

EQUAL EMPLOYMENT OPPORTUNITY & DISCRIMINATION POLICY

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Document Title:	EEO & Discrimination Policy	Document Version:	1.0
Release Date:	18 May 2021	Revision Date:	18 May 2021

OVERVIEW

Pro Health Care and any subsidiary companies (“**Pro Health Care**”) are committed to providing a safe, flexible and respectful environment for employees and clients free from all forms of discrimination, bullying and sexual harassment.

All employees are required to treat others with dignity, courtesy and respect.

By effectively implementing our Equal Employment Opportunity & Discrimination Policy we will provide the highest level of holistic patient care, attract and retain talented employees, and create a positive environment for all.

The purpose of this policy is to make it clear what Pro Health Care expects from employees in relation to:

- How Pro Health Care provides services to clients and how it interacts with other members of the public;
- All aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport;
- On-site, off-site or after-hours work; work-related social functions; conferences – wherever and whenever employees may be as a result of their duties;
- Employee treatment of other employees, of clients, and of other members of the public encountered in the course of their duties;
- Avoiding gossip and respecting the confidentiality of complaint resolution procedures.

This policy covers all employees, including but not limited to casual and permanent employees, members of the board, volunteers, contractors and consultants. Employees are required to be familiar with and comply with the terms of this policy at all times. Failure to do so may result in disciplinary action, up to and including termination of employment.

In so far as this policy imposes any obligations on Pro Health Care (i.e. those in addition to those set out in legislation), those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees (i.e. those in addition to those set out in legislation), they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee’s written employment contract.

Pro Health Care may unilaterally introduce, vary, remove or replace this policy at any time.

ADDITIONAL RESPONSIBILITES OF MANAGERS AND SUPERVISORS

Managers and supervisors must also:

- Model appropriate standards of behaviour;
- Take steps to educate and make employees aware of their obligations under this policy and the law;
- Intervene quickly and appropriately when they become aware of inappropriate behaviour;
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;

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- Help employees resolve complaints informally;
- Refer formal complaints about breaches of this policy to Human Resources for investigation;
- Ensure employees who raise an issue or make a complaint are not victimised;
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made;
- Seriously consider requests for flexible work arrangements.

UNACCEPTABLE WORKPLACE CONDUCT

Discrimination, bullying and sexual harassment are unacceptable at Pro Health Care and are unlawful under legislation including:

- Sex Discrimination Act 1984 (Cth);
- Racial Discrimination Act 1975 (Cth);
- Disability Discrimination Act 1992 (Cth);
- Age Discrimination Act 2004 (Cth);
- Australian Human Rights Commission Act 1986 (Cth).

Employees found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal disciplinary action, up to and including termination of employment.

Under the law employees can be held personally liable for certain breaches of discrimination law, and Pro Health Care can also be vicariously liable for employees conduct.

PROTECTED PERSONAL CHARACTERISTICS

Protected personal characteristics under Federal discrimination law include:

- A disability, disease or injury, including work-related injury;
- Parental status or status as a carer, for example, because they are responsible for caring for children or other family members;
- Race, colour, descent, national origin, or ethnic background;
- Age, whether young or old, or because of age in general;
- Sex;
- Industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- Religion;
- Pregnancy and breastfeeding;
- Sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual;
- Marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;

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- Political opinion;
- Social origin;
- Medical record;
- An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

DISCRIMINATION

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below). For example:

An employee is harassed and humiliated because of their race

or

An employee is refused promotion because they are ‘too old’

Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law. For example:

Redundancy is decided based on people who have had a worker’s compensation claim rather than on merit.

BULLYING

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Any form of bullying is unacceptable in Pro Health Care and we have a separate Bullying and Harassment Policy which employees must read and abide by, this deals with bullying and harassment. This policy also covers harassment, sexual harassment and workplace violence.

VICTIMISATION

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal disciplinary action against the perpetrator.

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Pro Health Care has a zero-tolerance approach to victimisation.

VILIFICATION

Vilification is where a person commits a public act which is reasonably likely to offend, insult, humiliate or intimidate another person because of their race, sex, religion, sexuality or sexual identity. Hatred or vilification due to an attribute protected under equal opportunity laws is unlawful.

Pro Health Care will not tolerate or accept any form of hatred or vilification due to a protected attribute of another person.

Any conduct that can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered a public act. Workplaces can be public places.

Pro Health Care may be vicariously liable for employees found to have engaged in any form of unlawful hatred or vilification. Employees may also be sued personally or prosecuted criminally under Commonwealth or State criminal laws.

Conduct that may constitute vilification can include verbal or written statements, or even be the reproduction or distribution of already published information. Examples include:

- Offensive material on the internet, including e-forums, blogs, social networking sites and video sharing sites;
- Offensive comments or images published in a publication such as a leaflet, flyer, internal message board or workplace intranet;
- Offensive speeches at public events, work functions or in the workplace;
- Abusive comments in any public place, such the workplace, or any other place attended in connection with employment; or
- In some instances, the reproduction or distribution of already published information around the workplace.

DECISIONS BASED ON MERIT

All recruitment and job selection decisions at Pro Health Care will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

RESOLVING ISSUES

Pro Health Care strongly encourages any employee who believes they have been discriminated against, bullied, sexually harassed, vilified or victimised to take appropriate action by making a complaint in accordance with the companies Grievance Handling Policy.

Any employee who has witnessed any discrimination, bullying, sexual harassment, vilification or victimisation should report this to their manager or other responsible person in Pro Health Care, or can raise a complaint in accordance with the companies Grievance Handling Policy.

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It is unacceptable for staff at Pro Health Care to talk with other employees, clients or suppliers about any complaint of discrimination or harassment without Pro Health Care’s express permission.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal disciplinary action, up to and including termination of employment.

RELATED POLICIES AND PROCEDURES

Employees are encouraged to read this policy in conjunction with other relevant Pro Health Care policies, including:

- Code of Conduct;
- Values & Ethos;
- Bullying & Harassment Policy;
- Grievance Handling Policy.

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