Applies to all employees.

7.3 Definitions

WorkSafe Victoria have defined bullying as repeated, unreasonable behaviour directed toward an employee or group of employees that creates a risk to health and safety.

Unreasonable Behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.

Behaviour includes actions of individuals or a group, and may involve a system of work as a means of victimising, humiliating, undermining or threatening.

Risk to health and safety includes risk to the mental or physical health of the employee.

The following characteristics can help to understand and recognise harassment:

- harassment always involves unwanted conduct of a discriminatory and or intimidating kind which may be directed at an individual, group, culture, religion or lifestyle;
- harassment may create conditions in the workplace which are oppressive and or offensive to one or more individuals;
- harassment frequently involves a display of power which undermines, intimidates, isolates or degrades the victim.

7.4 Principles

In order to eliminate bullying and harassment, the employer is committed to:

- a prompt response and a clear timeframe in the investigation and resolution of all claims of bullying and harassment;
- a fair process based on natural justice;
- the capacity for individuals to seek a resolution without threat of alienation or further humiliation;
- recognition of the need to prevent victimisation of people involved in grievances;
- formal mechanisms which are clear and accessible;
- the involvement of support people;
- provision of professional counselling when needed.

7.5 Process for dealing with bullying or harassment

There are a number of avenues for dealing with bullying or harassment. This includes informal, mediation, and formal procedures, as described in the policy document. Where a formal complaint is made an investigation will be held and a right of appeal allowed.

7.6 Employee's responsibility

All employees are required to behave ethically and professionally in the workplace.

Employees who are found to have engaged in inappropriate behaviour may be subject to disciplinary action.

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7.7 Manager's Responsibility

Managers are responsible for putting in place preventative strategies to ensure bullying and harassment is minimised. This includes:

- highly visible modelling of professional and ethical behaviour;
- providing employees with clear information about what constitutes acceptable behaviour;
- providing new employees with a comprehensive induction which clarifies their responsibilities and rights in relation to acceptable workplace behaviour;
- ensuring proper standards of conduct are maintained at all times and that all staff, including temporary, casual or contract staff are aware of and maintain appropriate standards of behaviour at work;
- taking prompt action to deal with in appropriate conduct;
- treating complaints of bullying and harassment seriously and confidentially;
- ensuring there is no victimisation arising from complaints.

The [grievance handling checklist for managers](#) is provided as a guide when dealing with a complainant.

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8 Preventing Discrimination, Bullying, Harassment and Sexual Harassment

The employer is ensuring that all its workplaces achieve harmonious and cooperative working environments where employees are able to provide effective services to their clients, in a positive atmosphere without fear of bullying or harassment.

The *Preventing Bullying and Harassment Policy: Guidelines and Procedures*, applies to all employees. Its overall objective is to protect the dignity of individuals and to ensure that each employee is able to work in an environment free of bullying and harassment.

The employer is committed to:

- a prompt response and a clear time frame in the investigation and resolution of all claims of bullying and harassment;
- a fair process based on natural justice;
- the capacity for individuals to seek a resolution without threat of alienation or further humiliation;
- recognition of the need to prevent victimisation of people involved in grievances;
- formal mechanisms which are clear and accessible;
- the involvement of support people;
- provision of professional counselling when needed.

8.1 Types of Bullying behaviours

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, are some examples of what could be considered bullying:-

- verbal abuse;
- excluding or isolating employees;
- psychological harassment;
- intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible assignments;
- deliberately withholding information vital for effective work performance.

8.2 Prevention Strategies

Ideally workplace bullying and other forms of unacceptable behaviour should be reduced and eventually eliminated through prevention.

Preventative strategies include:-

- highly visible modelling of professional and ethical behaviour particularly at senior levels;
- providing employees with clear information about what constitutes acceptable behaviour;
- providing new employees with a comprehensive induction which clarifies their responsibilities and rights in relation to acceptable workplace behaviour.

8.3 What to do if you are feeling bullied or harassed

8.3.1 Informal procedure

In many case of bullying and harassment, the person simply wants the offending behaviour to stop and wishes the matter to be dealt with quickly and informally. Where an employee wishes their case to be dealt with informally, they can:

- directly inform the perpetrator of the impact of their behaviour and ask them to stop. Describe the inappropriate behaviour as clearly as possible, focussing on the effect of the behaviour on you. You should not personally attack the perpetrator;
- ask the alleged perpetrator about their intention regarding future interaction with you;

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- keep a personal record of any request made of the perpetrator to stop their behaviour, so that if the bullying or harassment is repeated further action can be taken;
- if at this stage you feel unsafe, you should stop the discussion and consider referring the matter to Human Resources for formal investigation.

8.3.2 *Option of Mediation*

Mediation is useful during the early stages of the conflict. It is based on openness, voluntary participation and the observance of confidentiality. A trained mediator from within the organisation will manage a discussion and assist in establishing a resolution. This discussion should focus on resolving the problem and reaching agreement on the actions that will be undertaken to assist the resolution.

8.3.3 *Formal Procedure*

Allegations of harassment will be dealt with formally where:

- informal attempts have not been successful; or
- management considers the behaviour too serious to be dealt with informally; or
- the employee wishes the matter to be dealt with formally.

The employer will commence an investigation where a written complaint is received by the Facility Director. This complaint may be made by the person being bullied or harassed, their union representative or management. Upon receipt of this complaint the Facility Director within 5 working days will request Human Resources to conduct a formal investigation.

8.3.4 *The Investigation*

Everyone involved must be:

- aware of and clear about the process of investigation to be followed;
- given the opportunity to have their cases heard;
- given access to objective information about the allegations;
- provided with fair and impartial treatment by the investigators;
- clear about the confidentiality boundaries;
- provided with a timely response;

In addition, any legislative requirements must be upheld, including disciplinary procedures. The employer will ensure that the principals of natural justice will be following throughout this process.

Any employee seen by the investigating officer, including the complainant and the alleged perpetrator, will have the right to be accompanied by a representative.

Upon conclusion, the investigating officer will make a report to the Facility Director setting out:

- the conclusions of the investigation, including a view on whether or not harassment has occurred;
- a proposed resolution, where appropriate, of the situation;
- a recommendation as to whether or not disciplinary action is required;

The Facility Director will write to the complainant within ten working days of receipt of the officer's report stating:-

- the conclusions, proposals and recommendations and;
- the action the Facility Director intends to take in response to the complaint.

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8.4 Principles for dealing with bullying

The employer's procedures and processes for dealing with bullying are based on the following principles:

Conciliation

Where possible, complaints will be resolved by counselling and conciliation at the workplace level.

Confidentiality

Complaints relating to bullying will be treated seriously and dealt with as a matter of urgency. Discussions, information and records related to complaints will remain factual and confidential. Provision of information will be restricted on a 'need to know' basis.

Unbiased investigation

All parties to a complaint will have a separate opportunity to put, and respond to, any matter and have a right to an unbiased investigation.

Counselling

Appropriate counselling will be made available to both parties upon request.

Right of appeal

The complainant and/or the perpetrator may lodge a grievance should they be unhappy with the Facility Directors recommendation. Prior to lodging a formal grievance in relation to a bullying or harassment issue, it is advisable to contact the Human Resources to discuss your problem. Human Resources will discuss your options and arrange for counselling or other support services if required.

Other assistance

The Employee Assistance Program (EAP) is a confidential service designed to help staff deal with work related problems that may be affecting their well being and work performance.

Any staff member who is experiencing emotional or financial problems, difficulty controlling drug or alcohol use, or who may be experiencing relationship or family problems can get confidential support and help through the EAP. The kinds of help available include problem assessment, counselling or referral to other sources of assistance.

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9 Racial and Religious Tolerance Guidelines

9.1 Introduction

The *Racial and Religious Tolerance Act* came into effect on 1 January 2002. As well as providing rights for victims of racial vilification, the legislation places responsibility on all Victorians not to engage in behaviour that promotes hatred or contempt.

9.2 Scope

Applies to all employees.

9.3 Definitions

The legislation states that people must not engage in conduct that incites hatred against, or serious contempt for, a person's racial or religious background. The Act covers public behaviour, including use of the internet and email, which has the effect of inviting hatred, serious contempt for, or severe ridicule of people's racial or religious backgrounds and practices. For instance, the Act makes it illegal to:

- write racist graffiti in public places;
- make racist speeches at a public rally;
- display racist posters or stickers in a public place;
- engage in racist or religious vilifying abuse in a public place
- make offensive racist comments in a publication including internet and email.

The legislation has been drafted to maintain freedom of speech while protecting the rights of all people in our society to participate in it as equals. The Act includes exceptions for conduct, or discussion that is engaged in reasonably and in good faith in relation to:

- an artistic work or performance;
- a statement, publication, discussion or debate in any genuine academic, artistic, religious or scientific purpose or which may be considered in the public interest;
- a fair or accurate report on a matter of public interest;
- private conduct.

9.4 Principles

The employer aims to create an environment in which people from all backgrounds can work together harmoniously and productively by utilising their differences. Valuing diversity is a key component of effective people management and is one of the employer's key values. We value our people's diversity and respect and recognise each other's diverse knowledge, skills and capabilities.

9.5 Process

There are a number of avenues for dealing with racial and religious vilification. This includes informal, mediation and formal procedures, as described in the Guidelines on Racial and Religious Vilification. Where a formal complaint is made an investigation will be held and a right of appeal allowed.

9.6 Employee's Responsibility

All employees are required to behave ethically and professionally in the workplace. Employees who are found to have engaged in inappropriate behaviour may be subject to disciplinary procedures.

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9.7 Manager's Responsibility

It is the responsibility of the manager to provide a healthy and positive work environment free from racial and religious vilification. Managers are responsible for putting in place strategies to ensure vilification is prevented. This includes:

- highly visible modelling of professional and ethical behaviour;
- providing all employees with clear information about what constitutes acceptable behaviour;
- providing new employees with a comprehensive induction which clarifies their responsibilities and rights in relation to acceptable workplace behaviour;
- fostering an environment that encourages acceptance of diversity;
- ensuring proper standards of conduct are maintained at all times and that all staff, including temporary, casual or contract staff are aware of and maintain appropriate standards of behaviour at work;
- taking prompt action to deal with the conduct which may be offensive or intimidating;
- treating complaints of vilification seriously and confidentially;
- ensuring there is no victimisation arising from complaints.

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10 Guidelines on Racial and Religious Vilification

10.1 What to do if you feel you are being racially or religiously vilified

10.1.1 *Informal Procedure*

In many case of bullying and harassment, the person simply wants the offending behaviour to stop and wishes the matter to be dealt with quickly and informally. Where an employee wishes their case to be dealt with informally, they can:-

- directly inform the perpetrator of the impact of their behaviour and ask them to stop. Describe the inappropriate behaviour as clearly as possible, focussing on the effect of the behaviour on you. You should not personally attack the perpetrator;
- ask the alleged perpetrator about their intention regarding future interaction with you;
- keep a personal record of any request made of the perpetrator to stop their behaviour, so that if the bullying or harassment is repeated further action can be taken.

If at this stage you feel unsafe, you should stop the discussion and consider referring the matter to your elected Occupational Health and Safety Officer or the Human Resources Consultant for formal investigation.

10.1.2 *Option of Mediation*

Mediation is useful during the early stages of the conflict. It is based on openness, voluntary participation and the observance of confidentiality. A trained mediator from within the organisation will manage a discussion and assist in establishing a resolution. This discussion should focus on resolving the problem and reaching agreement on the actions that ill be undertaken to assist the resolution.

10.1.3 *Formal Procedure*

Allegations of racial or religious vilification will be dealt with formally where:-

- informal attempts have not been successful; or
- management considers the behaviour too serious to be dealt with informally; or
- the employee wishes the matter to be dealt with formally.

The employer will commence an investigation where a written complaint is received by an Facility Director. This complaint may be made by the person being bullied or harassed, their union representative or management. Upon receipt of this complaint the Facility Director within 5 working days will appoint the Human Resources and the Occupational health and Safety Representative who will conduct the investigation.

10.1.4 *The Investigation*

Everyone involved must be:

- aware of and clear about the process of investigation to be followed;
- given the opportunity to have their cases heard;
- given access to objective information about the allegations;
- provided with fair and impartial treatment by the investigators;
- clear about the confidentiality boundaries;
- provided with a timely response.

In addition, any legislative requirements must be upheld, including disciplinary procedures. The employer will ensure that the principals of natural justice will be following throughout this process.

Any employee seen by the investigating officer, including the complainant and the alleged perpetrator, will have the right to be accompanied by representative.

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Upon conclusion, the investigating officer will make a report to the Facility Director setting out:

- the conclusions of the investigation, including a view on whether or not harassment has occurred;
- a proposed resolution, where appropriate, of the situation;
- a recommendation as to whether or not disciplinary action is required.

The Facility Director will write to the complainant within ten working days of receipt of the officer's report stating:

- the conclusions, proposals and recommendations and;
- the action the Facility Director intends to take in response to the complaint.

10.2 Principles dealing with racial or religious vilification

The Department's procedures and processes for dealing with racial or religious vilification are based on the following principles:

Conciliation

Where possible, complaints will be resolved by counselling and conciliation at the workplace level.

Confidentiality

Complaints relating to racial and religious vilification will be treated seriously and dealt with as a matter of urgency. Discussions, information and records related to complaints will remain factual and confidential. Provision of information will be restricted on a 'need to know' basis.

Unbiased investigation

All parties to a complaint will have a separate opportunity to put, and respond to any matter and have a right to an unbiased investigation.

Counselling

Appropriate counselling will be made available to both parties on request.

Right of appeal

The complainant and/or the alleged perpetrator may lodge a grievance should they be unhappy with the Facility Directors recommendation. Prior to lodging a formal grievance in relation to a racial or religious vilification issue, it is advisable to contact the Human Resources Manager to discuss your problem. The Human Resources Manager will discuss your options and arrange for counselling or other support services if required.

Other assistance

Employees should also be familiar with the following policies:-

- Policy and Guidelines for the Prevention of Discrimination
- Grievance Resolution Policy.

For further information on Cultural Diversity and prevention of racial and religious intolerance or Diversity in the workplace, contact Human Resources.

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11 Sexual Harassment

11.1 Introduction

The employer is committed to providing a workplace that is free from harassment, intimidation and offensive behaviour practices, in accordance with the Commonwealth Sex Discrimination Act 1984 and the Victorian Equal Opportunity Act 1995 which state that sexual harassment is illegal.

11.2 Scope

Applies to all employees.

11.3 Definitions

Any verbal or physical conduct of a sexual nature is sexual harassment when any of the following occur:

- it is uninvited, unreciprocated or unwelcome and behaviour which the recipient finds undesirable, offensive, humiliating or intimidating;
- submission to such conduct is implicitly or explicitly a term or condition of an individual's employment; or
- submission to such conduct is implicitly or explicitly a term or condition of decisions which would affect promotion, salary or any other job condition; or
- such behaviour creates an intimidating hostile or offensive work environment for one or more employees.

11.4 Principles

In order to eliminate harassment, the employer is committed to:

- a prompt response and a clear time frame in the investigation and resolution of all claims of harassment;
- a fair process based on natural justice;
- the capacity for individuals to seek a resolution without threat of alienation or further humiliation;
- recognition of the need to prevent victimisation of people involved in grievances;
- formal mechanisms which are clear and accessible;
- the involvement of support people;
- provision of professional counselling when needed.

11.5 Process for dealing with sexual harassment

There are a number of avenues for dealing with harassment. This includes informal, mediation and formal procedures, as described in the Guidelines on Sexual Harassment.

Where a formal complaint is made, an investigation will be held and a right of appeal allowed.

11.6 Employee's Responsibility

All employees are required to behave ethically and professionally in the workplace. Employees who are found to have engaged in inappropriate behaviour may be subject to discipline procedures.

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11.7 Manager's Responsibility

Responsibility for sexual harassment rests not only with the harasser, but also with the employer and the appropriate supervisor, where they are aware that harassment takes place. Managers are responsible for putting in place preventative strategies to ensure bullying and harassment is minimised. This includes:

- highly visible modelling of professional and ethical behaviour;
- providing employees with clear information about what constitutes acceptable behaviour'
- providing new employees with a comprehensive induction which clarifies their responsibilities and rights in relation to acceptable workplace behaviour;
- ensuring proper standards of conduct are maintained at all times and that all staff, including temporary, casual or contract staff are aware of and maintain appropriate standards of behaviour at work;
- taking prompt action to deal with inappropriate conduct;
- treating complaints of bullying and harassment seriously and confidentially;
- ensuring there is no victimisation arising from complaints.

The Grievance Handling Checklist for Managers is provided as a guide when dealing with a complainant.

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12 Sexual Harassment Guidelines

Sexual harassment can have the effect of creating an intimidating, hostile or offensive work environment. It is unwelcome, one-sided and both women and men can be subjected to it. Staff at all levels must ensure all reasonable measures are taken to provide an environment free from harassment, intimidation and offensive practices.

This policy and guidelines aims to ensure that all managers, supervisors and staff understand their rights and responsibilities in relation to sexual harassment in the workplace and that complaints are dealt with appropriately. It aims to strike a balance between expectations of work performance, proper standards of conduct, privacy and the rights of individual staff members. The guidelines do not intend to interfere in the lives and relationships of staff.

The employer is committed to:

- a prompt response and a clear time frame in the investigation and resolution of all claims of bullying and harassment;
- a fair process based on natural justice;
- the capacity for individuals to seek a resolution without threat of alienation or further humiliation;
- recognition of the need to prevent victimisation of people involved in grievances;
- formal mechanisms which are clear and accessible;
- the involvement of support people;
- provision of professional counselling when needed.

12.1 What is sexual harassment

Harassment may be perpetrated by an individual or a group and both men and women may be the subject of harassment. The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, are some examples of what could be considered sexual harassment. The term covers a range of actions and behaviours which should not be regarded as too trivial to warrant complaint:

- sexual jokes, remarks or insinuations about a person's sex or private life or persistent unwelcome questions about a person's private life;
- offensive telephone calls, displays of offensive pictures, posters, publications, objects etc
- physical contact, such as patting, pinching or touching in a sexual way, unnecessary familiarity, such as brushing against a person;
- sexual propositions or persistent requests for dates;
- suggestive comments about a person's sex life, physical appearance, leering, obscene gestures, wolf whistles;
- demanding sexual favours in exchange for a job, promotion, to retain a job or working conditions;
- more serious behaviour that could alternatively be the subject of police proceedings, for example, indecent exposure, sexual assault and rape.

Harassment does not encompass mutual attraction or friendships (sexual or otherwise) between staff.

12.2 Effects of sexual harassment

The cost of sexual harassment to an organisation is considerable and often results in:-

- low staff morale;
- poor work performance;
- absenteeism;
- loss of valued staff;
- negative effects on productivity;
- damage to an organisation's reputation and credibility;
- litigation and damages.

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The employer believes that whether or not an instance or situation constitutes harassment is not determined by the intentions of the perpetrator but by the seriousness and frequency of the perpetrator's actions and their impact on the person being victimised. In some cases a single instance will constitute harassment.

12.3 Prevention Strategies

The employer is responsible to provide, as far as practicable, a workplace that is free of sexual harassment and to establish procedures for dealing with complaints. Ideally workplace sexual harassment should be reduced and eventually eliminated through prevention.

Preventative strategies include:

- highly visible modelling of professional and ethical behaviour particular at senior levels;
- providing employees with clear information about what constitutes acceptable behaviour;
- providing new employees with a comprehensive induction which clarified their responsibilities and rights in relation to acceptable workplace behaviour.

12.4 Rights and responsibilities of all employees

12.4.1 Responsibilities

Everyone is expected and required to behave ethically and professionally in the workplace. These requirements are binding on all employees at executive and non-executive levels. In addition, staff must not condone circumstances that may allow or lead to sexual harassment of other members of staff, contractors, clients and service providers to the employer.

Employees who are found to have engaged in inappropriate behaviour may be subject to disciplinary procedures.

Senior Management, Directors and Managers must model ethical behaviour and ensure a safe and professional working environment is established and maintained. Any harassment issues must be dealt with fairly and promptly.

12.4.2 Rights

It is the right of every member of staff to:

- decide which avenue of complaint he or she wishes to pursue and how far a complaint will be taken;
- lodge a complaint without fear of retribution, victimisation or adverse affects on their employment;
- know exactly what he or she is accused of;
- have proper opportunity to present a case to an independent and unbiased arbiter;
- have complaints treated in a confidential manner.

12.5 What to do if you are feeling sexually harassed

12.5.1 Informal procedure

In many cases of sexual harassment, the person simply wants the offending behaviour to stop and wishes the matter to be dealt with quickly and informally.

Where an employee wishes their case to be dealt with informally they can:

- directly inform the perpetrator of the impact of their behaviour and ask them to stop;
- describe the inappropriate behaviour as clearly as possible, focusing on the effect of the behaviour on you. You should not personally attack the perpetrator;
- ask the alleged perpetrator about their intention regarding future interaction with you;

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- keep a personal record of any incidents, dates, times, places, people involved, witnesses and what happened. This information will be valuable if you decide to take the matter further;
- contact Human Resources for help and advice.

If the employee feels uncomfortable with taking a direct approach or feels unsafe after doing so, he/she should consider referring the matter to Human Resources for advice, support and further action.

Make sure that you direct your complaint to those that can actually help you. It is damaging to reduce the problem to gossip and rumours, which can jeopardise the investigation and conciliation process.

12.5.2 Option of mediation

Mediation is useful during the early stages of the conflict; it is based on openness, voluntary participation and the observance of confidentiality. A trained mediator from within the employer will manage a discussion and assist in establishing a resolution. This discussion should focus on resolving the problem and reaching agreement on the actions that will be undertaken to assist the resolution.

12.5.3 Formal procedure

Allegations of sexual harassment will be dealt with formally where:

- informal attempts have not been successful; or
- management considers the behaviour too serious to be dealt with informally; or
- the employee wishes the matter to be dealt with formally.

The employer will commence an investigation where a written complaint is received by the Facility Director through the employer's Grievance Review Process. This complaint may be made by the person being harassed, their union representative or management. Upon receipt of this complaint the Facility Director within five (5) working days will appoint Human Resources who will conduct the investigation.

The complaint will be handled in accordance with the procedure established for this process and a trained conciliator will be appointed to investigate the complaint. The individual needs and preferences of the complainant will be taken into account when assigning a conciliator. Where conciliation at this level is unsuccessful, a formal review of the complaint may occur.

Advice and support can be sought from Human Resources. Prior to lodging a formal grievance in relation to a sexual harassment issue, it is advisable to contact the Human Resources Manager to discuss your problem. The Human Resources Manager will discuss your options and arrange for counselling or other support services if required.

12.6 Principles for Dealing with Sexual Harassment

The Employer's procedures and processes for dealing with sexual harassment are based on the following principles:

Conciliation

Where possible, complaints will be resolved by counselling and conciliation at the workplace level.

Confidentiality

Complaints relating to sexual harassment will be treated seriously and dealt with as a matter of urgency. Discussions, information and records related to complaints will remain factual and confidential. Provision of information will be restricted on a 'need to know' basis.

Unbiased Investigation

All parties to a complaint will have a separate opportunity to put, and respond to, any matter and have a right to an unbiased investigation.

Counselling

Appropriate counselling will be made available to both parties upon request.

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The investigation

Everyone involved must be:

- aware of and clear about the process of investigation to be followed;
- given the opportunity to have their cases heard;
- given access to objective information about the allegations;
- provided with fair and impartial treatment by the investigators;
- clear about the confidentiality boundaries;
- provided with a timely response;

In addition, any legislative requirements must be upheld, including disciplinary procedures. The employer will ensure that the principles of natural justice will be followed throughout this process. Any employee seen by the investigating officers, including the complainant and the alleged perpetrator, will have the right to be accompanied by a union representative.

Upon conclusion, the investigating officers will make a report to the Facility Director setting out:

- the conclusions of the investigation, including a view on whether or not harassment has occurred;
- a proposed resolution, where appropriate, of the situation;
- a recommendation as to whether or not disciplinary action is required.

The Facility Director will write to the complainant within ten working days of receipt of the officer's report stating:

- the conclusions, proposals and recommendations; and
- the action the Facility Director intends to take in response to the complaint.

Discipline Process

A staff member who fails to comply with a provision of the Code of Conduct, commits a breach of discipline and is liable to disciplinary action,.

This process may be used where, after other attempts at resolution, the harassment is repeated or where the harassment is of a particularly serious nature. Any disciplinary action taken will be in accordance with the employer's policy and guidelines on discipline.

Right of appeal

The complainant and/or alleged perpetrator may lodge a grievance should they be unhappy with the Facility Director's recommendation. Prior to lodging a formal grievance in relation to a harassment issue, it is advisable to contact Human Resources to discuss your problem. Human Resources will discuss your options and arrange for counselling or other support services if required.

It is the responsibility of Human Resources to support any staff member wishing to make a complaint relating to sexual harassment. Complaints will be handled in a confidential manner and investigated and resolved through conciliation.

Further assistance

The Equal Opportunity Commission provided a confidential and free complaints resolution service that aims to resolve disputes by conciliation. A person may lodge a complaint with the Equal Opportunity Commission under the Victorian Equal Opportunity Act 1995. There is no obligation to lodge a formal complaint, but if a complaint is lodged, the Commissioner is obliged to investigate it and, where appropriate, to seek a resolution through conciliation.

Cases that cannot be resolved may be referred to the Equal Opportunity Commission for hearing. Complaints to the Commission should be made within 12 months of the harassment and should be made by the person suffering the harassment. (Complaints outside this time limit may be accepted in certain circumstances.) Where a staff member exercises their right of complaint to the Commissioner for Equal Opportunity, they may **not** also lodge a complaint through the employer's internal grievance process.

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Contact:

Equal Opportunity Commission
Level 3, 380 Lonsdale Street,
Melbourne

The Police should be contacted where the alleged sexual harassment constitutes a criminal action.

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13 Reasonable Adjustment for Workers with Disabilities

13.1 Introduction

The Employer has a policy of managing diversity which means that actively encourages people with disabilities to seek employment. It also provides professional development opportunities for people with disabilities.

The employer is obligated to comply with Commonwealth and State anti-discrimination legislation in its employment practices. The legislation prohibits both direct and indirect discrimination on the grounds of disability. The employer will take the necessary measures, where possible, to make any reasonable adjustments that may be required to enable a person with a disability to undertake the work.

13.2 Scope

Applies to all job applicants and existing employees with disabilities.

13.3 Definitions

Reasonable adjustment is the removal of physical or organisational barriers which unnecessarily prevent the employment, or limit the performance or advancement of people with disabilities within an organisation.

13.4 Parameters

If it is not possible, or too costly, to make the necessary adjustments to enable the person to undertake the work, this does not constitute unlawful discrimination. Each application for reasonable adjustment needs to be considered on its own merit, taking into consideration such factors such as the specific disability, inherent function of the job, and the work environment.

13.5 Types of Adjustments

People with disabilities may require workplace adjustments, which could include modifications to:-

- recruitment and interview arrangements;
- promotion or opportunities;
- access to buildings in the workplace;
- staff development and training;
- flexible working arrangements;
- job design and practices;
- equipment and furniture.

13.6 Employee's responsibility

The individual with the disability is responsible for identifying the need for modification of duties or the physical environment. The request for reasonable adjustment should be made in writing to the Human Resources Manager, indicating the specific disability that requires consideration for adjustment in the workplace.

13.7 Manager's Responsibility

Managers are responsible for:

- familiarising themselves with the relevant legislation to ensure they are not discriminating against people with a disability;
- assessing requests for reasonable adjustment, factoring in the specific disability, the inherent function of the job and the work environment;
- ensuring co-workers are aware of the special needs of the person with a disability so that their needs are accommodated;
- encouraging job applicants with a disability to discuss possible reasonable adjustments.

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