

**Policy Number E001**  
**EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**1. PURPOSE**

The purpose of this document is to define and describe Pinjarra Harness Racing Club's commitment to being an Equal Opportunity Employer.

Pinjarra Harness Racing Club Equal Employment Opportunity Policy aims to achieve a harmonious workplace and recognizes the right of all people who interact with us to be treated with dignity and respect.

**2. SCOPE**

This policy and its related procedures and forms are applicable to all workers, contractors, volunteers and organizational representatives under the management and control of Concern.

**3. EXTERNAL RELATED STANDARDS / LEGISLATION**

Relevant EEO Legislation including:

- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Racial and Religious Tolerance Act 2001
- Sex Discrimination Act 1984
- Equal Opportunity Act 2010
- Equal Opportunity Act 1995 (Personal Characteristics)
- Equal Opportunity Amendment Act 2011
- Human Rights and Responsibilities Act 2011
- Occupational Health and Safety Act 2004 (VIC)
- Work Health and Safety Act 2011
- Workplace Gender Equality Act 2012

- Fair Work Act 2009

#### 4. RELATED POLICIES AND PROCEDURES

- Pinjarra Harness Racing Club Core Values
- Code of Conduct Policy
- Grievance Policy and Procedure
- Performance Development Policy and Procedure
- Supervision Policy and Procedure
- Employment Agreement Contracts
- Management Policy
- Quality Improvement & Incident Record Procedure
- Performance Improvement Procedure

#### 5. DEFINITIONS

##### EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Means that employment policies and practices are based on and operate according to the principle of merit. This means that workers are treated fairly and equitably when making employment decisions and that unlawful discrimination does not take place. It is against the law to discriminate against someone because of a range of grounds including their actual or assumed attribute of:

- Age
- Carer status, family responsibilities, potential status
- Disability / impairment
- Employment activity
- Gender identify, lawful sexual activity, sexual orientation
- Industry activity
- Marital status

- Physical features
- Political belief or activity
- Pregnancy / breastfeeding
- Race (incl. colour, nationality, ethnicity or ethnic origin)
- Religious belief or activity
- Sex

#### DIRECT DISCRIMINATION

Occurs when a person with a protected attribute is treated less favourably than another of that attribute.

#### INDIRECT DISCRIMINATION

Occurs when a policy or requirement is imposed or proposed and someone with a particular attribute does not. It cannot comply with the requirement and it is unreasonable in the circumstances.

#### HARRASSMENT

Any form of harassment based on prohibited attribute (above) which is a reasonable person would cause offence, humiliation or intimidation to the person harassed.

#### BULLYING

Repeated, unreasonable behaviour, can be physical or verbal, directed towards a person or group of young people creating a risk to their health and safety psychological or physical.

#### WHAT IS NOT BULLYING?

It is important to differentiate between bullying and legitimate work instructions and direction.

All employers have fundamental rights to direct and control how work is done and it is reasonable for Managers, Coordinators and Team Leaders to allocate work and provide reasonable feedback, be it positive or negative, on a worker's performance.

- Reasonable management actions carried out in a fair way are not bullying. For example:
- Setting performance goals, standards and deadlines
- Deciding not to select a worker for promotion
- Deciding not to approve a salary increase
- Informing a worker about unsatisfactory work performance
- Informing a worker about inappropriate behaviour
- Implementing organizational changes
- Allocating work to worker
- Rostering and allocating work hours
- Performance management processes
- Constructive feedback
- Downsizing

#### SEXUAL HARASSMENT

A specific type of harassment; which is prohibited under state and federal laws.

#### **6. POLICY STATEMENT**

PHRC acknowledges the right of all workers to be treated equitably and commits to providing consistent, merit based employment practices that follow the Equal Opportunity and encourage individuals to achieve their full potential.

All workers of PHRC are expected to carry out their duties in a professional and ethical manner that ensures that business decisions are made without bias or prejudice and unlawful behaviours such as discrimination, harassment, sexual harassment, victimisation and vilification are not tolerated.

This policy applies to all people referred to in the scope of this policy.

## 7. POLICY STATEMENT

### PHRC's ROLE

PHRC has a responsibility to take reasonable steps to prevent discrimination, harassment, sexual harassment, victimisation and vilification from occurring in the workplace.

PHRC will meet this responsibility by putting this policy in place, educating workers about inappropriate behaviour, implementing grievance procedures and ensuring compliance by all in the workplace.

Any worker complaint regarding any of the behaviour set out in this policy will be taken very seriously.

All complaints will be dealt with in a sensitive and confidential manner. Each formal complaint will be investigated and, if substantiated, appropriate disciplinary action will be taken.

### WORKERS ROLE

Each worker has a responsibility to ensure that he or she does not discriminate against, harass, bully, victimize or vilify any other worker, prospective worker, contractor, young person, or any other person at the work pace.

Workers should be aware that they can be held legally responsible for their unlawful acts or the acts of the persons on their behalf and workers may also be subject to disciplinary action.

This also applies to workers who assist or encourage other workers in inappropriate behaviour such as bullying or harassment.

Workers must ensure that the principles of Equal Employment Opportunity are also applied to guests, partners, suppliers, young people and any other person or organization that deals with PHRC.

### MANAGERS ROLE

Managers include all team leaders, coordinators, supervisors and committee. Managers have an important role in the prevention of inappropriate workplace behaviour.

Firstly, managers must ensure that they do not discriminate against, harass, bully, victimize or vilify workers or any other person.

Secondly, managers must ensure that all workers understand and implement this policy and ensure that an appropriate work culture is maintained.

If a manager observes inappropriate behaviour or a person approaches with a complaint about inappropriate behaviour, they must follow the procedure.

## **8. PROCEDURE**

### COMPLAINT RESOLUTION

If a PHRC worker believes that they are being bullied, harassed or discriminated, and if that person feels able to do so, they should speak with the discriminator, bully or harasser regarding the unwanted, unwelcome or inappropriate behaviour.

Try to resolve the matter directly with the other person, by telling them that their behaviour upsets you, and that you want it to stop.

If that person feels unable to communicate directly with the bully, discriminator or harasser, the matter should be referred to either their manager or the Club President.

### LODGE A COMPLAINT

- If the behaviour does not stop, seek advice from the line manager. If the alleged perpetrator is the line manager, report the matter to a more senior manager or the Club President.
- If a worker believes a colleague is being exposed to discrimination, bullying or harassment, that person has a duty to assist the colleague and bring the matter to PHRC's attention.
- The complaint must be confidential. This will minimize any upset and assist in resolving the dispute as quickly and sensitively as possible.

If the complaint has been about bullying, the worker has the responsibility for ensuring:

- The complaint is made honestly and in good faith
- Facts provided are relevant to the complaint
- They will co-operate with the investigation and resolution processes.

PHRC may not assist you to deal with a complaint of bullying where:

- The complaint has been satisfactorily dealt with or resolved previously (unless another bullying incident has occurred since)
- The complaint is made anonymously without sufficient detail being provided so as to allow investigation or resolution of the matter
- The complaint is frivolous, vexatious or malicious
- The complaint does not constitute bullying as defined by the policy and relevant laws.

#### CONTACT PERSON

If a workforce member needs to ask any questions about any aspect of unacceptable conduct they may contact their line manager, the General Manager.

The contact person is available to provide information about PHRC's equal opportunity, harassment, bullying and victimization policies and to discuss options available to workforce members who may have a complaint.

#### ACTION BY PHRC

Through the General Manager, PHRC will consider a range of steps in response to a complaint even though the complainant may not want this to occur.

If PHRC considers this is necessary, this will be discussed with the complainant who will be advised as to the further steps considered necessary.

PHRC may also decide to stand aside a workforce member on pay or to different duties whilst a complaint is being investigated.

#### INVESTIGATION COMPLAINTS

PHRC will investigate all alleged breaches of this policy promptly, and handle the grievance with confidentiality, impartiality and sensitivity.

The purpose of the investigation is to determine, using the principles of natural justice, whether any unacceptable conduct has occurred.

Investigations may be conducted internally, or PHRC may appoint an external investigator if required.

#### INTENTION

In relation to cases of discrimination, bullying or harassment, the fact that the alleged perpetrator may not have intended to discriminate against the other person or bully or harass them, is irrelevant.

#### PRINCIPLES OF NATURAL JUSTICE

- Any allegations of unacceptable conduct should be investigated promptly.
- The person who is alleged to have committed acts constituting unacceptable conduct should be treated as innocent until such time as findings are made that any of the allegations are substantiated and that unacceptable conduct has occurred.
- The person alleged to have committed the unlawful conduct must be given the opportunity to provide his or her response or comment on the allegations.

#### NO VICTIMISATION OR DETRIMENTAL ACTION

A complainant will not be disadvantaged in their role at PHRC for making a complaint, being a witness or being an informant to an investigation of a complaint.



Some examples of unlawful victimization include ostracizing, demoting or dismissing the person because they are a complainant, where the complaint has been made in good faith. PHRC regards such victimization as serious misconduct which will be treated in line with the Disciplinary Action Policy referred in PHRC Code of Conduct.

#### VEXATIOUS COMPLAINTS

PHRC will not tolerate vexatious complaints. If a complaint is not initiated in good faith (for example; is initiated without reasonable grounds to do so), disciplinary action may be taken in accordance with the Disciplinary Action Policy referred in PHRC Code of Conduct.

#### CONSEQUENCES FOR BREACH OF THIS POLICY

If a complaint against a PHRC worker is substantiated, he or she will face appropriate disciplinary action by PHRC commensurate with the seriousness of the matter.

Appropriate disciplinary action may include provision of an apology, warning, formal counselling and/or termination of engagement (including termination without notice). ‘One-off’ or non-intentional breaches may result in the full range of disciplinary action.

The person may also be subject to complaints under applicable state or federal legislation.



*Signature*

*General Manager  
Position*

*Dale Putland*

*Name*

*21 March 2024*

*Date*



PINJARRA HARNESS  
RACING CLUB