

Skilligence [ABN 12 600 600 164]

**EQUAL EMPLOYMENT
OPPORTUNITY & ANTI-
DISCRIMINATION POLICY**



OVERVIEW

Skilligence Pty Ltd and its subsidiaries (“the Company”) recognises that Equal Employment Opportunity is a matter of employment obligation, social justice and legal responsibility. The Company is committed to providing a safe, flexible, and respectful environment for its employees and clients free from all forms of discrimination, bullying and sexual harassment.

PURPOSE

All employees are required to treat others with dignity, courtesy, and respect. By effectively implementing our Equal Employment Opportunity & Anti-Discrimination Policy and implementing training and awareness strategies to ensure that all employees know their rights and responsibilities, we will attract and retain talented people and create a positive working environment for all.

SCOPE

This policy applies to:

- Board members
- All employees including full-time, part-time, or casual, temporary;; job candidates; student placements, contractors, and sub-contractors;
- How the Company provides services to clients and how it interacts with other members of the public;
- All aspects of employment, recruitment, and selection; conditions and benefits; training and promotion; task allocation; hours; leave arrangements; workload;
- On-site, off-site, or after-hours work; work-related social functions; conferences – wherever and whenever employees may be as a result of their duties;

EMPLOYEE RIGHTS AND RESPONSIBILITIES

All personnel are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;



- Work free from discrimination, bullying and sexual harassment;
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised;
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs, or culture.

All personnel must:

- Follow the standards of behaviour outlined in this policy;
- Offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint;
- Avoid gossip and respect the confidentiality of complaint resolution procedures;
- Treat everyone with dignity, courtesy, and respect.

ADDITIONAL RESPONSIBILITIES OF MANAGEMENT

Management must:

- Model appropriate standards of behaviour;
- Take steps to educate and make staff aware of their obligations under this policy and the law;
- Intervene quickly and appropriately when they become aware of inappropriate behaviour;
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- Help employee resolve complaints informally
- Refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation;
- Ensure individuals who raise an issue or make a complaint are not victimised;
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made;
- Seriously consider requests for flexible work arrangements.

UNACCEPTABLE WORKPLACE CONDUCT

Discrimination, bullying, and sexual harassment are unacceptable at the Company and are unlawful under legislation including:

- Sex Discrimination Act 1984 (Cth);



- Racial Discrimination Act 1975 (Cth);
- Disability Discrimination Act 1992 (Cth);
- Age Discrimination Act 2004 (Cth);
- Human Rights and Equal Opportunity Act 1986 (Cth).

Employees (including management) found to have engaged in such conduct might be counselled, warned, or disciplined. Severe or repeated breaches can lead to formal discipline up to and including termination of employment.

Under the law employees can be held personally liable for certain breaches of discrimination law, and the Company can also be vicariously liable for employee members' conduct.

EQUAL EMPLOYMENT OPPORTUNITY

Equal Employment Opportunity consists of ensuring that all employees are given equal access to training, promotion, appointment or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.

DISCRIMINATION

Discrimination consists of treating, or proposing to treat, someone unfavourably because of a personal characteristic or attribute protected by the law, such as sex, age, race, or disability.

Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example, a worker is harassed and humiliated because of their race

OR

A worker is refused promotion because they are 'too old'.

Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

Protected personal characteristics under Federal discrimination law include:

- A disability, disease, or injury, including work-related injury;



- Parental status or status as a carer, for example, because they are responsible for caring for children or other family members;
- Race, colour, descent, national origin, or ethnic background;
- Age;
- Sex;
- Industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union;
- Religion;
- Pregnancy and breastfeeding;
- Sexual orientation, intersex status, or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer, and heterosexual;
- Marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;
- Political belief or activity;
- Social origin;
- Medical record;
- An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

DISABILITY DISCRIMINATION

Employers are required in some circumstances to make “reasonable adjustments” to facilitate employees with disabilities to perform the “inherent requirements” of the particular role they perform. An employer will be deemed to have discriminated against an employee if they fail to make these adjustments.

The “inherent requirements” of a position are the essential activities that must be carried out to fulfil the purpose of the position.

An adjustment is not reasonable if it will impose “unjustifiable hardship” on the employer. In assessing unjustifiable hardship factors to be considered include:

- The nature of the benefit or detriment to be imposed on any person concerned, including the community;
- The effect of the employee's disability;



- The financial circumstances and the estimated amount of expenditure required to be made by the employer;
- The availability of financial and other assistance to the employer.

Examples of adjustments that may in some circumstances be reasonable for an employer to make include:

- **Changing recruitment and selection procedures.** For example, providing a sign language interpreter for a Deaf person or ensuring the medical assessor is familiar with a person's particular disability and how it relates to the job requirements.
- **Modifying work premises.** For example, making ramps, modifying toilets, or providing flashing lights to alert people with a hearing loss.
- **Changes to job design, work schedules or other work practices.** For example, swapping some duties among staff or providing regular meal breaks for a person with diabetes.
- **Modifying equipment.** For example, lowering a workbench or providing an enlarged computer screen.
- **Providing training or other assistance.** For example, running induction programs for employees with a disability and their co-workers, providing a mentor or support person for a person with an intellectual disability, and including staff with a disability in all mainstream training.

It is not unlawful to discriminate against a person because of their disability where:

- They cannot meet the inherent requirements of the job, even when the employer has made any reasonable adjustments; or
- Providing the person with reasonable adjustments to facilitate their disability imposes an unjustifiable hardship on the employer.

BULLYING

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

- Behaviours that may constitute bullying include;
- Sarcasm and other forms of demeaning language;
- Threats, abuse, or shouting;



- Coercion;
- Isolation;
- Inappropriate blaming;
- Ganging up;
- Constant unconstructive criticism;
- Deliberately withholding information or equipment that a person needs to do their job or access their entitlements;
- Unreasonable refusal of requests for leave, training, or other workplace benefits.

Any form of bullying is unacceptable in the Company and may also be against workplace health and safety law. The Company has a separate Workplace Anti-Bullying and Anti-Harassment Policy which employees must read and abide by, this deals with bullying and harassment that is not a form of discrimination (i.e., where not based on a protected personal characteristic).

SEXUAL HARASSMENT

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- Comments about a person's private life or the way they look;
- Sexually suggestive behaviour, such as leering or staring;
- Brushing up against someone, touching, fondling, or hugging;
- Sexually suggestive comments or jokes;
- Displaying offensive screen savers, photos, calendars, or objects;
- Repeated unwanted requests to go out;
- Requests for sex;
- Sexually explicit posts on social networking sites;
- Insults or taunts of a sexual nature;
- Intrusive questions or statements about a person's private life;
- Sending sexually explicit emails or text messages;
- Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites;



- Behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment occurs in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All employees and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it does not have to be repeated. All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

The Company recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

The Company will not tolerate or accept any form of sexual harassment, in the workplace or in any work-related context such as conferences, work functions and business trips. All staff members are responsible for their own behaviour, and under the law may be held personally liable if they engage in sexual harassment. The Company may also be vicariously liable for staff members found to have engaged in any form of sexual harassment.

VICTIMISATION

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

The Company has a zero-tolerance approach to victimisation.

VILIFICATION

Vilification is where a person commits a public act which is reasonably likely to offend, insult, humiliate or intimidate another person because of their race, sex, religion, sexuality,



or sexual identity. Hatred or vilification due to an attribute protected under equal opportunity laws is unlawful.

The Company will not tolerate or accept any form of hatred or vilification due to a protected attribute of another person.

Any conduct that can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered a public act. Workplaces can be public places.

The Company may be vicariously liable for staff members found to have engaged in any form of unlawful hatred or vilification. Employees may also be sued personally or prosecuted criminally under Commonwealth or State criminal laws.

Conduct that may constitute vilification can include verbal or written statements, or even be the reproduction or distribution of already published information. Examples include:

- Offensive material on the internet, including e-forums, blogs, social networking sites and video sharing sites;
- Offensive comments or images published in a publication such as a leaflet, flyer, internal message board or workplace intranet;
- Offensive speeches at public events, work functions or in the workplace;
- Abusive comments in any public place, such the workplace, or any other place attended in connection with employment; or
- In some instances, the reproduction or distribution of already published information around the workplace.

CONFIDENTIALITY

It is unacceptable for employees at the Company to talk with other employees, clients, or suppliers about any complaint of discrimination or harassment without the Company's express permission.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

DECISIONS TO BE BASED ON MERIT

All recruitment and job selection decisions at the Company will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.



It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

RESOLVING ISSUES

The Company strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed, vilified or victimised to take appropriate action by making a complaint in accordance with the Grievance Handling Policy.

Any employee who has witnessed any discrimination, bullying, sexual harassment, vilification or victimisation should report this to their manager or other responsible person in the Company or can raise a complaint in accordance with the Grievance Handling Policy.

OTHER POLICIES

Employees are encouraged to read this policy in conjunction with other relevant Company policies, including:

- Code of Conduct;
- Workplace Anti-Harassment and Anti-Bullying Policy;
- Grievance Handling Policy;
- Disciplinary & Termination Policy.

REVISION & PUBLICATION

This Policy is to be approved by the Board of Directors and is to be formally reviewed every two (2) years. A copy of the Policy will be made available to all employees and available on the Company's intranet.

DOCUMENT CONTROL

Document ID	Version 1.0	Document Title	Equal Employment Opportunity & Discrimination Policy
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APPENDIX – PROCEDURE FOR DEALING WITH DISCRIMINATION

What to do if you believe you have been discriminated against?

Employees who consider that they have been unlawfully discriminated against may use the following options to resolve their complaint:

1. Initiate discussions with their manager (or another manager if issue involves immediate manager);
2. Seek support from Human Resources;
3. Lodge a grievance (refer to the Grievance Policy);
4. Lodge a complaint with Fair Work Australia or the anti-discrimination or equal employment organisation within your state if the matter has not been appropriately addressed by the company.

Procedure

Discussion between the employee experiencing discrimination and their Manager is recommended, particularly in the early stages of a problem involving possible discriminatory behaviour. If the behaviour does not stop, or even if it does stop but you wish to report it, please advise your Manager.

The discussion may result in action being taken or the development of strategies to resolve the problem at the workplace level. If the problem remains unresolved the employee should contact Human Resources to discuss the range of options available to deal with the matter.

All complaints of discrimination and vilification will be treated seriously, promptly, confidentially, and impartially. Employees will not be disadvantaged in their employment conditions or opportunities as a result of lodging a complaint.

It is a good idea to make a written note of any discrimination or harassment, including details of dates, times, witnesses, what happened, and what you said/felt. Be frank and open with those who are investigating the complaint about what happened. This will enable appropriate action to be taken.

There are a number of options available to employees for dealing with discrimination ranging from dealing with the matter individually to making a formal complaint. These options are outlined in the Grievance Policy.

Where discrimination or vilification has been substantiated, or where disciplinary action resulted, the records will be placed on the personnel file of the offending employee.



Where discrimination or vilification has not been substantiated the records will not be placed on the complainant's personnel file.

Accordingly, it is important for the person complaining of the conduct to maintain confidentiality and only speak to those persons about the complaint who need to be involved.

Breach of Policy

Breaches of the Anti-Discrimination and EEO policy will not be tolerated. This includes discrimination in the workplace or in any work-related context such as conferences, work functions and business trips. Failure to comply with the policy will result in the appropriate disciplinary action. Serious breaches of this policy may result in termination of employment. Any employee proven to have lodged a fake claim will face the same disciplinary process, up to and including termination.

Lodging a Grievance

If an employee considers that they have been discriminated against, and the matter has not been satisfactorily resolved, they may lodge a grievance. Please refer to the Grievance Policy for more information about the process for lodging a grievance regarding the Anti-Discrimination and EEO Policy.

Lodging a complaint with Fair Work Australia

If an employee's complaint has not been resolved through the grievance process, they may lodge a complaint with Fair Work Australia www.fwc.gov.au or the anti-discrimination or equal opportunity organisation within their state.