

Equal Employment Opportunity (EEO) & Anti-Bullying Policy – Template

Effective from June 2025

Note: This policy is provided as a template for use by businesses operating in Australia. Where indicated, please **substitute** the relevant name or role in place of the "XYZ" placeholders.

1. Purpose and Scope

This policy applies to all employees, contractors, and subcontractors of **XYZ Company Name**, across all workplace settings and work-related activities.

XYZ Company Name is committed to providing a workplace that is safe, inclusive, respectful, and free from discrimination, sexual harassment, and bullying, including conduct that may cause psychological harm. These behaviours are unacceptable and, where substantiated, will lead to disciplinary action, including possible termination of employment and/or referral to regulatory authorities.

2. Policy Objectives

- Ensure a respectful, safe, and flexible working environment
- Promote fairness and merit in all decisions related to employment, including recruitment, promotion, training and performance management
- Comply with all federal, state and territory anti-discrimination and work health and safety laws.

3. Definitions

Discrimination

Direct discrimination occurs when a person is treated less favourably due to a protected attribute.

Indirect discrimination occurs when a policy or rule appears neutral but unreasonably disadvantages to a group.

- *Example: Requiring a minimum height for all drivers that indirectly excludes most women.*

Sexual Harassment

Unwelcome conduct of a sexual nature that a reasonable person would expect to cause offence, humiliation or intimidation.

Bullying

Repeated and unreasonable behaviour directed at an individual or group creates a risk to health and safety.

- *Examples include yelling, isolating a worker, assigning impossible tasks, or spreading malicious rumours.*

4. Protected Attributes

Under the **Fair Work Act 2009** and **federal anti-discrimination laws**, it is unlawful to discriminate based on:

- Age
- Sex
- Sexual orientation
- Gender identity
- Intersex status
- Race or ethnicity
- Religion
- Political opinion (in some circumstances)
- Disability
- Marital or relationship status
- Pregnancy or potential pregnancy
- Breastfeeding
- Family or carer responsibilities
- National extraction or social origin
- Industrial activity or union membership

Jurisdiction	Extra Protected Attributes
Victoria (VIC)	Physical features, employment activity, lawful sexual activity.
New South Wales (NSW)	HIV/AIDS status, actual or imputed characteristics of an attribute.
Queensland (QLD)	Lawful sexual activity, gender history, relationship status.
Tasmania (TAS)	Lawful sexual activity, association with a person who has a protected attribute.
Western Australia (WA)	Spent convictions, association with a person with a protected attribute.
South Australia (SA)	Identity of spouse, association with child.
ACT/NT	Similar to federal protections, with small additions like accommodation status (NT).

XYZ Company Name will ensure that employment decisions are based on merit, not these attributes.

5. Reasonable Adjustments

XYZ Company Name will provide reasonable adjustments for employees or applicants with disabilities (Disability Discrimination Act 1992 (Cth) s 5,6), unless this imposes unjustifiable hardship.

Examples include:

- Flexible hours
- Assistive technology
- Adjusted duties
- Modified workstations

6. Complaints Process

Making a Complaint

If you believe you have experienced or witnessed bullying, harassment or discrimination:

1. If appropriate, tell the person if their conduct is unwelcome and ask them to stop.
2. Keep written notes of the incident(s), including dates, times, and any witnesses.
3. Report the matter to your **XYZ Supervisor/Manager** or **XYZ HR Contact**
4. If this is inappropriate or unresolved, escalate to **XYZ Senior Manager** or external agency.

Employees will not be victimised for raising genuine concern.

External Complaint Avenues

Employees must also lodge complaints with:

- The **Australian Human Rights Commission**
- The **Fair Work Commission** (for bullying or general protections claims)
- The relevant **State or Territory Equal Opportunity or Anti-Discrimination Commission**

Jurisdiction	Relevant Law
NSW	Anti-discrimination Act 1977 (NSW)
VIC	Equal Opportunity Act 2010 (Vic)
QLD	Anti-Discrimination Act 1991 (Qld)
WA	Equal Opportunity Act 1984 (WA)
SA	Equal Opportunity Act 1984 (SA)
TAS	Anti-Discrimination Act 1998 (Tas)
ACT	Discrimination Act 1991 (ACT)
NT	Anti-Discrimination Act 1992 (NT)

7. Receiving a Complaint (Manager Guidance)

Managers must immediately report serious complaints involving psychological harm or threats to health and safety to HR and, where applicable, the Work Health and Safety Officer or regulator.

Their duties include:

- Take all reports seriously and maintain confidentiality
- Allow a support person to attend with the complainant if requested
- Take accurate notes in the complainant's own words
- Confirm understanding of the events
- Discuss next steps, including informal resolution or investigation
- Refer to **XYZ Senior Manager** or **HR Contact**

8. Investigation Procedure

If a formal investigation proceeds, **XYZ Company Name** will:

- Interview the complainant, respondent, and any witnesses separately
- Maintain confidentiality
- Provide the respondent a fair opportunity to respond
- Document all findings
- Determine whether a breach occurred
- Advise both parties of the outcome and, if substantiated, any action taken

9. Possible Outcomes

If a complaint is substantiated, **XYZ Company Name** may take one or more of the following actions:

- Counselling or warning
- Disciplinary action or termination
- Staff training
- Apology or mediation
- Review of internal policies and culture

10. Record Keeping and Fair Process

All investigations will be documented and stored securely. Records will be handled in accordance with the **Privacy Act 1988 (Cth)** and internal privacy policies.

Equal Employment Opportunity (EEO) & Anti-Bullying Policy – Information Sheet

Effective from June 2025

Note: This information sheet is provided as a companion to the Equal Employment Opportunity & Anti-Bullying Policy used by businesses. It explains the rationale for the policy, highlights key obligations, and outlines the legal framework. It is not a **replacement** for the full policy.

Why This Policy Exists

Workplaces have both a legal and ethical responsibility to ensure that employees are treated fairly and with respect. This includes protecting staff from **discrimination**, **sexual harassment**, and **workplace bullying**—all of which can lead to legal claims, reputational harm, and health and safety risks.

These protections are especially important due to:

- Diverse customer-facing environments
- Multiple work settings (depots, trucks, residences)
- Increased chance of miscommunications or conflict when working in changing or close-knit teams if it's not managed properly

Why It Matters

An effective EEO & Anti-Bullying Policy:

- **Reduces legal risk** under multiple workplace, discrimination and safety laws
- **Protects staff mental and physical health**, contributing to lower absenteeism and turnover
- **Promotes a positive safety culture**, especially where team cohesion is vital (e.g. on-site removals)

- **Demonstrates compliance** with employer duties under both WHS and employment legislation.

Key Areas Covered By Law

This policy is built on Australia's national and state laws, which are designed to make sure everyone - no matter where they work across the country - is treated with fairness, dignity, and respect.

Commonwealth (Federal) Laws Apply Nationally

Law	Key Protections
Fair Work Act 2009 (Cth)	Prohibits workplace bullying (s 789FD), discrimination (s 351), and adverse action (ss 340-342). Enables general protections of claims.
Sex Discrimination Act 1984 (Cth)	Prohibits discrimination and sexual harassment based on sex, pregnancy, breastfeeding, marital status, sexual orientation, gender identity, intersex status.
Disability Discrimination Act 1992 (Cth)	Prohibits direct and indirect discrimination against people with disabilities. Requires reasonable adjustments.
Age Discrimination Act 2004 (Cth)	Prohibits age-based discrimination in employment and training.
Australian Human Rights Commission Act 1996 (Cth)	Enables individuals to make complaints of discrimination and harassment to the Australian Human Rights Commission.
Privacy Act 1988 (Cth)	Regulates how employee information, including complaint records, is stored and handled.

State and Territory Anti-Discrimination Laws

Each state and territory has its own anti-discrimination laws and bodies that operate alongside federal laws, offering additional protections and formal complaint processes, including conciliation and tribunal referrals.

Jurisdiction	Enforcing Body	Functions
NSW	Anti-Discrimination NSW	Received complaints; offers conciliation; refers to NSW Civil and Administrative Tribunal (NCAT) if unresolved
VIC	Victorian Equal Opportunity and Human Rights Commission	Resolves complaints; promoted education; refers cases to VCAT
QLD	Queensland Human Rights Commission	Conciliates complaints under Anti-Discrimination Act 1991 (Qld); refers unresolved complaints to QCAT
WA	Equal Opportunity Commission WA	Offers complaint resolution and systemic advocacy; refers to State Administrative Tribunal
SA	Equal Opportunity Commission SA	Manages complaints; provides training and education
TAS	Equal Opportunity Tasmania	Offers dispute resolution and guidance; refers unresolved matters to the Anti-Discrimination Tribunal.
ACT	ACT Human Rights Commission	Accepts complaints and investigates under the Discrimination Act 1991 (ACT)
NT	NT Anti-Discrimination Commission	Handles complaints; provides advocacy and referrals.

Key Concepts Explained

- **Discrimination**

Unfair treatment based on a protected attribute (e.g. age, sex, disability). May be direct or indirect.

- **Bullying**

Repeated, unreasonable behaviour that creates a risk to health and safety.

- **Sexual Harassment**

Unwelcome conduct of a sexual nature where a reasonable person would expect it to cause offence, humiliation, or intimidation.

- **Reasonable Adjustments**

Practical changes to a job or workplace that support an employee with disability to perform their role safely and effectively, without placing unjustifiable hardship on the employer.

Key Employer Duties

Under federal and state legislation, employers must:

- Provide a workplace free of discrimination and harassment
- Implement procedures for managing complaints
- Handle personal information appropriately
- Consult with workers about health and safety risks
- Take proactive steps to prevent unlawful conduct

Failure to do so may result in:

- Orders to pay compensation
- Legal action from regulators or individuals - including criminal liabilities.
- Public exposure of organisational misconduct

Criminal Liabilities

In Australia, criminal liability under EEO and anti-bullying laws arises primarily through two legal frameworks:

1. **Work Health and Safety (WHS) legislation** — criminalises failure to ensure safe workplaces, including psychological harm.
2. **Anti-discrimination legislation** — some state Acts create specific criminal offences, such as victimisation or publishing discriminatory material.

Work Health and Safety Laws – Nationally Harmonised Criminal Offences

Jurisdiction	Primary Law	Criminal Offences	Max Penalties (Category 1 – s31)
Cth	Work Health and Safety Act 2011 (Cth)	Reckless endangerment of health	\$3.8M corp/ 5 yrs jail (indiv)
NSW	WHS Act 2011 (NSW)	Same as Cth	Same as Cth
QLD	WHS Act 2011 (Qld)	Same as Cth	Same as Cth
SA	WHS Act 2012 (SA)	Same as Cth	Same as Cth
ACT	WHS Act 2011 (ACT)	Same as Cth	Same as Cth
NT	WHS (National Uniform Legislation) Act 2011 (NT)	Same as Cth	Same as Cth
TAS	WHS Act 2012 (Tas)	Same as Cth	Same as Cth
VIC	Not harmonised – Occupational Health and Safety Act 2004 (Vic)	s 32 – Reckless endangerment	\$3.2M corp / 5 yrs jail (indiv)
WA	Adopted Model WHS in 2022- WHSAct 2020 (WA)	Same as Cth	Same as Cth

“Same as Cth” means that the state or territory has adopted national work health and safety laws based on a single model developed by Safe Work Australia. These laws are almost identical to the *Work Health and Safety Act 2011 (Cth)* — including how workplace duties are defined, the types of offences (like serious breaches that risk someone’s health), and the penalties involved (which can include fines of up to \$3.8 million or jail time).

This nationally consistent approach applies in **NSW, QLD, SA, ACT, NT, TAS, and WA**.

Victoria is the only state with its own separate safety law — the *Occupational Health and Safety Act 2004 (Vic)* — which covers similar duties but uses a different structure.

Criminal Offences under Anti-Discrimination Laws

Some states create **criminal offences** under their anti-discrimination Acts. These are distinct from WHS and often concern **victimisation**, **failure to cooperate**, or **offensive conduct**.

Jurisdiction	Statute	Offence	Penalty
NSW	Anti-Discrimination Act 1977 (NSW)	s 50(3): Victimisation of complaint	Max 10 penalty units (~\$1,100)
VIC	Equal Opportunity Act 2010 (Vic)	s 136: Publishing discriminatory ads	60 penalty units (~\$11,358)
QLD	Anti-Discrimination Act 1991 (Qld)	s 209: Obstructing a commissioner	35 penalty units (~\$5780)
SA	Equal Opportunity Act 1984 (SA)	s 94: Failure to attend/answer at conciliation	\$5000
WA	Equal Opportunity Act 1984 (WA)	s 102: Victimisation	\$5,000

Special Note – Tasmania has the strictest criminalisation:

- s 104 of the *Anti-Discrimination Act 1998 (Tas)* allows **up to 12 months imprisonment** for victimisation or threatening complainants.

Summary – Criminal Offences

Law Type	Conduct	Possible Sanctions
WHS Acts (All)	Bullying or harassment causing mental harm; reckless breach of duty	Fines up to \$3.8M, jail up to 5 yrs
Anti-Discrimination Acts	Victimisation, obstruction, failure to comply with orders	Fines (typically up to ~\$11k), jail (TAS only)