



ACCESS AND EQUITY POLICY

Purpose

To ensure that Maldon Neighbourhood Centre (MNC)

- clearly states and actively upholds a commitment to access and equity principles and practices
- is a place where all people are treated with respect and are free from unlawful discrimination and harassment.

This Policy:

- a) Delineates how access and equity is understood and upheld at MNC
- b) States expectations of all members of the MNC community
- c) Explains unlawful discrimination and harassment
- d) Constitutes a guide for the prevention and management of discrimination and harassment
- e) Provides structure for addressing allegations of unlawful discrimination and harassment.

Scope

This policy:

- applies to all employees, volunteers, contractors and members of the Committee of Management as well as casual Centre users
- covers Direct and Indirect Discrimination and Harassment and includes Cyber Bullying and Harassment and Sexual Harassment
- relates equally to Bullying and Occupational Violence.

Responsible Parties

All employees, volunteers, contractors and members of the Committee of Management are responsible for ensuring that the Centre maintains an accessible, equitable welcoming environment free from unlawful discrimination and harassment, where everyone is respected and valued regardless of personal characteristics or background.

Policy

The Maldon Neighbourhood Centre (MNC) recognises the importance of equitable access to the services it provides including, but not limited to, training and events, employment, provision of information, use of facilities and participation in planning processes.

MNC is committed to safe, equitable and accessible delivery of volunteering opportunities and employment, enacted through:

Access

Maldon Neighbourhood Centre (MNC) will make services available to everyone who is entitled to them, free of any form of discrimination on the basis of a person's country of birth, language, culture, race, religion, sexuality, age, gender or disability.

Equity

MNC's services will be delivered in a non-discriminatory, open and respectful manner so that factors such as disability, cultural background, race, religion, gender, and sexual orientation do not result in unequal treatment.

Communication

MNC will use all necessary strategies to inform eligible communities of the services available, their entitlements, and how they can obtain them, and will consult with clients regularly about adequacy, design and standard of services.

Responsiveness

MNC will be sensitive to the needs and requirements of clients from diverse cultural and linguistic backgrounds, and be responsive as far as practicable to the particular circumstances of individuals.

Accountability

MNC Coordinator will document and report any policy breach or complaint to the Committee of Management and a review of our practices will be undertaken.

All MNC users, volunteers and staff have the right to work, learn and socialise in an environment free from unlawful discrimination and harassment and to be respected and valued regardless of personal characteristics or background.

MNC is committed to protecting visitors, volunteers, students and staff from behaviours which may threaten, intimidate or lead to injury. The Centre acknowledges its legal responsibilities to do as much as is practicable to eliminate or reduce risks to health and safety.

At MNC all Staff, Students and Centre Users have a responsibility to:

- Understand and remain aware of what discrimination and harassment are, and the forms they can take (see the *Explanations and Definitions* section of this policy)
- Treat all staff, volunteers and Centre users with dignity and respect
- Avoid any discriminatory or harassing behaviour
- Act to prevent discrimination or harassment, or support efforts to do so
- Report any disclosures of discrimination or harassment made by a person aged under 18 years. Such matters *must* be reported using the Child Safety Reporting Process under the Child Safe Standards and Mandatory Reporting Policy.

MNC recognises its duty to ensure that people in positions of responsibility make themselves aware of the potential for unlawful discrimination, harassment, vilification and victimisation to occur and to put controls in place to prevent them.

Policy breaches and Complaints

MNC reserves the right to act to address any potential incidents of unlawful discrimination or harassment, including by conducting an investigation, even if no complaint has been made.

Maldon Neighbourhood Centre treats all incidents of unlawful discrimination and harassment as serious matters.

In addressing any such incidents MNC will exercise procedural fairness:

- The complainant will be assisted to access and understand MNC policies and procedures to inform their decision-making and choices in the process
- Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially

If a complaint is made, the Complaints Policy and Procedure will be followed.

Related Documents

Code of Conduct

Complaints Policy

Complaints Procedure

Explanations and definitions

Part A – What are Protected Attributes?

Discrimination is unlawful if it is based on one of the following *protected personal attributes*:

- a) Age
- b) Breastfeeding
- c) Employment activity
- d) Gender identity
- e) Disability
- f) Industrial activity
- g) Lawful sexual activity
- h) Marital status
- i) Parental status or status as a carer
- j) Physical features
- k) Political belief or activity
- l) Pregnancy
- m) Race
- n) Religious belief or activity
- o) Sex
- p) Sexual orientation
- q) An expunged homosexual conviction

It is also unlawful if based on personal association (whether as a relative or otherwise) with a person who has been identified by reference to any of the following:

- Stalking

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- Badgering
- Use of belittling, aggressive or threatening language
- 'Hazing' (this may also be bullying if the behaviour is repeated)
- Threats to a person's employment, enrolment or status at work or study, or professional reputation.
- Cyber Bullying

Part B – What is Discrimination?

Discrimination on the basis of protected characteristics is unlawful under the Equal Opportunity Act (Vic) 2010. Discrimination can be direct or indirect. Any member of MNC who engages in behaviour that constitutes discrimination, not only puts MNC at risk of liability but also exposes themselves to possible legal action.

Direct Discrimination occurs when someone treats, or proposes to treat, another with a protected personal characteristic unfavourably because of that personal characteristic.

Indirect Discrimination occurs when someone imposes an unreasonable requirement, condition or practice that disadvantages a person or group because of a protected characteristic.

Not all discrimination is unlawful. Discrimination on the basis of reasonable difference that is not a personal protected characteristic may be both lawful and necessary. For example, in making hiring decisions, a person may reasonably discriminate between employment applicants on the basis of skills, experience, or employment background.

Part C – What is Harassment?

Harassment occurs when a person or group engages in systematic or continued unwanted and annoying actions, including threats and demands.

Harassment may be sexual or non-sexual in nature. It includes Cyber Harassment and Cyber Bullying and may include sending (or posting) intimidating or offensive messages, images, photos or posts via email, text or Social Media. It may take multiple forms and be motivated by a range of factors.

Common forms of harassment seen within, or associated with, workplaces and learning environments include:

- Stalking
- Badgering
- Use of belittling, aggressive or threatening language
- 'Hazing' (this may also be bullying if the behaviour is repeated)
- Threats to a person's employment, enrolment or status at work or study, or professional reputation
- Cyber Bullying.

Harassment may or may not have a discriminatory basis. It is possible for a person to engage in harassment which is not connected with a protected attribute. Whilst it is therefore not unlawfully discriminatory, this behaviour is nonetheless not tolerated.



Part D – What is Sexual Harassment?

Sexual harassment is a form of discrimination based on sex and is therefore unlawful pursuant to Federal and State legislation. It is prohibited in recruitment for employment, selection for promotion during the course of employment and in termination of employment.

Sexual harassment is unwelcome behaviour. Accordingly, behaviour which is based on mutual attraction, flirtation or friendship, or which is mutual, consensual, welcome or reciprocated, is not sexual harassment.

Sexual harassment may include any of the harassing activities detailed above (Part C). However, it is broader, and includes unwelcome behaviour of a sexual nature that makes a person feel offended, humiliated or intimidated, and which a reasonable person, having regard to all the circumstances, would have anticipated as likely to cause offence, humiliation or intimidation.

Sexual harassment consists of both physical and non-physical behaviours. Examples of a physical nature include:

- Physical contact, such as pinching, touching, grabbing, kissing or hugging
- Unwelcomed physical contact such as massaging or deliberately brushing against someone.

Non-physical examples include:

- Staring or leering at a person or at parts of their body
- Persistent requests to go on dates that are refused
- Suggestive comments about a person's body or appearance
- Smutty or sexual jokes or comments
- Displays of offensive material such as posters, screen savers, internet material etc
- Accessing or downloading sexually explicit or inappropriate material from the Internet
- Sending rude or offensive emails, attachments or text messages (including pictures of body parts)
- Advances on email, social networking websites, internet chat rooms or other electronic mediums
- Intrusive questions about a person's private life or physical appearance
- Sexually explicit conversations
- Sexually explicit gifts, eg 'Kris Kringle' gifts
- Making promises or threats in return for sexual favours.