

Equal Opportunity, Discrimination, Harassment and Bullying Policy

June 2022

1.0 Purpose

The Women's Housing Company (WHC) equal opportunity, discrimination, harassment and bullying prevention policy has been developed to inform our staff and business partners of our commitment to providing a workplace free of discrimination, bullying and harassment. We believe that all people deserve the right to equality and to work in an environment that is lawful and safe.

The WHC is committed to creating a work environment which fosters mutual trust, promotes job satisfaction and provides high quality service to our customers and business partners.

This policy serves to inform and outline our position and commitment to providing a workplace that allows each individual to reach their potential in a safe, supportive environment.

2.0 Scope

This policy applies to:

- the Board
- all staff of the WHC including current employees whether full-time, part-time, casual, fixed term, or temporary; contractors; sub-contractors; student placements and volunteers
- persons seeking employment with the WHC
- staff treatment of current and potential clients and of other members of the public encountered in the course of their duties at WHC
- staff engagement with other stakeholders and support persons in the course of their work.

It applies when:

- determining who is offered employment
- determining terms of employment
- providing access to opportunities for training, promotion and secondment
- terminating employment
- deciding on the type of service or facility offered to customers and the manner in which it is to be provided.

It applies to all work-related activities:

- whether or not held in the workplace or off-site such as customer visits, team events and training
- during and outside of normal working hours.

3.0 Policy statement

The WHC is an equal opportunity employer committed to providing a safe, and respectful work environment for staff and clients which is free from discrimination, harassment and bullying.

Discrimination, harassment and bullying are unlawful in both state and federal legislation (refer Section 10 of this Policy) and against the core values of the WHC.

The WHC considers all types of discrimination, harassment and bullying to be unacceptable and has a zero tolerance in this regard.

The WHC is therefore committed to ensuring that:

- discrimination, harassment and bullying complaints are treated seriously
- complaints are attended to promptly and confidentially
- complaints are investigated impartially
- action is taken to ensure that misconduct does not continue, and

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- complainants and witnesses are not victimised in any way.

3.1 Discrimination

Unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group because of their race (including colour, national or ethnic origin or immigrant status); sex, pregnancy or marital status and breastfeeding, age, disability, sexual orientation, gender identity, intersex status, religion, trade union activity or some other characteristic specified under anti-discrimination or human rights legislation.

Discrimination can be either direct or indirect.

Direct discrimination occurs when a person is treated less favourably than another person in the same or similar circumstances on any of the grounds or attributes protected by law.

Indirect discrimination occurs when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging a person or a group of people with a personal characteristic protected by law.

3.2 Harassment

Harassment is any form of behaviour that:

- is not wanted
- offends, humiliates or intimidates you
- creates a hostile environment

In NSW it is unlawful to harass someone because of their race (including colour, nationality, descent, ethnic or ethno-religious background); age; sex; pregnancy; breastfeeding; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation.

Harassment can include behaviour such as:

- telling insulting or offensive jokes
- sending explicit or sexually suggestive emails
- displaying offensive or pornographic posters or screen savers
- making derogatory comments or taunts
- asking intrusive questions about someone's personal life, including their sex life.

The point of view of the person being harassed helps determine whether an action or behaviour is considered harassment.

3.3 Sexual harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature in relation to another person, in circumstances where a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated.

Sexual harassment can be a single event or repeated events. Examples can include:

- unwelcome touching, hugging, cornering or kissing
- inappropriate staring or leering
- suggestive comments or jokes
- use of suggestive or sexualised nicknames for co-workers
- circulating sexually explicit material
- requests or pressure for sex

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- intrusive questions or comments about a person's private life or body
- insults or taunts based on sex
- sexual gestures or indecent exposure
- sexually explicit or indecent emails, phone calls, text messages or online interactions
- actual or attempted sexual assault.

Serious sexual harassment could also be considered as sexual assault and a crime under the *Crimes Act 1900 (NSW)*.

3.3 Bullying

Bullying is repeated and unreasonable behaviour directed towards a person or a group of persons that creates a risk to health and safety. Unreasonable behaviour includes behaviour that is victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable will depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

Bullying may involve a one-off situation where physical assault is involved, although it generally involves behaviour that is repeated over time.

Bullying behaviour can range from very obvious verbal or physical assault to very subtle psychological abuse. This behaviour may include:

- physical, verbal or written abuse (being sworn at, threats, insults, continual criticism, name calling, practical jokes, threats)
- direct violence including physical assault
- yelling, screaming or offensive language
- belittling and humiliating comments
- unjustified criticism or complaints
- threatening body language
- excluding or isolating someone from workplace activities
- psychological harassment
- intimidation
- pressuring someone to behave inappropriately
- assigning meaningless tasks unrelated to the job
- giving staff impossible jobs
- deliberately changed work rosters to inconvenience particular staff
- undermining work performance by deliberately withholding information vital for effective work performance.

4.0 What harassment and bullying is not

An employer or manager can direct and control the way work is carried out. Reasonable disciplinary and performance improvement procedures are not bullying or harassment.

Managers, as part of their responsibility, should address performance and behavioural issues. Constructively delivered feedback or counselling is intended to assist staff to improve their work performance or their standard of behaviour.

The process of providing feedback to staff during a formal performance appraisal, one on one or when counselling staff regarding their work performance can be stressful. Managers and staff should undertake these processes with sensitivity, whilst managers uphold their responsibility to provide full and frank feedback to staff.

Furthermore, workplace conflict, including differences of opinion and disagreements, are generally not workplace bullying. People can have differences and disagreements without engaging in bullying or

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harassing behaviour. However, in some cases, conflict may escalate to the point where it becomes workplace bullying. It is therefore important that conflict is not ignored and, where possible, resolved to avoid escalation.

5.0 Anti-Discrimination exemptions

WHC's commitment as an equal opportunity employer is balanced against our commitment to prioritising the wellbeing of our clients, many of whom have experienced domestic or family violence.

The WHC was specifically established to provide housing for women and this is reflected in the Constitution. Numerous surveys and interviews have indicated that WHC clients feel safer and more secure when housed in complexes with other women and when dealing with other females. This reflects their disadvantaged and sometimes traumatised histories.

The WHC holds a section 126A exemption from the *Anti-Discrimination Act 1977 (NSW)*, which reflects the special needs of our target client group and allows us to prioritise the housing needs of women over other types of clients.

The WHC has also been granted an exemption under section 126 of the *Anti-Discrimination Act 1977 (NSW)* in relation to the employment of all-female staff, including the appointment of female Directors. The all-female workforce is critical to the effectiveness of WHC's service provision, helping our tenants and clients feel safe and secure when engaging with our staff.

6.0 Responsibilities

It is the responsibility of all Board members and staff to be familiar with this policy and to ensure that proper standards of conduct are upheld in the workplace and in our dealings with customers and business partners.

6.1 All staff have a responsibility to:

- act in accordance with the Vision and Values of the WHC
- have a working knowledge of this policy and the related complaints and grievance handling procedures
- comply with this policy and be responsible for your own behaviour
- attend training as provided by the company from time to time
- raise concerns or observations of workplace discrimination, harassment or bullying taking place
- maintain complete confidentiality if involved in an investigation or a complaint.

6.2 Managers have additional responsibilities including to:

- promote and model appropriate behaviour
- promote the policy to team members and new starters
- treat complaints seriously and ensure that immediate action is taken to investigate and resolve them; and
- maintain confidentiality principles related to all complaints.

6.3 Board members have a responsibility to:

- act in accordance with the Vision and Values of the WHC
- have a working knowledge of this policy and the related complaints and grievance handling procedures
- comply with this policy and be responsible for your own behaviour
- promote and model appropriate behaviour

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- maintain confidentiality principles related to all complaints.

7.0 Breaches of this policy

In line with our commitment to providing an environment free from discrimination, harassment and bullying, the WHC takes a zero tolerance stance to breaches of this policy.

Staff found engaging in discriminatory, harassing or bullying conduct will be subject to disciplinary action, including termination.

8.0 What do I do if I think I have been discriminated against, harassed or bullied?

If you feel you have been discriminated against, harassed or bullied, there are several avenues open to deal with unacceptable behaviour.

If you feel comfortable doing so, you may confront the other party directly and make it clear to them that their behaviour is unacceptable to you and is unwelcome. You should ask that the behaviour stop. If you do not feel comfortable in confronting the other party yourself, you should seek further advice or assistance. In the case of staff members, further advice or assistance may be sought from your line manager, the People and Culture Manager or the Chief Financial and Corporate Services Officer. In the case of applicants for housing, this assistance can be sought from the Housing Services Manager or the Head of Community Housing Operations. In the case of applicants for employment or other external stakeholders, assistance or advice can be sought from the People and Culture Manager or the Chief Financial and Corporate Services Officer.

If you are a staff member that has been subject to discriminatory, harassing or bullying behaviour and if you are not comfortable to confront the other party, or if you have done so and the behaviour persists, you should follow the Grievance Handling procedures.

Staff also have access to the services of the Employee Assistance Program (EAP).

If you are an applicant for housing, an applicant for employment or an external stakeholder that has been subject to discriminatory, harassing or bullying behaviour, you should lodge a complaint via the WHC website.

Review the WHC Complaints and Appeals Policy and/or the Grievance Handling Procedure for more information.

8.1 External redress

Any person that has been subject to discriminatory, harassing or bullying behaviour from a representative of the WHC is expected to utilise the Complaints and Appeals Policy and procedure or the Grievance Handling Procedure in the first instance. Complaints can be lodged via the WHC website. If anonymity is important, reports of misconduct can be lodged via the WHC's external Whistleblower service which can also be accessed via the WHC website.

If a complainant is dissatisfied with any procedural aspect of how the grievance/complaint was handled, or is dissatisfied with the outcomes of an investigation, they have redress through external organisations including:

- the Australian Human Rights Commission for discrimination/harassment based claims (<http://www.hreoc.gov.au/>) ;
- Anti-Discrimination NSW for matters concerning discrimination, sexual harassment, vilification and victimisation (<https://antidiscrimination.nsw.gov.au/>); and
- Fair Work Commission for workplace bullying based claims (<http://www.fwc.gov.au/>).

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9.0 Other relevant policies

Staff are encouraged to read this policy in conjunction with other relevant WHC policies and procedures, including:

- Code of Conduct
- Contractor Code of Conduct
- Complaints and Appeals Policy
- Grievance Handling Procedure
- Recruitment and Selection Policy and Procedure
- Whistleblower Policy

10.0 Related legislation

10.1 Commonwealth

- *Age Discrimination Act 2004 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Fair Work Act 2009 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*

10.2 New South Wales

- *Anti-Discrimination Act 1977 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Work Health and Safety Act 2011 (NSW)*

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