

Discrimination Policy

The purpose of this policy is to make employees aware of what constitutes unlawful discrimination. This policy also seeks to explain the standard of behaviour expected of employees, including their responsibilities in preventing and managing such incidents.

Wettrade Apprenticeships is committed to ensuring a healthy and safe workplace that is free from unlawful discrimination.

Acts of unlawful discrimination in the workplace are unacceptable and every manager, supervisor and employee has a responsibility to maintain a working environment free from such behaviour.

Wettrade Apprenticeships aims to ensure that unlawful discrimination does not occur. In the event that an employee has concerns about another employee's behaviour, Wettrade Apprenticeships will investigate and take remedial action as necessary.

The intended outcome is a workplace that is free from unlawful discrimination.

Discrimination occurs when someone is treated unfairly or badly in certain respects. It is against the law to discriminate against people because of their:

- sex
- relationship status
- pregnancy
- parental status
- breastfeeding
- age
- race
- impairment
- religious belief or religious activity
- political belief or activity
- trade union activity
- lawful sexual activity
- gender identity
- sexuality
- family responsibilities
- association with, or relation to, a person identified on the basis of any of these attributes.

Discrimination happens because people have stereotypical or prejudiced ideas or beliefs about other people because they happen to belong to a particular group of people or because they have a certain

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personal characteristic or attribute listed above. This kind of direct discrimination is often the result of failing to treat each person as an individual regardless of their sex, age, race etc.

Direct discrimination occurs when a person (or a group of people) is singled out for worse treatment, compared to others in similar circumstances, because of one or more of the attributes listed above.

Direct discrimination may involve:

- making offensive 'jokes' about another worker's racial or ethnic background, sex, sexuality, age or impairment;
- expressing negative stereotypes about particular groups or using stereotypes as a basis for decisions about work e.g., 'Women with young children shouldn't work.' or, 'Older workers can't learn new skills.'
- using selection processes based on irrelevant attributes such as age, race or impairment, rather than on skills really needed for the job.

Discrimination can also happen in a more indirect way. Sometimes treating everybody the same can be unfair because it disadvantages a whole group of people. Indirect discrimination is not usually intentional but is often the result of failing to think about the impact of rules and requirements on different people.

Indirect discrimination occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute listed above. The fact that the disadvantage was not intended is not an excuse. For example:

- Requiring everyone to be available for all shifts might be unfair to a person with responsibilities to care for children or an elderly parent.
- Only hiring people who have never had a back injury or a workers compensation claim might rule out an employee whose health has returned and can do the job well.
- Not considering the provision of some reasonable adjustments would disadvantage a person with an impairment who may be able to perform the essential parts of the job in a different way.

Not all forms of discrimination are against the law in all circumstances. The *Anti-Discrimination Act 1991* provides a range of exemptions that can be argued. Instances in which discrimination may not be against the law could include an employer imposing genuine occupational requirements for a particular position – e.g. employing only female candidates for positions involving body searches of women.

Vilification can take many forms, including hate-speech, graffiti, websites and the distribution of propaganda or other forms of offensive literature.

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Vilification is public behaviour that can incite others to hate, to have serious contempt for, or to severely ridicule individuals or groups because of their race, religion, gender identity or sexuality.

It is also a criminal offence to incite hatred of others by threatening physical harm or inciting others to threaten physical harm towards another or their property.

Victimisation occurs when a person threatens or harasses another person because they have made, intend to make or have helped someone else make a complaint, they have refused to do an act in contravention of this policy or because they've provided information about a complaint. It also includes acting to a person's detriment because they have agreed to be a witness.

Wettrade Apprenticeships' commitment to the prevention of discrimination

All employees are entitled to work in an environment free from unlawful discrimination. Wettrade Apprenticeships is committed to protecting the dignity of all employees by working to prevent and eliminate all forms of behaviour contrary to this policy. Wettrade Apprenticeships will not tolerate unlawful discrimination under any circumstances. Wettrade Apprenticeships will take disciplinary action, up to and including dismissal, against any employee who:

- participates in discriminatory conduct; or
- victimises or retaliates against an employee who has lodged a complaint about discrimination or, who has witnessed such behaviour.

Wettrade Apprenticeships acknowledges the importance of employees understanding the requirements outlined by this policy and commits to ensuring employees are appropriately inducted to the principles governing the prevention of unacceptable behaviour in the workplace. Reintroduction to this policy will occur on a regular and ongoing basis.

Wettrade Apprenticeships will provide appropriate support to employees who experience or witness behaviour which is contrary to this policy and promptly investigate complaints.

Where necessary, Wettrade Apprenticeships will take disciplinary action to ensure unlawful discrimination does not occur in the workplace.

Responsibilities of managers/supervisors

Managers/Supervisors are responsible for ensuring that all employees understand that discriminatory behaviour must not be tolerated in the workplace. Managers must take early corrective action to deal with behaviour which may be contrary to this policy.

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The prevention of all inappropriate behaviour, as prohibited by this policy, requires managers/supervisors to:

- be aware of, identify and prevent discrimination in the workplace;
- immediately address inappropriate behaviour they may directly witness, regardless of whether a complaint is received about that behaviour;
- encourage all staff to behave in accordance with the principles of this policy;
- provide leadership and role modelling in relation to appropriate and professional behaviour in the workplace;
- respond promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred;
- treat complaints seriously and confidentially;
- ensure that when a person lodges or is witness to a complaint, that the person is not victimised.

Responsibilities of all staff members

All employees of Wettrade Apprenticeships must treat each other professionally, with fairness, respect and courtesy, not engaging in discriminatory behaviour, nor condoning it by silently bearing witness to these behaviours. Employees should treat behaviour which is contrary to this policy seriously, and deal with the matter in a prompt, confidential and fair manner including reporting any incidents of inappropriate behaviour to an appropriate member of staff.

The prevention of behaviour which is contrary to this policy requires employees to:

- behave responsibly by complying with this policy;
- not tolerate unacceptable behaviour;
- speak with the alleged perpetrator to object to inappropriate behaviour, if such behaviour is witnessed or experienced, providing the employee feels able to do so;
- to immediately report incidents of behaviour contrary to this policy to an appropriate manager or supervisor;
- offer to act as a witness if the person experiencing discrimination decides to report the incident;
- keep a record or diary of incidents of discriminatory behaviour noting what happened, when and the names of any witnesses;
- maintain confidentiality during the investigation of complaints regarding inappropriate behaviour.

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Employees who believe they have been subjected to inappropriate behaviour should contact their manager/supervisor for assistance in the management and resolution of a complaint of discrimination.

The manager/supervisor will:

- help clarify whether the behaviour fits the definition of unlawful discrimination; discuss the employee's procedural options (the informal complaints procedure or formal complaints procedure);
- be supportive but remain neutral – it is not the role of a manager/supervisor to side with one party against the other.

Informal complaints

Informal mechanisms for resolution of a complaint of discrimination may include:

- an education session in relation to appropriate behaviour in the workplace;
- mediation between parties, where appropriate;
- an employee may ask their supervisor to speak to the alleged instigator on their behalf. The manager/supervisor may privately convey the employee's concerns and reiterate the principles of Wettrade Apprenticeships' discrimination prevention policy without assessing the merits of the case;
- A supervisor or manager who observes unacceptable conduct occurring may take independent action to stop the behaviour even though no complaint has been made.

Formal complaints

This procedure assumes that informal resolution of the complaint has been unsuccessful or is inappropriate. The formal procedure is as follows:

- A formal complaint of discrimination should be made in writing by the employee (the complainant);
- Wettrade Apprenticeships will undertake a confidential investigation into the complaint or may refer the complaint to an external investigator;
- Witnesses (if any) to alleged improper behaviour will be interviewed confidentially by the investigator;
- The alleged instigator (the respondent) will be given the detail of the complaint in writing. To satisfy natural justice, the written advice will include the identity of the complainant and any witnesses to the alleged behaviour;
- The respondent will be provided with every opportunity to respond to the allegations;

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- The investigator will submit a written report to Wettrade Apprenticeships summarizing the findings of the investigation;
- Wettrade Apprenticeships will then determine appropriate remedial and/or disciplinary action;
- Subject to restrictions of confidentiality, the complainant and respondent will be advised of the ultimate outcome;
- All parties involved in the investigative process, including potential witnesses and nominated support person/s, will be instructed to stringently observe confidentiality during and after an investigative process.

During the investigative process, the complainant and respondent will be entitled to have a support person of their choosing present during interviews. Wettrade Apprenticeships will determine whether it is necessary for the employee(s) involved in an investigation to be stood down pending the outcome.

Options for remedies

Wettrade Apprenticeships shall determine appropriate action as a result of the investigative report. Disciplinary action will be taken against a person who harasses a worker or who victimises a person who has made or is a witness to a complaint.

The disciplinary action will depend on the circumstances of the case but can range from counselling the offender to termination of the offender's employment.

Principles

The principles which apply to the complaints procedures are:

- Everyone has a right to be treated with respect;
- Everyone has a right to "due process" i.e., the person against whom the allegation is made has the right to know what is alleged against them, the right to put their case in reply, the right for any decision to be made by an impartial decision maker, and the right to an appeal against a decision;
- Complaints will be treated in confidence and where confidentiality cannot be guaranteed this will be clearly indicated;
- All incidences of inappropriate behaviour will be dealt with promptly, thoroughly, fairly and confidentially;
- A person making a complaint and/or who is a witness to inappropriate behaviour will not be victimised;

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- Wettrade Apprenticeships is under a legal obligation of a duty of care to provide a safe workplace. Any incidences of discrimination that are reported must be investigated, sometimes informally in the first instance, and formally if required in order to comply with this duty of care. Wettrade Apprenticeships accepts and acts on its duty of care;
- Making false or malicious complaints will also be regarded as a serious disciplinary offence and may result in disciplinary action being taken.

Confidentiality

An accusation of discrimination can be potentially defamatory, especially if confidentiality is not observed and a person's reputation is unfairly damaged. Discussions, information and records related to complaints will remain factual and confidential.

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