



<b>Policy name</b>	<i>Anti Discrimination and Equal Opportunity Policy</i>
<b>Version</b>	<i>1.0</i>
<b>Responsibility</b>	<i>Chief Executive Officer</i>
<b>Date of development</b>	<i>January 2017</i>
<b>Date of next review</b>	<i>Annual review cycle, or following any reportable incident</i>
<b>Relevant standards</b>	<i>Human Services Standards, 2012 (Vic) National Standards for Disability Services, 2013 (Cth) NDIS Terms of Business, 2016</i>

### ***Our Vision***

To enhance lives and change perceptions of Down syndrome within society through dance, fitness and performance.

### ***Purpose***

- To provide a safe and tolerant workplace for all e.motion21 staff, contractors, volunteers and participants which includes ensuring that they do not experience any form of discrimination based on their individual characteristics or preferences (as defined by the *Fair Work Act, 2009*)
- To comply with relevant legislation pertaining to anti-discrimination and equal opportunity in the workplace.

<b>Related Policy</b>	<b>Forms</b>
Code of Conduct	Incident Report
Human Resources Framework	Grievance report
Privacy and Confidentiality Policy	

### ***Policy***

e.motion21:

- is committed to providing a safe, tolerant and respectful environment, free from any form of discrimination
- supports and respects all staff, contractors, volunteers and participants

- will create and support an environment that is supportive of equal opportunity principles through its policies, procedures, practices and structures
- is committed to equal opportunity principles in all aspects of human resource management including staff selection including recruitment, promotions, allocation of higher duties, and other work opportunities.

Discrimination in employment is unlawful under Commonwealth and Victorian legislation. Thus stereotyped assumptions based on prejudice will have no place at e.motion21. Accordingly, our policy does not support discrimination in the workplace based on the grounds of:

- race
- colour
- gender or gender identity
- sexual preference
- age
- physical or mental disability (e.motion21 has an exemption under s 45 of the *Disability Discrimination Act, 1992 (Cth)* to provide services exclusively to people with Down syndrome)
- marital status
- family or carer's responsibilities
- pregnancy
- religion
- political opinion
- national extraction or social origin

### ***Responsibilities***

Every person working or volunteering at e.motion21 is responsible for ensuring that the workplace is safe, tolerant and free from any form of discrimination.

The **Board** of e.motion21 has ultimate responsibility for promoting a culture in the workplace that is respectful, tolerant and safe for all; for the detection and prevention of discrimination and is responsible for ensuring that:

- appropriate and effective internal control systems are in place; and
- appropriate policies and procedures are in place.

The **Chief Executive Officer** of e.motion21 is responsible for:

- maintaining a safe, tolerant and respectful work environment for staff, contractors and volunteers;
- ensuring that professional standards of behaviour apply at all times in the workplace
- ensuring that all staff, contractors and volunteers are made aware of relevant laws, organisational policies and procedures relating to Equal Opportunity and Anti-Discrimination, and their obligations under these documents

- ensuring all staff are aware of their responsibilities in terms of behaviour and also their rights if they are subject to any form of discrimination
- investigating reports of any discrimination or agreeing to delegate such investigation to the Chair of the Board should the Chief Executive Officer be implicated in the complaint
- Where necessary, educate staff, contractors and volunteers or take disciplinary action where discrimination may arise.

**All staff, volunteers and contractors** share in the responsibility for the promotion and maintenance of a safe, tolerant and respectful work environment free from discrimination. They can do this by:

- familiarising themselves with the relevant laws and this and any other policies in relation to Equal Opportunity and Anti-Discrimination, and comply with all requirements;
- behaving professionally and with respect to the attributes of other staff, contractors, volunteers and participants with whom they come into contact
- being aware of any behavior that could be deemed discriminatory
- reporting any inappropriate behavior that could be deemed to be discriminatory. See below reporting structure however, as a general rule, all staff, contractors and volunteers are to report any inappropriate behavior to their line manager. If the line manager is implicated, complainant is to report to Chief Executive Officer or the Chair of the Board.

### ***Recruitment***

e.motion21 undertakes a comprehensive recruitment and screening process for all workers and volunteers which aims to:

- promote and protect the safety, privacy and individual rights of all people who interact with the organisation;
- identify the safest and most suitable people who share e.motion21's values.

e.motion21 employs staff on the principle of merit. The merit principle applies to all aspects of staff selection including recruitment, promotions, allocation of higher duties, training and staff development, performance appraisal and other work opportunities.

e.motion21 undertakes a transparent process of pre-employment screening and requires all staff, volunteers and contractors to undergo a police check and a working with children check before commencing work and during their time with e.motion21 at regular intervals, and to provide evidence of these checks.

### ***Risk Management***

e.motion21 is committed to promoting a safe, tolerant and respectful workplace and will take appropriate steps to educate and discipline staff, contractors and volunteers in relation to Equal Opportunity and Anti-Discrimination where need be.

## ***Reporting***

Where a staff member, contractor or volunteer believe that they are being subject to behaviour that might be considered to be discriminatory, they are encouraged to seek support to ensure the behaviour is stopped. Where appropriate and possible, any person effected by discrimination is encouraged to try to approach the person concerned. Where this is not appropriate or possible the staff member, contractor or volunteer should speak with their supervisor or the Chief Executive Officer. If the supervisor, Chief Executive Officer, or any other person in senior management, is involved, or if the person effected does not believe the matter is being appropriately addressed, the matter should be reported to the Chairman of the Board.

## ***Investigating***

e.motion21 takes seriously any allegations of discrimination and will take appropriate action to ensure that such behavior is eradicated. This may take the form of an investigation possibly resulting in disciplinary action and, as a last resort, termination of employment or volunteer position.

Any investigation will be conducted according to the rules of natural justice. The Chief Executive Officer will make every effort to keep any such investigation confidential, however from time to time other members of staff may need to be consulted in conjunction with the investigation. If the Chief Executive Officer is implicated in the allegation, the matter will be handled by the Chair of the Board.

After an initial review and a determination that the alleged harassment warrants additional investigation, the Chief Executive Officer or Chair of the Board shall coordinate the investigation with the appropriate investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

## ***Responding***

If it is alleged that a member of staff, volunteer or contractor may have committed an offence or have breached e.motion21's policies, the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of e.motion21's policies) has occurred then disciplinary action may follow, up to and including dismissal or termination of employment with e.motion21.

## ***Privacy***

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. e.motion21 has safeguards and practices in place to ensure

any personal information is protected. Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

### **Definitions**

**Reasonable grounds for belief or reasonable belief** is a belief based on reasonable grounds that an offence has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. A 'reasonable belief' is not the same as having proof, but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

### **Relevant Legislation**

*Fair Work Act, 2009 (Cth)* – see Workplace discrimination fact sheet, Fair Work Ombudsman  
*Disability Discrimination Act, 1992 (Cth)*

<b>Document history</b>			
<b>Date of review</b>	<b>Reviewed by</b>	<b>Endorsed by</b>	<b>Notes</b>
January 2017	Chief Executive Officer	Chief Executive Officer	
February 2018	NDIS/DHHS Project Officer	Chief Executive Officer	Reviewed, no changes