



ANTI-DISCRIMINATION POLICY

1. Purpose

The FSAA aims to provide an environment where contractors, representatives and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment and vilification.

The FSAA aims to ensure that when decisions are made, they are based on merit not on attributes or characteristics that an individual may possess. The FSAA also tries to create an environment which promotes good working relationships.

This policy will commence from 1 May 2019.

2. Scope

The policy applies to all representatives and contractors (including temporary contractors), collectively referred to as workplace participants.

This Policy is not limited to the workplace or work hours. This Policy extends to all functions and places that are work related. For example, work lunches/dinners, conferences, Christmas parties, events and customer/supplier functions. Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

Under EEO laws, discrimination, vilification, sexual harassment, bullying and victimisation are unlawful and strictly prohibited.

3. Requirements

Discrimination

Direct discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the Federal, State and

Territory anti-discrimination laws and include sex, race, age etc. A full list of the grounds of discrimination which operate federally are listed below.

- Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
- Sex
- Pregnancy (including potential pregnancy)
- Carers' responsibilities, family responsibilities, carer or parental status, being childless
- Breastfeeding
- Industrial/trade union membership, non-membership or activity
- Employer association membership, non-membership or activity
- HIV/AIDS
- Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)
- Religious belief, affiliation, conviction or activity
- Marital status, domestic status, relationship status
- Homosexuality, transsexuality, sexuality, sexual preference/orientation, lawful sexual activity, gender identity
- Disability/impairment, including physical, mental and intellectual disability
- Age (including compulsory retirement)
- Political belief, opinion, affiliation, conviction or activity
- Defence service

Indirect Discrimination

Indirect discrimination may occur when an employer imposes a policy, requirement or condition which applies to everyone equally but it in fact operates to

disadvantage a particular condition which applies to everyone equally but it in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (i.e. a prohibited ground of discrimination).

Example: An employer imposes a height restriction on all applicants for the position of 'Security Officer', that is, an applicant must be over 185cm (6 feet) tall in order to be considered for the position. This requirement at first glance appears fair because it applies to all applicants irrespective of gender. However, in practice this requirement will disadvantage women as a group because statistically, are naturally shorter than men. So the effect is to disadvantage women because of their sex.

Discrimination also includes the situation where a workplace participant harasses another person based on a ground of discrimination. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate.

Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

Sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

Examples of sexual harassment include, but are not limited to:

- a) physical contact such as pinching, touching, grabbing, kissing or hugging
- b) staring or leering at a person or at parts of their body
- c) sexual jokes or comments
- d) requests for sexual favours
- e) persistent requests to go out, where they are refused

- f) sexually explicit conversations
- g) displays of offensive material such as posters, screen savers, internet material etc
- h) accessing or downloading sexually explicit material from the internet
- i) suggestive comments about a person's body or appearance
- j) sending rude or offensive emails, attachments or text messages.

Bullying

Bullying is repeated, unreasonable and inappropriate behaviour directed towards an individual or group, which creates a risk to health and safety.

Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment.

Rights and responsibilities

All workplace participants must:

- a) understand and comply with this Policy;
- b) ensure they do not engage in any unlawful conduct towards other workplace participants, contractor, supplier/customer or others with whom they come into contact through work;
- c) ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- d) ~~follow the complaint procedure in this Policy~~ report to the CEO or Chairman if they experience any unlawful conduct;
- e) report any unlawful conduct they see occurring to others in the workplace to the CEO or Chairman ~~in accordance with the complaint procedure in this Policy~~; and
- f) maintain confidentiality ~~if they are involved in the complaint procedure. if~~ involved in reviewing a complaint

Workplace participants should be aware that they can be held legally responsible for their unlawful conduct.

Workplace participants, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

4. Breach of this code

A breach of this Code may lead to disciplinary action including, but not limited to, termination of representation.