

Access and equity

Policy

Master Plumbers' complies with the principles of the following legislation:

- *Charter of Human Rights and Responsibilities Act 2006* (Victoria) and
- *Equal Opportunity Act 2010* (Victoria) and
- *Crimes Amendment (Bullying) Bill 2011*(Victoria) known as Brodie's Law

Discrimination

Discrimination includes:

direct discrimination, which is to treat someone less favourably due to a personal attribute, characteristic or circumstance protected by law

indirect discrimination, which is to apply a policy, rule or practice that appears fair and neutral, but results in one person (or a group of people) being treated less favourably or suffering detriment, due to any of the characteristics below

systemic discrimination, which is a culture and/or practices of an organisation of entrenched discriminatory thinking and decision making. These things can arise, over time, when discrimination due to any of the characteristics below is not challenged, and becomes institutionalised.

It is illegal to discriminate against the person on the basis of:

age

breastfeeding

childless or a de facto spouse

gender identity

impairment (including physical impairment, mental illness, mental retardation)

industrial activity

lawful religious or political belief or activity

lawful sexual activity

marital status

parental status

physical features

pregnancy

race (including colour, nationality, ethnic or national origin)

sex

sexual orientation

status as a carer

personal association with persons having any of the above attributes.

Bullying and harassment can be discrimination when they happen against a person on the basis of the above characteristics. Bullying and harassment can be verbal, physical or in writing, and includes

behaviour that intimidates, degrades or humiliates another person. In most cases, it is persistent and happens over a period of time, but can also be a one-off event. It includes:

- publicly humiliating someone
- verbal abuse
- spreading malicious rumours or gossip
- single or multiple incidents
- written or verbal statements and gestures
- graffiti
- initiation practices.

Bullying and harassment can also occur outside work time and the workplace (such as at an external training conference, a work social activity or via social media).

Sexual harassment

Sexual harassment is unwanted, unwelcome or uninvited behaviour of a sexual nature that results in a person or a group of people feeling humiliated, intimidated or offended. It is unlawful to sexually harass someone in the workplace, or in any other work-related context.

Sexual harassment is illegal.

Sexual harassment can take many different forms including physical contact, gestures, verbal comments, the display of offensive material and uninvited intimacy. It may be the result of a single incident, or of continuous behaviour. It can also include behaviour and practices that create a sexually hostile, sexually intimidating or sexually permeated environment. Sexual harassment can be blatant, subtle or covert. It can be pre-meditated or impromptu behaviour. It can be from male to male, male to female, female to female, or female to male. Sexual orientation is irrelevant. It is the nature of the behaviour and its impact that is assessed. Intent is irrelevant.

Examples of sexual harassment include, but are not limited to:

- taking inappropriate photographs
- stalking and delivering anonymous gifts or messages
- continued requests for dates
- unwelcome sexual advances, requests for sexual favours or sexual propositions
- unwelcome comments about a person's sex life or physical appearance
- suggestive behaviour (such as staring, leering, ogling or inappropriate gestures)
- uninvited intimacy or physical contact (such as pinching, brushing up against a person, slapping, touching, kissing, cuddling or fondling)
- sexually offensive comments, taunts, slurs, jokes, innuendo or anecdotes
- sexually offensive material (such as screensavers, photographs, pin-ups or calendars, music, DVDs, YouTube, reading matter, pornography or inappropriate objects)
- sexually offensive communications (such as inappropriate letters, emails, phone calls, Skype contact, text messages, blogs, Twitter, Facebook, online chat or internet posts)
- indecent exposure, public masturbation, molestation, sexual assault and rape.

Sexual harassment is not consenting adult behaviour resulting from mutual attraction or respectful friendship. People to whom this policy applies who are involved in consensual relationships should

always ensure that their behaviour is appropriate and professional at work, and in work-related environments, ensuring respect for their colleagues.

If a consensual relationship ends and one party attempts to rekindle the relationship at work or in a work-related environment, any unwelcome behaviour can amount to sexual harassment.

Victimisation

Victimisation means subjecting a person to some form of detriment because they have:

- lodged a complaint of discrimination or sexual harassment
- provided information or documents regarding a complaint
- attended a conciliation conference at the Victorian Equal Opportunity and Human Rights Commission
- attended a compulsory conciliation at the Victorian Civil and Administrative Tribunal
- reasonably asserted their rights, or supported someone else's rights, under anti-discrimination laws
- refused to discriminate against another person, victimise or sexually harass them
- made an allegation that a person has acted unlawfully under anti-discrimination laws
- brought any proceeding under the *Equal Opportunity Act 2010*.

Victimisation is illegal, and Master Plumbers' will not tolerate it.

Racial and religious vilification

Racial and religious vilification is illegal. It includes such things as:

- making racist comments in a publication, including on the internet and by email
- making public statements at a meeting or at a public rally that incite hatred of people of a particular race or religion
- writing racist graffiti, or displaying racist posters or stickers.

By law, vilification does not include an act done in private (for example, a private discussion you would not expect other people to overhear). However, the workplace is a public place. Master Plumbers' will not tolerate racial or religious vilification in any context in which its policies apply.

Disability

Master Plumbers' supports people with a physical or intellectual disability to fully access its employment opportunities and training programs, as fully and independently as possible.

Master Plumbers':

- expects staff to have informed, inclusive and non-discriminatory attitudes to the needs of students with a disability
- makes reasonable adjustments in its workplace, training venue, service delivery, operations and resources in order to cater for people with a disability
- consults with people with a disability about matters relating to their disability
- makes workplace adjustments for people with a disability as appropriate
- encourages students with a disability to discuss their needs, when they enrol

allows carers or interpreters to accompany students with a disability, free of charge
provides resources to help students with a disability get maximum value from their programs.

Bullying

Master Plumbers' will not tolerate bullying in any form. It is now a criminal offence (punishable by up to 10 years imprisonment) for individuals to be bullied.

The definition of bullying includes physical bullying, psychological bullying, verbal bullying and cyberbullying.

The legislation covers bullying anywhere in the community, such as workplaces, schools, sporting clubs and on the internet including email or social networking sites such as Facebook and Twitter.

Bullying is often characterised by a course of conduct that can include behaviour such as threats and abusive and offensive words or conduct. Serious bullying may also include conduct or behaviour that is intended, or could reasonably be expected, to cause the victim of the bullying to engage in suicidal thoughts or thoughts or actions that involve self-harm.

Extracted from <http://www.justice.vic.gov.au/home/safer+communities/crime+prevention/bullying+-+brodies+law>

Procedures

Master Plumbers' deals with complaints about discrimination, sexual harassment, victimisation and vilification under its **Complaints and appeals policy and procedures**. These cover:

- hearing complaints about discrimination, sexual harassment, victimisation and vilification from staff and students
- providing support and counselling as appropriate
- take action on complaints received
- documenting details of complaints, the actions taken, and outcomes.

For serious breaches of behaviour that contravene the legislation (e.g. Bullying), Master Plumbers' will report the matter to the police or other appropriate authority.