

State Water Policy: DOC11/12757

**Equal Employment Opportunity, Discrimination,
Harassment and Bullying Policy**

State Water is committed to providing a safe and healthy workplace that provides equal employment opportunity (EEO) and is free from all forms of discrimination, harassment and bullying. Employees have a right to know that all decisions about their employment are fair and based on merit. This policy applies to all State Water employees.

What is EEO?

EEO is about ensuring that all employees have equal access to the opportunities that are available at work by making sure that workplaces are free from all forms discrimination and harassment. This means that everyone should have fair and equitable access to jobs, employment conditions, training and promotional opportunities.

What is discrimination?

Discrimination is treating people less favourably than others in the same situation because of the group they belong to or what we think about people in that group. Under Federal and State laws it is against the law to discriminate against people for the following reasons:

- gender;
- pregnancy and potential pregnancy;
- race (including colour, nationality, descent, ethnic or ethno-religious background);
- age;
- marital status;
- homosexuality;
- disability or impairment (including physical or intellectual disability or impairment and infectious diseases, including HIV/AIDS);
- transgender status;
- family responsibilities;
- parental status or carer's responsibilities;
- religious beliefs;
- industrial union activity;
- political beliefs.

There are two types of discrimination, direct and indirect.

Direct discrimination means treating a person less favourably than another because they have one of the attributes or characteristics listed above.

Indirect discrimination occurs when a person must comply with some requirement in relation to their employment, and they are unable to because of an attribute or characteristic that they possess. If the requirement is unreasonable in the circumstances, it may be unlawful discrimination and a breach of this policy.

What is harassment and sexual harassment?

Harassment is behaviour that is unwelcome, uninvited or unreciprocated behaviour that a reasonable person would consider offensive, upsetting, humiliating or intimidating, that is either sexual or targets them discriminately. It may range from unpleasant comments to physical violence. Harassment can be a series of events or a single act and can also be intentional or unintentional.

Equal Employment Opportunity, Discrimination, Harassment and Bullying Policy

What is Bullying?

Bullying is any on-going anti-social or unreasonable behaviour that offends, degrades, intimidates or humiliates a person, and has the potential to create a risk to health, safety and wellbeing. Bullying can cause psychological injuries such as anxiety and depression, and can indirectly cause physical injuries. Workplace bullying can happen to anyone – it can be from management to workers, but can also be from workers to management or between peers. Bullying can be carried out verbally, physically or in writing and may include insults, constant criticism, malicious rumours and gossip, deliberate repeated exclusion from activities, behaviour or language that frightens you.

Reasonable managerial actions, poor management practices and differences of opinion do not constitute bullying.

Social Media

Electronic equipment owned by State Water must not be used to download, send or exchange sexual, racist, homophobic, anti-religious or other types of offensive material. Social media must not be used to harm individual employees or State Water Corporation as a whole.

The use of any form of social media to harass, bully or discriminate against a manager, supervisor or employee of State Water is unlawful and a breach of this policy, whether or not the Corporation's equipment is used or the material/message is sent during work hours.

What is Victimisation?

Victimisation is any adverse treatment because you have complained to your employer or another person about harassment; or you have supported someone with a harassment complaint, or acted as a witness in a harassment case.

State Water will not victimise any employee for filing a complaint or for participating in any investigation and will not tolerate or permit victimisation by any manager, supervisor or employee.

The responsibility of Managers, Supervisors and Employees

Managers and supervisors have a responsibility to:

- monitor the working environment to ensure acceptable standards of conduct are observed at all times;
- model appropriate behaviour themselves;
- promote this policy within their work area and ensure that every employee supervised by them understands how it applies to their own behaviour and their rights and responsibilities; and
- treat all complaints seriously and take immediate action to resolve the issue or, where this is not possible, get advice or refer any complaint or report any conduct in breach of this policy to a senior member of staff, their business support manager or human resources staff.

Employees have a responsibility to:

- conduct themselves in a non discriminatory manner and comply with this policy;
- offer support to anyone who is being discriminated against and let them know where they can get help and advice; and
- maintain complete confidentiality if they provide information during the investigation of a complaint.

Equal Employment Opportunity, Discrimination, Harassment and Bullying Policy

Disciplinary Action

Any manager, supervisor or employee identified as engaging in discriminatory practices, bullying or harassment of another employee will be subject to disciplinary action that may include termination of employment.

Confidentiality

Any allegation and/or investigation will be treated confidentially. Any records made during the investigation will be stored in a safe and secure place accessible only by human resources. Records do not go onto individual files unless disciplinary action has been taken.

Procedures

If you feel you have been discriminated against, harassed, bullied or victimised you should act upon this as soon as possible. In the first instance if you feel comfortable doing so, you may confront the other party directly and make it clear to them that their behaviour is unacceptable to you and is unwelcome. You should ask that the behaviour stop.

If you do not feel comfortable in confronting the other party yourself, you should seek further advice or assistance from your manager/supervisor or another more senior staff member; human resource manager, union representative and/or other appropriate personnel including the Anti Discrimination Board.

In all instances, you can have access to the services of the Employee Assistance Program (EAP).

Complaints/Grievances

State Water considers discrimination, harassment and bullying unacceptable forms of behaviour that will not be tolerated under any circumstances, whether at work, attending a conference, work function, Christmas party, business or field trip.

Refer to the dispute/grievance resolution procedure in the Enterprise Agreement for more information.

Policy Administration

The responsibility and authority to implement and enforce this policy rests with each Manager. This responsibility includes effective communication of the policy and any necessary related procedures to all affected staff. Approval to deviate from this policy can be given only by the Manager Human Resources or Chief Executive Officer.

Feedback

Feedback on this policy is welcome. Feedback and enquiries in relation to this policy should be directed to the Human Resources Team on (02) 6841 2085.

Adopted by: Executive Team, 14 June 2011

Issued by:
Rod Smith
Manager Human Resources

Issue Date: 25 October 2011
Issued to: All State Water staff
(02) 6841 2024

Review date: 14 June 2013