



## CEPU SA Branch

# EQUAL EMPLOYMENT OPPORTUNITY & ANTI-DISCRIMINATION POLICY

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## **1. Persons Responsible**

Branch Secretary  
Assistant Branch Secretary  
Employees  
Organisers  
Industrial Officers

## **2. Purpose**

The CEPU (Electrical Energy & Services Division), SA Branch is an equal opportunity employer. All employees and officers are treated on their merits, without regard to race, age, sex, relationship status or any other factor not applicable to the position. Employees and officers are valued according to how well they perform their duties, and their ability to maintain the Union's standards of service.

Employees and officers should be able to work in an environment free of discrimination, victimisation, sexual harassment and vilification. These behaviours are unacceptable and will not be tolerated under any circumstances.

This policy on equal opportunity, grievance procedures, contact officers, and the role of employees, officers and managers has been developed as part of our commitment to fair treatment for all employees and officers of the CEPU (Electrical, Plumbing & Services Division) SA Branch.

## **3. Definitions**

Under the *SA Equal Opportunity Act 1984* and *SA Racial Vilification Act 1996* (the Act), discrimination, victimisation, sexual harassment and vilification are illegal.

Discrimination in employment on the following grounds or attributes is against the law under the Act:

- Sex
- Relationship status
- Pregnancy
- Parental status
- Breastfeeding
- Age
- Race
- Impairment
- Religious belief or religious activity
- Political belief or activity (unless contrary to or not in the best interest of the Union)
- Trade union activity
- Lawful sexual activity
- Gender orientation
- Sexuality
- Family responsibilities
- Association with someone with an attribute above

Victimisation because a person has made a complaint, agreed to be a witness or has had a complaint made against them is also against the law.

*Sexual harassment is a form of discrimination and is prohibited by the Federal Sex Discrimination Act 1984.*

Vilification on the basis of a person's race, religion, gender orientation or sexuality is also unlawful.

Federal anti-discrimination legislation also prohibits discrimination on the basis of criminal record, medical record or social origin.

### ***What is discrimination?***

Discrimination occurs when someone is treated unfavourably because of an attribute under the Act. Discrimination may involve:

- Making offensive 'jokes' about another worker's racial or ethnic background, sex, sexual preference, age or disability.
- Expressing negative stereotypes about particular groups eg. "married women should not be working".
- Judging someone on their political or religious beliefs rather than their work performance.
- Using selection processes based on irrelevant attributes such as age, race or disability rather than on skills and merit.

### ***What is sexual harassment?***

Sexual harassment is any form of unwelcome sexual attention. It includes unwelcome touching or other physical contact, remarks with sexual connotations, smutty jokes, requests for sex, or the display of offensive materials such as pictures, posters or computer graphics.

Sexual harassment is against the law wherever and whenever it occurs. The Union will not tolerate sexual harassment in the workplace or in any work-related context such as conference, work functions or business trips.

Sexual harassment has nothing to do with mutual attraction. Such friendships are a private matter.

Sexual harassment can be a single incident or a series of incidents or behaviours – it depends on the circumstances. Obviously some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated.

Other single incidents, such as an unwanted invitation out, may not constitute harassment, if they are not repeated and are polite and respectful.

There is no onus on the person being harassed to say he/she finds the conduct objectionable. Many people find it difficult to speak up. All employees are responsible for their own behaviour. If you think the behaviour may offend, then don't do it!

### ***What is vilification?***

Vilification is behaviour that:

- a) Happens in a public place; and
- b) Incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender orientation.

Workplaces can be considered public places. This means that any conduct which can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered to have happened in a public place.

Some examples of vilification are:

- Placing a poster or sticker on the customer service counter that incites others to hate people because of their race, religion, sexuality or gender orientation.
- Hate graffiti written on work toilet walls that incites hatred because of race, religion, sexuality or gender orientation.
- Wearing of symbols, badges or clothing in the workplace with slogans that incite hatred.
- An employee abusing a person because of their race, religion, sexuality or gender orientation in the workplace which encourages others to hate people of that race, religion, sexuality or gender orientation;
- A work colleague making a speech in the work cafeteria/lunch room that incites hatred of people because of their race, religion, sexuality or gender orientation;
- Texting, emailing, use of social media.

## **4. Vicarious Liability**

### ***Vicarious liability***

Under state anti-discrimination law, the CEPU may be liable for any discrimination, sexual harassment and/or vilification that happens at the workplace, unless we can show we have taken reasonable steps to prevent it.

Officers and managers must therefore ensure that all employees are treated fairly and are not subject to any of these behaviours. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way.

Any reports of discrimination, victimisation, sexual harassment and vilification will be treated seriously and investigated promptly, confidentially and impartially.

Disciplinary action will be taken against anyone who discriminates against, victimises, sexually harasses or vilifies a co-worker. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

## **5. Process of lodging a Complaint**

### ***What to do if you are discriminated against, sexually harassed or vilified***

There are a number of options. Choose the course of action you feel most comfortable with.

*But don't ignore discrimination, sexual harassment or vilification, thinking it will go away – usually it just gets worse.*

- 1) Contact one of the following people in the Branch that have been nominated to give information:

Name: Jess Rogers  
Position: Industrial Officer  
Location: SA Branch Office  
Contact Info: 08 8234 2130

Name: John Adley  
Position: Branch Secretary  
Location: SA Branch office  
Contact Info: 08 8234 2130

### **2) Contact your Union for advice**

- 3) Discrimination enquiries and complaints

Call the South Australian Equal Opportunity Commission on

(08) 8207 1977 for information about how to make a complaint.

Country Callers: 1800 188 163

TTY – for hearing/speech impaired (08) 8207 1911

Fax: (08) 8207 2090

Email enquiries: [eoc@agd.sa.gov.au](mailto:eoc@agd.sa.gov.au)

Adelaide Office: Level 10

30 Currie Street  
Adelaide SA 5000

For more information you might also want to check the Commissions website on <https://www.humanrights.gov.au/information-employers-contacts>

The CEPU is committed to providing an environment that is safe for all employees. You will not be disadvantaged in your employment conditions or opportunities as a result of lodging a complaint.

## 6. Review

This policy will be reviewed two years from effect and distributed to staff. It will also be provided to all employees at the commencement of their employment

Policy Initiated	Last reviewed	Next review by
9/5/2018	11/4/2019 By: CEPU SA Branch Conference	11/4/2021

  
John Adley

Branch Secretary

CEPU Electrical Energy and Services Division - SA Branch

