



Guidelines and Agency Procedures

2007

***EQUAL OPPORTUNITY, HARRASSMENT
AND
GRIEVANCE HANDLING PROCEEDURE PROGRAMME ATTACHMENT***

Equal Employment Opportunity & Harassment Policy and Grievance Handling Procedure

No Victimisation

No employee or temporary/contractor will be victimised or treated unfairly for making a harassment complaint.

Discrimination and harassment, bullying and vilification will not be tolerated at Clinical One, MSSA and Twin Hills.

What is Equal Employment Opportunity and Harassment?

Equal Employment Opportunity, or EEO, means the absence of discrimination or less favourable treatment in employment, based on a number of specific attributes.

A “fair go” for all employees and temporaries/contractors means that employment decisions are not made on the basis of irrelevant characteristics, such as, but not limited to (dependant on legislation), a person's

- sex
- race
- marital status
- pregnancy
- potential pregnancy
- race, colour, nationality, ethnic or national origin
- disability/impairment
- parental status
- lawful religious belief or activity
- lawful political belief or activity
- age
- sexual orientation, sexual preference or sexuality
- physical features
- status as a carer
- personal association with person identified by reference to one of the above attributes.

Basing employment decisions on such characteristics is unfair, bad management and also unlawful under Federal and State equal opportunity laws.

In order to ensure EEO, employment decisions are made on the basis of the individual merit of employees and temporaries/contractors.

Harassment

EEO also means the absence of harassment in the workplace. Unlawful harassment can be based on any of the prohibited grounds of discrimination, such as sexual or racial.

Harassment is any form of behaviour that is unwelcome; which is based on one of the prohibited grounds; and which offends, humiliates or intimidates someone.

Harassment is often repeated behaviour, but can also consist of a single act.

Harassment makes the work environment unpleasant, sometimes even hostile and may affect people's work performance.

Harassment can often be the result of behaviour which is not intended to offend or harm, such as jokes or unwanted attention. The fact that harassment is not intended does not stop it from being against the law.

What is Sexual Harassment?

A person sexually harasses another if:

- The person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to the other person, or
- The person engages in other unwelcome conduct of a sexual nature in regard to the other person,

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Types of Harassment

Harassment can be direct such as abuse, threats, name calling and sexual advances. It may also be in a less direct form, such as where a hostile work environment is created, but no direct attacks are made on an individual.

What is Bullying?

Bullying can be defined as:

'the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice'. Bullying creates a risk to health and safety.

Examples are repeated; belittling of an individual, 'shunning' an individual or giving an individual ten times more work to do than someone else performing the same role.

What is Vilification?

Vilification is any public act that could incite (encourage, urge or stir up) others to hate, have serious contempt for, or have severe ridicule for an individual, or a group of people, because of their race, sexual preference, sexuality, religion, disability, infectious disease or transgender identity.

Responsibilities of Managers/EEO Contact Officers

All Clinical One, MSSA and Twin Hills Managers will also perform the function of EEO Contact Officer. It is part of the role of Managers/EEO Contact Officers to ensure that harassment does not occur in the workplace. Managers/EEO Contact Officers must ensure that they do not engage in harassing behaviour themselves; to employees, temporaries/contractors, other managers/EEO contact officers, supervisors or customers.

When Managers observe harassment happening in the workplace, they should take steps to stop it and warn the person involved of the consequences if the offending behaviour continues.

Managers/EEO Contact Officers are also responsible for ensuring that all staff are aware that harassment will not be allowed in the workplace and that complaints will be dealt with in accordance with the terms of the Clinical One, MSSA and Twin Hills EEO and Harassment Grievance Handling Procedure.

Responsibilities of Employees and Temporaries/Contractors

Employees and temporaries/contractors are obliged to ensure that they do not harass other employees and temporaries/contractors, Managers, EEO Contact Officers or customers of Clinical One, MSSA and Twin Hills.

Consequences of Discrimination and Harassment

Employees and temporaries/contractors are expected to comply with company policy. They must not behave in a harassing or discriminatory manner. Where instances of discrimination or harassment occur, they will be investigated in a fair and confidential manner. If proved, the person responsible will be disciplined. In serious cases, this may involve dismissal.

The Grievance Handling procedure, which accompanies this Policy, details the action that employees and temporaries/contractors can take if they feel that they have been discriminated against or harassed. The procedure also sets out what will happen if a complaint of discrimination or harassment is made against you.

Grievance Handling Procedure

The key elements of the grievance handling procedure are:

Impartiality If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

Confidentiality If you do make a complaint under this Policy, the details will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint and the investigators. All employees involved in an investigation, in any capacity, must maintain strict confidentiality with regard to all aspects of the process. Failure to do so will result in disciplinary action, including possible termination.

No victimisation If you make a genuine complaint you will not suffer in any way as a consequence. Management will ensure a person who makes such a complaint is not victimised in any way.

Timeliness Each complaint will be finalised within as short a period of time as possible. In the case of complaints, all information will be passed on to the relevant Manager immediately. The complainant will receive a progress report within two working days of having lodged the complaint.

What to do if you have a grievance

All employees, temporaries and contractors must utilise the following Clinical One, MSSA and Twin Hills Grievance Procedure.

You must not utilise any other grievance procedure or process, whether formal or informal, as an alternative to the Clinical One, MSSA and Twin Hills procedure.

This means that Clinical One, MSSA and Twin Hills temporary employees or contractors **must not** approach client employer personnel as an alternative to, or as well as, utilising this procedure, unless specifically given prior authorisation to do so by a Clinical One, MSSA and Twin Hills Manager.

Failure to follow this direction or any deliberate action taken by a Clinical One, MSSA and Twin Hills employee or contractor which compromises or potentially compromises this grievance procedure, (such as failure to maintain confidentiality of the process) may result in summary termination of employment.

1. Approach the person involved.

In many situations, it is appropriate to firstly speak with the person who is the cause of the grievance, discussing with them how you feel. If the grievance is about their behaviour, tell them that it is not acceptable, it is offensive or hurtful. If it is about a work decision, tell them why you think it is unfair, inappropriate, etc. Sometimes people behave inappropriately without realising, or make decisions without considering the repercussions. Telling the person will give them a chance to stop or change what they are doing. Inform your Clinical One, MSSA and Twin Hills Consultant of this process.

2. Go to your Clinical One Consultant/

If you don't feel that you can approach the person directly, explain the issue to your Clinical One, MSSA and Twin Hills Consultant. Your consultant has been trained to

be the first point of contact for people with complaints. Your consultant will advise you about what your options are and, if you wish to make a formal complaint, will take a formal complaint from you. You may also wish to put your complaint in writing and provide it to the Clinical One, MSSA and Twin Hills Consultant. In either case, the complaint must be signed by you.

What happens next?

The Investigating Manager will then talk to the person about whom the complaint is made to hear their side of the story and will also interview any witnesses. These interviews will be conducted separately and impartially. Written records of these interviews will be taken. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality. Where necessary, Clinical One, MSSA and Twin Hills management will investigate complaints in conjunction with client employers, where a complaint relates to conduct of a person other than a direct employee of Clinical One, MSSA and Twin Hills.

The Investigating Manager will then consult with you regarding the outcomes of the investigation and discuss with you ways of addressing and resolving the problem.

Possible outcomes

The following are possible outcomes from an investigation:

- no further action;
- a written apology;
- an official warning;
- counselling or specific training for individuals or groups;
- ban from specific facility (or investigation may result to a total ban from the organisation.)
- demotion; or
- dismissal.