

# **Hornsby Ku-ring-gai Community Aged/Disabled Transport Service Inc.**

## **Anti-Discrimination and Harassment Policy**

### **Purpose & Scope**

#### **1.1 Purpose**

Hornsby and Ku-ring-gai Community Aged/Disabled Transport Service Inc is committed to promoting a fair and equitable environment which is free from discrimination, harassment and vilification in line with its obligations.

#### **1.2 Scope:**

##### **Project**

Hornsby and Ku-ring-gai Community Aged/Disabled Transport Service Inc. provides transport services to improve access and address social isolation for people who are transport disadvantaged. Hornsby and Ku-ring-gai Community Aged/Disabled Transport Service Inc. acknowledges that clients and staff are males and females of differing ethnic backgrounds, religious and political beliefs and sexual preferences. Some of these individuals have a disability and the service undertakes to value these differences and create an environment in which all can feel free from discrimination and harassment.

##### **Legislative**

Under a number of Federal Acts of Parliament, harassment, discrimination and vilification on a number of specified grounds in the workplace are illegal.

The Sex Discrimination Act 1984 (Cth)

The Disability Discrimination Act 1992 (Cth)

The Racial Discrimination Act 1975 (Cth)

The service will meet its obligations under these Acts through the implementation of this policy and associated procedures.

#### **2. Applicable to:**

This policy is applicable to all current and prospective service users and staff, paid and volunteers.

#### **3. Policy**

##### **3.1 Objectives**

The service is committed to putting in place:

3.1.1 Procedures to deal with complaints of discrimination and harassment which are

- accessible to passengers and staff

- observe the principles of natural justice

- protect against victimization of a complainant or a person associated with a complainant

3.1.2 Strategies to educate its staff and passengers about what constitutes harassment and discrimination and the ways in which it affects the person discriminated against or harassed.

3.1.3 Strategies to educate staff and passengers in ways to prevent discrimination and harassment, and the principles of resolving conflict through conciliation.

3.1.4 Strategies to ensure the service's policies and procedures are not directly or indirectly discriminatory.

##### **3.2 Prohibition of Discrimination and Harassment on Specified Grounds**

The service will not tolerate discrimination against, or harassment and vilification of, any individuals or groups on prohibited grounds. Types of prohibited behaviour and grounds of prohibited discrimination and harassment are defined below.

Grounds of prohibited discrimination and harassment and types of prohibited behaviour are:

Age

Sex

Race

Impairment or disability

Industrial activity

Lawful sexual activity/sexual orientation

Marital, parental or carer status

Physical features

Pregnancy

Political belief or activity

Religious Belief or Activity

Direct or indirect discrimination against someone who is associated with a person with any of the above attributes also will not be tolerated.

### **3.3 Types of Prohibited Behaviour**

#### **3.3.1 Direct and Indirect Discrimination**

Both direct and indirect discrimination is illegal in the area of employment and service delivery and will not be tolerated by Hornsby and Ku-ring-gai Community Aged/Disabled Transport Service Inc. In both direct and indirect discrimination the discriminator's motive is irrelevant, and it is also irrelevant whether the discriminator is aware or not of the discrimination.

3.3.1 (a) Direct discrimination means treating or proposing to treat another person less favourably on the basis of an attribute than the person treats or would treat someone without that attribute in the same or similar circumstances.

An example of direct discrimination is to deny a female job applicant the position simply because she is female.

3.3.1 (b) Indirect discrimination means imposing or intending to impose a requirement condition or practice that:

- a person with the attribute does not or cannot comply with; and
- a higher proportion of people without the attribute or with a different attribute, do or can comply with; and
- it is not reasonable in the circumstances.

An example of indirect discrimination could be a requirement that all passengers must be waiting outside their homes for pick up, which indirectly discriminates against those whose disability precludes them from doing so.

#### **3.3.2 Harassment**

The service will not tolerate any form of harassment. Sexual harassment and harassment on the basis of disability are covered by anti-discrimination legislation. Other forms of harassment which create a hostile work environment can be the subject of common law actions

#### **3.3.3 Vilification**

The service will not tolerate offensive behaviour based on racial hatred or behaviour likely to humiliate, offend, intimidate or insult others where the behaviour is caused by the other's race, colour or national or ethnic origin.

### **3.4 Avenues through Which a Complaint May Be Lodged**

Staff members and passengers who believe that they are being discriminated against or harassed in contravention of this policy may take action under the following procedures:

Hornsby and Ku-ring-gai Community Aged/Disabled Transport Service Inc. Complaint procedures