

3. ANTI- DISCRIMINATION AND EQUAL OPPORTUNITY POLICY

Overview

This policy pertains to Anti-discrimination and equal opportunity and how Tarago River Cheese Company (TRCC) has a duty under health & safety legislation to ensure that its employees are not at risk arising out of discrimination or victimisation. This policy sets out the framework that TRCC has implemented to eliminate discrimination and victimisation in the workplace.

This policy reflects the spirit and intent of Federal and State affirmative action and anti-discrimination legislation in Australia, including:

- *Equal Opportunity Act 2010 (Vic);*
- *Sex Discrimination Act 1984 (Cth);*
- *Disability Discrimination Act 1992 (Cth);*
- *Age Discrimination Act 2004 (Cth);*
- *Racial Discrimination Act 1975 (Cth);* and
- *Fair Work Act 2009 (Cth).*

This policy applies to all TRCC staff.

Policy Statement

TRCC is committed to the prevention of any form of discrimination or victimisation in the workplace. TRCC considers these unacceptable forms of behaviour and it will not tolerate such behaviour under any circumstances.

All employees have a right to be treated equitably and without discrimination in the workplace. All employees have the responsibility to respect the rights of fellow employees, by not taking part in any action that may constitute discrimination and by supporting and promoting the achievement of equal opportunity.

TRCC is an equal opportunity employer. It is committed to ensuring that factors relating to a person's ability to perform their responsibilities, and to develop in their employment, are paramount in TRCC's decisions about their work.

TRCC believes that people perform more productively in an environment that is free from discrimination.

What is equal employment opportunity and discrimination?

Equal opportunity means ensuring that employment policies and practices are based on, and operate according to, the principle of merit. TRCC is therefore committed to ensuring that its employment practices are free from any unlawful discrimination based on:

- Race or ethnicity;
- Gender;
- National origin;
- Marital status;

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- Sexual preference or lawful sexual activity;
- Age;
- Disability or impairment, including infectious disease;
- Industrial activity;
- Physical features;
- Pregnancy;
- Family responsibilities;
- Religious beliefs;
- Political conviction;
- Breastfeeding; and
- Gender identity.

TRCC is also committed to ensuring that its employment practices are free from any unlawful discrimination based on a person’s association (including as a relative) with someone who has one of the characteristics listed above.

Discrimination can take many forms, which can either be direct or indirect.

Direct discrimination occurs when a person is treated less favourably than another, simply because of a personal characteristic or status unrelated to job performance listed above, such as gender, race, sexuality, marital status, etc.

Indirect discrimination occurs when a policy or requirement which at first glance seems fair, in fact operates to the detriment of a particular group of people because of a characteristic of that group, such as their age, race, family circumstances or gender (as listed above).

Victimisation occurs when a person is treated unfairly or less favourably because of making or intending to make a complaint of discrimination.

Grievance procedure

TRCC is required to ensure that all employees are treated fairly and equitably and are not subject to discrimination or victimisation. Any concerns can be discussed privately and confidentially with any Supervisor at Level 4 or higher or offered in writing to the company directors.

All employees must appreciate that raising an allegation of discrimination or victimisation against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint may have significant and often permanent consequences, both personally and professionally, for the other party. TRCC will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

Use of the Grievance Procedure to deal with issues of victimisation or discrimination is purely voluntary and not mandatory. However, if an employee decides not to raise the issue in the manner outlined in this policy or by seeking external help, TRCC acknowledges that the employee has chosen to drop the matter and not take it further. In particular, the employee must not seek to progress the issue informally, e.g. by allowing the matter to be the subject of innuendo or gossip. Breach of this aspect of the policy may attract disciplinary action.

Complaint handling guidelines

TRCC has confidential procedures for handling complaints under this policy. These procedures are based on the principle that the rights and privacy of both parties to a complaint should be

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safeguarded. TRCC considers that it is important that any complaint be dealt with as promptly as possible, professionally and with sensitivity.

If you wish to make a complaint of discrimination in the workplace, you can speak confidentially to a Level 4 supervisor or company director, or contact the relevant agencies for advice:

- Victorian Equal Opportunity and Human Rights Commission.
- Australian Human Rights Commission.
- Victorian Civil and Administrative Tribunal (VCAT).
- Fair Work Commission (if the discrimination relates to your work).

The relevant agency and TRCC encourage the internal resolution of complaints if possible. Our internal complaint handling guidelines are as follows:

1. If you feel comfortable doing so, you should first advise the other person, verbally or in writing, in a direct or firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour. You can speak with your Supervisor who can assist with this step or suggest other options.

It is suggested that you keep diary notes of all incidents with names, dates, witnesses and any response you make in respect to the incidents. Doing so could ensure a speedy and thorough resolution for all parties concerned.

2. Speak with a Supervisor at Level 4 or higher about the incident(s). The Supervisor will discuss options for stopping the behaviour. This may involve nominating a Director who will first discuss and clarify the allegations with the relevant parties and then attempt to find a suitable and appropriate resolution.
3. If either party is unhappy with the progress of the complaint or the resolution, they can request TRCC to appoint an independent investigator. If the complainant is dissatisfied with the progress or resolution, they can lodge a complaint with the relevant agency as listed above.

Both parties will be afforded natural justice. This means that:

- complaints will be investigated promptly;
- the allegations will be put to the alleged perpetrator;
- each party will be given the opportunity to express their version of events; and
- the alleged perpetrator will be treated as innocent unless the allegations are substantiated.

All file notes relating to the complaint will be kept in specially provided locked files. Only contact officers and conciliators dealing with particular complaints will have access to these files.

Employees involved in a complaint of discrimination may also be offered professional support services, such as counselling or medical advice, as appropriate.

Outcome of grievance process

Any person who has been found to have discriminated against or victimised another person may be disciplined. The discipline will be appropriate to the severity of the offence, but may involve warning or dismissal.

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Any person found to have made a complaint that is vexatious or based on facts that the complainant ought to reasonably believe to be untrue will also be subject to disciplinary sanction.

Mitigating factors, such as personal circumstances, disciplinary and work history, and work performance will be taken into account in determining the appropriate disciplinary measures to be adopted.

Responsibilities

It is the responsibility of all TRCC Managers and Supervisors to;

- Ensure all employees are aware of and have access to this policy;
- Actively manage, support and contribute to the implementation of this policy;
- Ensure that this and all policies and procedures are being adhered to on a daily basis;
- Be ready and willing to receive any reporting in relation to policies not being adhered to;
- Notify all employees of changes or updates to this or any other policy;
- Commit to continual improvement of TRCC and its policies.

Furthermore, TRCC commits to;

- Thoroughly investigate all matters that do not comply with Equal opportunity Policy in the workplace without restraint;
- Ensure all processes are implemented in their entirety for a satisfactory result for all.

It is the responsibility of employees to;

- Ensure they have read and clearly understood this policy and seek clarification where necessary;
- Actively support and contribute to the implementation of this policy;
- Adhere to this and all policies and procedures consistently and thoroughly;
- Report any instances where this policy is not being adhered to;
- Take initiative to inquire on updates or changes to this or any other policy;
- Exhibit a willingness to continually improve TRCC and its policies;
- Support policy awareness with co-workers;

Furthermore, TRCC asks that its employees also;

- Consider this policy while completing work-related duties and at any time while representing TRCC;
- Support and contribute to TRCC's aim of providing a safe, healthy and supportive environment for all workers;
- Report any suspicions of workplace breaches of equal opportunity to Management immediately;
- Write down any occurrences including dates, times and other related information of instances where breaches of the Equal opportunity Policy may have occurred.

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Breach of this Policy

Where an employee breaches or is reasonably suspected of having breached this policy, the employee will be given an opportunity to explain their actions. Where no satisfactory explanation is given, the matter will be treated as misconduct.

Breach of these guidelines may result in disciplinary action, up to and including dismissal.

Further information

Further information on this policy can be obtained from the [Portner Press Health and Safety Handbook](#) section D5 Page 0319 Discrimination - Stored in reception or escalate to a Company Director.

Checklist : What to include in your anti-discrimination policy

Template : Anti-discrimination and Equal Opportunity Policy

Australian Human Rights Commission 1300
369 711

<https://www.humanrights.gov.au/>

Fair Work Ombudsman 14 13 94

<https://www.fairwork.gov.au/>

1300 136 089 WorkSafe Victoria

<https://www.worksafe.vic.gov.au/>

Job Access (employment of people with
disability) 1800 464 800

<https://www.jobaccess.gov.au/>

Business Victoria 13 22 15

<https://www.business.vic.gov.au/>

Victorian Small Business Commission
(VSBC) 13 87 22

<https://www.vsbcb.vic.gov.au/>

Department of Education, Employment and
Workplace Relations

<http://deewwr.gov.au/>

Office for Youth

<https://dhhs.vic.gov.au/office-youth>

Department of Social Services 1300 653 227

<https://www.dss.gov.au/>

Victorian Multicultural Commission 1300 366
356

<https://www.multicultural.vic.gov.au/>

Workplace Gender Equality Agency 1800
730 233

<https://www.wgea.gov.au/>

Safe Work Australia

<https://www.safeworkaustralia.gov.au/>

Fair Work Commission 1300 799 675

<https://www.fwc.gov.au/>

Heads Up 1300 224 636

<https://www.headsup.org.au/>

Reach Out

<https://au.reachout.com/>