

Equal Employment Opportunity Policy

The Australasian College of Cosmetic Surgery and Medicine values its people and strives to provide a work environment in which everyone is treated fairly and with respect.

In line with industry best practice and with our legal obligations, we are formalising an Equal Employment Opportunity Policy for our organisation.

The aim of this strategy is to encourage and promote a culture that attracts, retains and engages a workforce from all backgrounds and experiences.

By creating a diverse, safe and harmonious workplace for you and your colleagues, we help to ensure an effective and productive environment in which we can all succeed.

In order to confirm that every staff member understands and can articulate what is acceptable in terms of work place behaviour and the way in which we will do business together, we have described below broad guidelines that will help all individuals understand the aspects of the law which relate to Equal Employment Opportunity and its everyday application.

At the Australasian College of Cosmetic Surgery and Medicine we make decisions based on the principles of merit and fairness according to skills, qualifications, abilities and aptitudes in all aspects of employee relations fully supporting the principles of Equal employment Opportunity.

Equal Employment opportunity is the responsibility of every employee.

Discrimination, Harassment, Bullying and Victimisation in the workplace are unacceptable and will not be tolerated by the College and we view all grievances seriously.

All employees can pursue a legitimate workplace grievance directly with the President and Members of Council.

Any outcome of grievance or substantiated complaint can result in Disciplinary Action- including termination of employment.

What is the Workplace?

- ❖ The workplace extends beyond the physical boundaries and beyond the set times of work.
- ❖ The workplace includes interactions between staff, office holders as well as interactions with other organisations and the public, including work-related social functions, conferences, training courses and work-related travel.

What is discrimination?

Any practice which makes a distinction between individuals or groups so as to disadvantage some and advantage others.

Direct discrimination

Treating or propose to treat another person less favourably because of a particular characteristic or attribute.

Indirect discrimination

Policies and practices that appear on their face to be neutral or non-discriminatory but operate in such a way as to advantage one person or group of persons over another.

The prohibited grounds for discrimination include, but are not limited to:

- ❖ Sex
- ❖ Race
- ❖ Marital Status
- ❖ Disability
- ❖ Carer's Responsibility
- ❖ National or Social origin
- ❖ Relatives or Associates
- ❖ Transgender
- ❖ Pregnancy or Breastfeeding
- ❖ Age or Retirement
- ❖ Religious Beliefs
- ❖ Union Activities
- ❖ Irrelevant criminal record

- ❖ Medical Record

What is harassment?

Harassment is any form of behaviour that is unsolicited, unwelcome, uninvited and unreciprocated which may cause a reasonable person to feel uncomfortable, offended or distressed, it can be:

- ❖ Deliberate or unintended
- ❖ Obvious or subtle
- ❖ Direct or indirect
- ❖ Written, verbal or non-verbal
- ❖ Physical

Examples of harassment

- ❖ Jokes or comments about a person's race, disability, pregnancy, sexuality, age, religion
- ❖ Threats, insults or abuse, swearing, shouting;
- ❖ Mimicking someone's disability or accent.
- ❖ Repeated questions about a person's personal life.
- ❖ Ignoring, isolating or segregating someone.
- ❖ Inappropriate telephone calls, letters, material on noticeboards, faxes, e-mail, SMS.
- ❖ Hitting, pushing, shoving objects or people; throwing objects.
- ❖ Unfairly blocking promotion or training.

What is Bullying?

Bullying is any repeated and unreasonable behaviour that offends, intimidates, humiliates or threatens someone. Workplace bullying is a form of harassment

What is bullying behaviour?

- ❖ Unacceptable language and rudeness
- ❖ Coercive behavior directed against someone including their property
- ❖ Unreasonable teasing, pranks & high-jinx
- ❖ All forms of intimidating behavior including physical assaults or threats
- ❖ Marginalizing or ignoring someone

- ❖ Any form of demeaning behavior whether business or personal which serves to denigrate, frighten, humiliate, belittle the individual being attacked
- ❖ Abuses of authority & excessive supervision
- ❖ Intruding into a staff member's privacy by stalking or spying
- ❖ Giving unreasonable assignments or duties which are unfavorable to a staff and/or repeated requests with impossible deadlines or tasks
- ❖ Breaches of an implied duty of trust & confidence e.g. policies

What is not bullying behavior?

- ❖ Differences of opinion
- ❖ Poor or bad management practices on their own
- ❖ Constructive and courteous feedback, counseling or advice about work-related behavior and performance
- ❖ Reasonable managerial actions including supervision, direction and control of work; setting reasonable goals & standards using Key Performance Indicators (KPIs) and deadlines; warning about unsatisfactory performance, taking actions to transfer an employee or making a decision not to select an employee for promotion

What is Victimisation?

Victimization is defined as the unfavourable treatment of a person as a consequence of their involvement in a grievance.

This is when a person is threatened or disadvantaged because they made a complaint or have supported someone who has made a complaint.

This includes but not limited to

- ❖ spreading rumors about this person,
- ❖ talking to them about the claim
- ❖ teasing
- ❖ Isolating the person
- ❖ Attempts to get them to withdraw a claim.

Some of the impacts of discrimination, bullying, harassment and victimization

Stress

Physical illness

Loss of productivity

Increased absenteeism

Financial costs – Legal costs to defend & or settlement of claims

Liabilities

- ❖ **Primary liability** – employers are liable for their own acts of discrimination, harassment etc.
- ❖ **Vicarious liability** – employers are liable for the acts of employees unless reasonable steps have been taken to prevent conduct
- ❖ **Accessory liability** – person liable when they “request, instruct, induce, encourage authorize or assist another person to discriminate or sexually harass”

Knowing inaction may be deemed authorization especially if done by a person in authority

Consequently, **Management** has a responsibility to

- ❖ Identify, prevent and address grievances by taking prompt action
- ❖ Intervene in any inappropriate behaviours
- ❖ Foster positive working relationships
- ❖ Role model appropriate behavior
- ❖ Ensure that victimisation does not occur once complaints have been received
- ❖ Maintain confidentiality

Employees also have a responsibility to comply with the Australasian College of Cosmetic Surgery and Medicine’s Equal Opportunity Policy.

- ❖ They should consider their own behaviour – is it appropriate?
- ❖ Ensure behaviour does not cause offence
- ❖ Think about how what you are about to say could be interpreted
- ❖ Promptly raise suspected incidents of Discrimination and Harassment
- ❖ Respect the differences of others.
- ❖ Treat people in a fair way.
- ❖ Refuse to take part in any harassing or bullying behaviour

Grievance procedure for reporting complaint

If you feel you are being sexually harassed, bullied or discriminated against or you have witnessed a suspected failure by another employee to comply with this standard, immediate help and support is available to you.

Where an employee feels aggrieved, offended or distressed by the actions or conduct of another person, they should, if they feel comfortable doing so, address this in the first instance by telling the person concerned that their conduct is causing offence or distress, explaining why it is unwelcome and asking for it to stop.

In most cases, this will be sufficient to stop the conduct. Often, the person conducting the unwanted behaviour is not aware that their conduct is causing distress, and they will stop immediately, once told.

Should this not be successful, the employee should discuss the issue with their supervisor or manager, who may be able to negotiate a solution or deem it necessary to formalize the complaint and escalate the matter.

Typically at this stage a grievance will need to be submitted in writing and forwarded to Senior Management/President.

The President will then seek to resolve the issue, by meeting both parties and establishing the Company's position on the incident.

A determination will then be made as to whether the conduct potentially constitutes unacceptable conduct (i.e. whether the conduct would amount to unlawful sexual harassment, discrimination, bullying, victimisation or vilification), and whether the matter requires formal investigation.

Procedural fairness requires that a fair process is applied when determining the most appropriate form of disciplinary action. The rules of procedural fairness generally require that:

- Employees are informed of allegations;
- An appropriate investigation of alleged unacceptable behaviour or performance is conducted.
- Employees are given an opportunity to respond to allegations, and have their response considered along with relevant circumstances prior to making a decision;

For cases of unsatisfactory performance, dependent on the nature and seriousness of the unsatisfactory performance, a reasonable amount of time is given for performance improvement

Decisions are unbiased and justified;

- An employee is provided with the opportunity to have a support person present at meetings and interviews.
- Depending on the circumstances, for example a provision in the relevant employment agreement, the employee may be entitled to bring an employee representative to a meeting or interview instead of a support person; and
- An employee is given a minimum 24 hours' written notice of disciplinary meetings where appropriate and possible, subject to the nature and severity of the conduct or behaviour.

Outcomes at any level of this process may include all or some of the following:

- ❖ Better understanding and improved relations between colleagues;
- ❖ An apology – either written or verbal;
- ❖ A warning – either informal or formal / written or verbal;
- ❖ Counselling for one or both parties;
- ❖ Disciplinary Action, including termination of employment.