

# HR3 Workplace Diversity, Inclusion and Respect

## Policy Statement

1. All workers and clients of P4 Movement are entitled to a workplace that is free from discrimination, bullying and harassment in all forms, that also promotes, and supports the inclusion of, an individual's diversity.
2. P4 Movement is committed to fostering a diverse and inclusive workplace that reflects the communities we serve.
3. We are dedicated to ensuring equal employment opportunities for all employees and applicants, promoting a culture where diversity is celebrated, and where every individual is treated with fairness, dignity, and respect.
4. Discrimination, harassment, and bias in any form will not be tolerated.

## Procedures

### 1. Diversity and Inclusion

- a. Diversity involves recognising not only the human rights of a person to live without discrimination, but also understanding, valuing and enabling an individual worker or client to express their beliefs, values, cultures and perspectives.
- b. P4 Movement recognises that differences may arise between the values and beliefs of individuals and will strive to support workers and clients to respect these differences in each other through education, coaching and creating authentic and open communication within the organisation.
- c. P4 Movement implements inclusive practices which support meaningful participation, voice and sense of belonging for all workers. This includes but is not limited to:
  - i. Inclusive job advertising and recruitment practices;
  - ii. Bias free and merit-based recruitment processes;
  - iii. Workplace accessibility in physical work environments and through digital access and software;
  - iv. Accommodating reasonable adjustments to work practices;
  - v. Mental health support and employee assistance program;
  - vi. Inclusive leave policies and arrangements; and
  - vii. Flexible work arrangements for individuals with carer responsibilities.
- d. P4 Movement regularly reviews its policies, procedures and work practices to:

- i. identify any gaps between policy and practices relating to diversity and inclusion in the workplace;
- ii. gather ideas about how to eliminate barriers and create opportunities and change within the organisation that reflect P4 Movement's commitment to diversity and inclusion.

## **2. Unacceptable Workplace Conduct and Resolving Issues**

- a. Discrimination, bullying, sexual harassment, victimisation and vilification are unacceptable at P4 Movement and are unlawful.
- b. All workers have the right to a workplace free from discrimination, bullying, sexual harassment, victimisation and vilification.
- c. Any worker can raise issues, make enquiries, or lodge complaints in a reasonable and respectful manner without fear of victimisation.
- d. Any workers and managers found to have engaged in any such conduct may be subject to disciplinary action up to and including termination.
- e. Under the law, workers can be held personally liable for certain breaches of discrimination law.
- f. P4 Movement strongly encourages any worker 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 HR7 Disciplinary and Grievance Policy.
- g. Any worker who has witnessed any discrimination, bullying, sexual harassment, vilification or victimisation should report this to their People Leader, People and Culture team or other responsible person in P4 Movement Care Group or can raise a complaint in accordance with the HR7 Disciplinary and Grievance Policy.
- h. It is unacceptable for a worker of P4 Movement to talk with colleagues, clients, contractors, volunteers or suppliers about any complaint of discrimination or harassment without P4 Movement's express permission.
- i. Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role is a serious breach of this policy and may lead to disciplinary action.

## **3. Discrimination**

- a. Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.
- b. Discrimination can occur:
  - i. 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; or
  - ii. Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantageous people with a personal characteristic protected by law.
- c. Protected personal characteristics under discrimination law include:
  - i. A disability, disease or injury, including work-related injury;

- ii. Parental status or status as a carer;
  - iii. Race, colour, descent, national origin, or ethnic background;
  - iv. Age, whether young or old, or because of age in general;
  - iv. Gender;
  - v. 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;
  - vi. Religion;
  - vii. Pregnancy and breastfeeding;
  - viii. Sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual;
  - ix. Marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship;
  - x. Political opinion;
  - xi. Social origin;
  - xii. Medical record;
  - xiii. 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.
- d. It is also 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.

#### **4. Bullying**

- a. Bullying is where an individual is subject to repeated, unreasonable behaviour that is considered inappropriate, humiliating, intimidating, or threatening, and creates a risk to the health and safety of the individual.
- b. Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.
- d. Behaviours that may constitute bullying include;
  - i. Threats, insults, abuse or inappropriate language;
  - ii. Jokes and teasing;
  - iii. Isolation or excluding someone from workplace activities;
  - iv. Ganging up or encouraging others to display bullying behaviours;
  - v. Coercion;
  - vi. Excessive unconstructive criticism.
- e. Any form of bullying is unacceptable in P4 Movement Care Group and may also be against workplace health and safety law.
- f. Bullying does not apply to reasonable management action, carried out in a fair and respectful way, such as performance management, supervision and feedback or rostering decisions.

## **5. Sexual Harassment**

- a. 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:
  - i. Comments about a person's private life or the way they look;
  - ii. Sexually suggestive behaviour or touching;
  - iii. Sexually suggestive questions, comments or jokes;
  - iv. Inappropriate advances including requests for sex, sexual acts or to go out;
  - v. Use of technology for accessing, displaying, sending or posting offensive or explicit materials, posts, emails or texts;
  - vi. Insults or taunts of a sexual nature;
- xiv. 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.
- b. 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.
- c. All workers 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.
- d. 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. P4 Movement 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.
- e. P4 Movement acknowledges its positive duty under the Sex Discrimination Act to take reasonable and proactive steps to eliminate, as far as possible, unlawful behaviour in the workplace. This includes sex discrimination, sexual and sex-based harassment, conduct that creates a hostile work environment on the ground of sex, and related acts of victimisation.
- f. P4 Movement will maintain a safe physical and online working environment by:
  - i. providing information, instruction, training, and support regarding the prevention of sexual harassment;
  - ii. addressing inappropriate behaviour early; and
  - iii. encouraging reporting through clear and effective complaint procedures.

## **6. Victimisation**

- a. Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, witnessed an incident, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.
- b. P4 Movement has a zero-tolerance approach to victimisation.

## **7. Vilification**

- a. 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.
- b. P4 Movement Care Group will not tolerate or accept any form of hatred or vilification due to a protected attribute of another person.
- c. 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.
- e. Conduct that may constitute vilification can include verbal or written statements or even be the reproduction or distribution of already published information, including:
  - i. Offensive material on the internet, including e-forums, blogs, social networking sites and video sharing sites;
  - ii. Offensive comments or images published in a publication such as a leaflet, flyer, internal message board or workplace intranet;
  - iii. Offensive speeches at public events, work functions or in the workplace; or
  - iv. Abusive comments in any public place, such the workplace, online, or any other place attended in connection with employment.

## **8. Reasonable Adjustments and Inherent Requirements**

- a. P4 Movement may be required in some circumstances to make reasonable adjustments to facilitate employees with disabilities to perform the inherent requirements of the particular role they perform.
- b. The inherent requirements of a position are the essential activities that must be carried out to fulfil the purpose of the position.
- c. An adjustment is not reasonable if it will impose unjustifiable hardship on the employer. In assessing unjustifiable hardship factors to be considered include:
  - i. The nature of the benefit or detriment to be imposed on any person concerned, including the community;
  - ii. The effect of the employee's disability;
  - iii. The financial circumstances and the estimated amount of expenditure required to be made by the employer; and
  - iv. The availability of financial and other assistance to the employer.
- d. Examples of adjustments that may in some circumstances be reasonable for an employer to make include:
  - i. Changing recruitment and selection procedures to provide access to those with a disability. 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.

- ii. Modifying work premises. For example, making ramps, modifying toilets or providing flashing lights to alert people with a hearing loss.
  - iii. 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.
  - iv. Modifying equipment. For example, lowering a workbench or providing an enlarged computer screen.
  - v. Providing training or other assistance. For example, running induction programs for staff 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.
- e. It is not unlawful to discriminate against a person because of their disability where:
- i. They cannot meet the inherent requirements of the job, even when the employer has made any reasonable adjustments; or
  - ii. Providing the person with reasonable adjustments to facilitate their disability imposes an unjustifiable hardship on the employer.

## Related Business Procedures

1. HR1 – Code of Conduct
2. HR2 - Whistleblower
3. HR4 – Recruitment and Selection
4. HR5 – Employment Lifecycle
5. HR6 – Performance Management
6. HR7 – Disciplinary and Grievance
7. HR8 – Learning and Development
8. HR9 – Leave Management

## Responsible Persons

1. The General Manager must:
  - a. Manage and monitor compliance with this policy.
  - b. Support employee competence and compliance with this policy.
  - c. Ensure P4 Movement meets its positive duty under the Sex Discrimination Act to eliminate, as far as possible, unlawful sex discrimination, harassment, hostile workplace conduct, and related victimisation.
2. The Head of Human Resources must:
  - a. Ensure appropriate training is made available and completed by workers and managers to ensure compliance with this policy.

- b. Support in the investigation of any matters raised under this policy.
  - c. Support management in implementing any inclusive practices or reasonable adjustments required for workers and candidates to enable fair access to recruitment, the workplace, and the performance of duties.
  - d. Oversee and implement recruitment and selection processes that are free from discrimination and bias.
3. Management must:
- a. Model appropriate behaviour.
  - b. Ensure staff understand their obligations under this policy and the law.
  - c. Act swiftly and appropriately when investigating and addressing inappropriate conduct.
  - d. Resolve issues fairly while allowing all parties to be heard and support staff in resolving complaints informally.
  - e. Ensure that workers who raise concerns are not victimised.
  - f. Ensure employees receive appropriate training, supervision, and debriefing to comply with this policy.
  - g. Give proper consideration to any requests for reasonable adjustments and inclusive practices that enable access for workers.
4. All P4 Movement employees, volunteers and subcontractors must comply with this policy.

## Definitions

- 1. **Bias:** Prejudices or preferences, whether conscious or unconscious, that influence decision-making and behaviour in a way that results in unfair treatment.
- 2. **Bullying:** Repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety and physical, social or psychological harm.
- 3. **Discrimination:** Treating an individual or group unfairly based on characteristics such as race, gender, age, disability, sexual orientation, religion, or other protected attributes.
- 4. **Diversity:** The range of differences among individuals, including but not limited to race, gender, age, sexual orientation, disability, and cultural background, that enrich the workplace and contribute to varied perspectives and experiences.
- 5. **Equal Employment Opportunity (EEO):** The principle that all individuals should have an equal chance for employment and career advancement based on their qualifications, experience, and performance, free from discrimination or bias.
- 6. **Gender Equity:** Gender equity focuses on equality for men and women in the workplace. It encompasses equal pay and promotes the elimination of discrimination on the basis of family and caring responsibilities.
- 7. **Harassment:** Unwanted, inappropriate, or offensive behaviour directed towards an individual or group that creates a hostile or intimidating work environment.

8. **Inclusion:** The practice of creating an environment where all individuals feel respected, valued, and integrated into the organisation, regardless of their background or identity.
9. **Inherent requirements:** The essential activities that must be carried out to fulfil the purpose of the position.
10. **Positive Duty:** A requirement on employers to take proactive and meaningful steps to prevent sex discrimination, sexual harassment, sex-based harassment, hostile workplace environments based on sex, and related victimisation, rather than responding only after incidents occur.
11. **Reasonable adjustments:** are any assistance or modifications necessary, possible, and reasonable to reduce or eliminate barriers, either temporary or permanent.

## References

1. Age Discrimination Act 2004 (Cth).
2. Anti-Discrimination Act 1977 (NSW).
3. Australian Human Rights Commission Act 1986 (Cth).
4. Disability Discrimination Act 1992 (Cth).
5. Fair Work Act 2009 (Cth).
6. Racial Discrimination Act 1975 (Cth).
7. Sex Discrimination Act 1984 (Cth).
8. Aged Care Act 2024 (Cth) and its associated regulations.
9. National Disability Insurance Scheme (NDIS) Practice Standards and their associated regulations.
10. Privacy Act 1988 (Cth).

## Version Control

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| Version 1 | 1 April 2026 | New policy creation |
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