



DISCRIMINATION POLICY

Last Update: 26 December 2018

INTRODUCTION

The Local Government Authorised Persons Association (**the APA**) is committed to an environment which is free from discrimination and sexual harassment and where all members and associate members are treated with dignity, courtesy and respect.

The APA has developed a Policy on discrimination and sexual harassment, provides membership training on discrimination and sexual harassment as required and has procedures for managing complaints.

APPLICATION OF THIS POLICY

This Policy applies to:

- All members and associate members and persons including:
 - contract or commission workers;
 - volunteers, vocational and work experience placements.
- All members and associate members in their association-related interactions with each other, guests, contacts and clients.
- All members and associate members while conducting association business, at association-related functions (including social functions and celebrations), while travelling and attending association-related events.
- All meetings, conferences, seminars and training activities.

DISCRIMINATION AND EQUAL OPPORTUNITY

The APA is an equal opportunity association. Throughout the duration of the membership or voluntary relationship, including terms and conditions of work, training and professional development opportunities or termination, all members and associate members will be treated on their merits and valued equally according to their performance.

The APA strongly emphasises that all members and associate members are entitled to operate in an environment free from discrimination, victimisation, sexual harassment, vilification and should not be subjected to any form of abuse, including the seeking of information which may induce discrimination.

The APA maintains a zero tolerance approach and strongly objects to any discriminatory behaviours and renders them unacceptable in all circumstances.

RESPONSIBILITY OF MEMBERS

Together, all members and associate members of the APA contribute to the creation of a discrimination free and inclusive environment.

All members and associate members are obligated to uphold this Policy and demonstrate appropriate behaviour, promote this Policy, respond to and attend to any complaints in a serious and professional manner and attend to these matters promptly with due diligence.

All members and associate members are responsible for complying with this Policy absolutely and to report incidents to the Executive Committee within a timeframe of 12 months.

CONSEQUENCES OF BREACH OF POLICY

Any member or associate member who makes a complaint of discrimination or sexual harassment will not suffer any victimisation by the APA for initiating a complaint. Equally, this also applies to members and associate members who agree to be a witness in a complaint or are the subject of, or have a complaint made against them.

Disciplinary action will be taken by the APA against any member or associate member found to have breached this Policy. Any action taken by the APA will be decided in accordance with the APA's Constitution and will be appropriate to the breach and may include official warnings, requirement of a formal apology, counselling, suspension of membership or dismissal and termination.

ANTI-DISCRIMINATION LEGISLATION

In South Australia, under the *Equal Opportunity Act 1984 (SA)* (**the EOA**), it is unlawful to discriminate because of:

- age;
- association with a child (in customer service or accommodation);
- caring responsibilities;
- chosen gender;
- disability;
- marital or domestic partnership status;
- pregnancy;
- race;
- religious appearance or dress (in work or study);
- sex;
- sexuality;
- spouse or partner's liability;
- sexual harassment (the *Federal Sex Discrimination Act 1984* also covers sexual harassment);
- victimisation; and
- whistle blowing.

In South Australia, under the EOA, it is unlawful to discriminate in:

- work, including volunteers;
- customer service;

- accommodation;
- selling land;
- clubs and associations;
- education;
- granting qualifications; and
- advertising.

Discrimination is unlawful when, as a result, someone:

- feels humiliated, embarrassed, ridiculed, denigrated or segregated;
- is denied access or refused services; and
- loses an opportunity or income.

Under the *Racial Vilification Act 1996* (SA), it is unlawful to vilify people because of their race by threatening to harm them or their property, or urging others to do the same. Victims of racial vilification may sue for damages under the *Civil Liability Act 1936* (SA).

WHAT IS DISCRIMINATION?

Discrimination can be broken down into two categories; direct and indirect discrimination.

Direct Discrimination usually occurs when a person (or group of people) is unfairly singled out for inferior treatment as compared to others in similar or the same circumstances. This may be as a result of one or more attributes. Examples may include:

- using offensive remarks about a person's racial or ethnic background, sex, sexuality, age or impairment;
- making or expressing negative stereotypes about particular groups or using stereotypes as a basis for decision making e.g. 'Women with children should not be paid as much as men' or 'older workers cannot learn new skills'; or

- selecting people based on irrelevant attributes such as age, race or impairment rather than on whether that person or persons obtain the necessary skills to perform the job adequately.

Indirect discrimination may occur when one rule, taken at face value, appears to apply to all but in reality, it actually disadvantages a person or group of people. This may occur when a person or group of people are unable to, or less capable than others to comply with a set of rules because of an attribute they may possess, whether physical or mental. Whether the disadvantage is intentional or accidental is not an excuse.

Examples include:

- requiring all persons to attend an important meeting at a specific time regardless of taking into consideration factors that may be important to one person e.g. a person responsible for looking after their child or elderly parent;
- hiring a person or persons who have never had injuries or a workers compensation claim even though a person who has suffered those injuries has made a full recovery and is able to perform the job adequately; or
- a requirement for a job that all applicants have ten years experience in the field despite the fact a younger person may be well qualified for performing the duty and is ineligible for the job.

WHAT IS SEXUAL HARRASSMENT?

Sexual harassment is any form of unsolicited sexual attention or advance that may offend, humiliate or intimidate another person and may be experienced by men and women. This type of unwanted sexual behaviour includes touching or physical contact; glaring or obtrusive eye contact with a particular part of a person's body; talking about your own sex life or asking invasive questions about another person's sex life; inappropriate jokes or propositions of a sexual nature; sexually offensive communications including, phone, SMS, email or through social media and through any other communication method.

The APA does not tolerate sexual harassment in any instance and adopts a zero tolerance approach in this regard. This type of exhibited behaviour is inexcusable in any association-related context including conferences, functions, meetings, seminars, training activities and association-related travel.

This type of harassment does not need to be repeated or continuous to be unlawful. Certain remarks are deemed so offensive that they constitute sexual harassment in themselves despite never being repeated.

VICARIOUS LIABILITY

Under section 91 of the EOA, a person will be vicariously liable for a discriminatory or unlawful act of an agent or employee of the person committed while acting in the course of their agency or employment. Equally, the APA may be held liable for discriminatory or unlawful acts committed by any member or associated member.

The APA will ensure that all members and associated members receive the necessary training to ensure and promote awareness of these issues.

The Executive Committee endeavours to ensure that all members and associated members are treated fairly and are not subjected to any of the behaviours mentioned in this policy. The Executive Committee must ensure that any person, whether they are a member, associated member or member of the public, who makes a complaint, are not victimised in any way.

WHAT SHOULD YOU DO?

What should you do if you feel you have been subjected to any form of discrimination, sexual harassment or vilification?

Do not ignore discrimination, sexual harassment, vilification or any requests for unnecessary information believing that it will stop by ignoring the behaviour. Choose actions you feel you are most comfortable with and do not hesitate to bring this to the attention of the Executive Committee.

SUPPORT AND COUNSELLING

The APA is able to provide confidential and private assistance to any member or associated member in the form of wellbeing support and/ or, arrange for professional counselling services. The APA encourages its members and associated members to seek active support sooner rather than later.

GET MORE INFORMATION BEFORE DECIDING WHAT TO DO

1. Contact one of the following people at the APA who are authorised to provide information:

Name: Tania Goode

Position: Secretary APA Executive Committee

Contact Details: Telephone: 0417 894 302.

Email: tgoode@mountbarker.sa.gov.au

Name: Rocky Warren

Position: President APA Executive Committee

Contact Details: Telephone: 0409 554 807

Email: rwarren@mid-murray.sa.gov.au

Name: Brenton Thomass

Position: Vice President APA Executive Committee

Contact Details: Telephone: 8405 6989

Email: brenton.thomass@cityofpae.sa.gov.au

2. Call the South Australian Equal Opportunity Commission between 10.00am and 3.00pm, Monday to Friday on:

Phone	8207 1977
Country callers	1800 188 163
TTY - for hearing/ speech impaired	8207 1911
Fax	8207 2090
Email	eoc@agd.sa.gov.au

Physical location	Level 17, 45 Pirie Street Adelaide SA 5000
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Postal address	GPO Box 464 Adelaide SA 5001
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SELF HELP

If you feel confident enough and are determined to deal with the situation yourself, there are techniques which you can use yourself to help resolve the situation. The APA stresses that it is not necessary that you attempt to resolve the situation in this manner.

This option involves approaching the person you believe is responsible for the discriminatory or sexual misconduct and confronting them in a courteous and professional manner.

You should tell the person what you are unhappy about and clearly explain to them why you are unhappy about it and how you would like to resolve the matter. Taking a person with you for extra support is encouraged.

MAKE AN INTERNAL COMPLAINT

The APA has an obligation to address all complaints of discrimination, sexual harassment, victimisation, vilification or the seeking of unnecessary information seriously and expeditiously

as possible. The APA will endeavour to handle all complaints confidentially and impartially and ensure that the matter is dealt with promptly, including the provision of recommendations to be implemented in order to resolve the situation.

1. Step 1

Talk about the situation with someone. This person may be another member or associate member and you should start by explaining to them what your problem is, how it occurred and how it has affected you.

2. Step 2

The person may resolve to undertake immediate by alerting the Executive Committee.

3. Step 3

The Executive Committee or nominated person of the Executive Committee may provide a range of options. One approach may isolate the issue, without deciding any fault on any persons behalf. The Executive Committee or nominated person of the Executive Committee may speak to the person, the subject of the allegations, to see if the situation can be resolved relatively quickly.

4. If the matter is unable to be resolved in a quick fashion (which is not uncommon) because the person being alleged to have engaged in the conduct disputes or denies the allegations, the Executive Committee or nominated person of the Executive Committee may handle your complaint, refer it to a more suitable person with more experience in handling these types of complaints or, engage a suitably qualified external independent agency to resolve the issue.

The latter option may involve an investigation, collecting evidence and witness statements, making findings and providing recommendations which, depending on the outcome, may or may not be implemented by the APA in its entirety. The APA inevitably, has the final and absolute decision making power in relation to what course of action should be taken in order to reach a resolution of the matter.

The following Executive Committee members are available to discuss these options:

Name: Rocky Warren – President APA Executive Committee

Contact Details: Email: rwarren@mid-murray.sa.gov.au

Name: Brenton Thomass – Vice President APA Executive Committee

Contact Details: Email: brenton.thomass@cityofpae.sa.gov.au

Name: Tania Goode - Secretary APA Executive Committee

Contact Details: Email: tgoode@mountbarker.sa.gov.au

MAKE AN EXTERNAL COMPLAINT

1. Read the South Australian Equal Opportunity Commission's [fact sheet](#) and use their [checklist for lodging a complaint](#).
 - 1.1 Submit a complaint form in one of three ways:
 - 1.1.1 Submit a [complaint form online](#);
 - 1.1.2 Print [complaint form \(PDF version\)](#), fill it in and post or fax it to the Commission's address mentioned earlier in this policy;
 - 1.1.3 Fill out a complaint form (Word version) and either post it to the Commission or email it as an attachment. (**Attached to this policy at Annexure 1 is a copy of the complaint form in word version**).

There is a time limit to make a complaint. You have **12 months** to lodge a complaint from when the act of discrimination, sexual harassment or victimisation happened. Under certain circumstances, late complaints may also be accepted. More information about [time limits and late complaints](#) can be found in this section.

2. Call the Australian Human Rights Commission in Sydney on 1300 656 419 to make a complaint under federal anti-discrimination legislation.

POLICY REVIEW

This policy will be reviewed every two years and be available to all members and associated members on the APA website. If required, this policy may be translated into appropriate languages on a case by case basis.

The APA is committed to providing an environment which is safe for all members, associated members and those persons affiliated with the APA on a casual basis. You will not be disadvantaged in any respect should you wish to lodge a formal complaint in accordance with this policy.

Adopted by the APA Executive Committee on: 01 March 2018

• Complaint form

To make a complaint, please fill out this form. There is a checklist below to help you.

If you need help filling out this form, need the assistance of an interpreter, or have other special needs, please let us know.

PLEASE NOTE: If we take up your complaint we will send copies of pages 2 – 6 (and any additional pages of your complaint summary), together with any other relevant information, to those who you are complaining about.

Checklist for lodging a complaint

If you decide to lodge a complaint you need to:

- Provide your complaint in writing - this can be in your preferred language
- Sign and date your complaint or check the box underneath the 'Summary of your complaint' if sending it electronically
- Explain what has happened and why you think it is discrimination
- Refer to a ground of discrimination and an area of activity (*see below) in your complaint
- Include details about the individual or organisation that you believe has discriminated against you
- Attach copies of any relevant documentation. You can provide up to five pages, if we need more information we will ask you for it.
- Send your complaint to us within 12 months of the last act of discrimination (see # below)

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***Grounds** of discrimination are race, age, disability/illness, sex, gender identity, sexual orientation, intersex status, marital or domestic partnership status, identity of spouse/domestic partner, pregnancy, caring responsibilities, association with a child, breast feeding, religious appearance or dress, sexual harassment, victimisation.

***Areas** of activity are in workplaces, educational institutions, accommodation, goods or services, membership of clubs and associations, conferral of qualifications, disposal/sale of land and advertising.

#Time limit: You can complain within 12 months of the event happening. If there was a series of events of discrimination, the 12 months runs from the last event. Late complaints can sometimes be accepted. Please contact us to discuss this before lodging your complaint.

Part A – Complainant details

Title	First name	Middle name
<input type="text"/>	<input type="text"/>	<input type="text"/>

Family name

Postal Address

City / Town / Suburb	State/Territory	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>

Email

Mobile	Phone (Home)	Phone (Work)
<input type="text"/>	<input type="text"/>	<input type="text"/>

Fax	TTY	Can we contact you at work?
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Does anyone involved in this complaint need assistance to participate in the complaint process?
Please specify what assistance is required (e.g. Interpreter; translation of written materials into alternate language, plain English or Braille; provision of specialised equipment; communication aids such as the National Relay Service or sign interpreters)

Preferred method of written contact

Email

Post

Official use only:

- **If you are complaining on behalf of someone else, please provide details about this person.**

Title	First name	Family name
<input type="text"/>	<input type="text"/>	<input type="text"/>

Postal Address

Suburb	State/Territory	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>

What is their relationship to you?	Do you have consent to act on their behalf? *
<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No (If no, please provide details)

Part B – Organisation or person you are complaining about?

- **Respondent 1**

Name of organisation or person

Contact person's name at organisation	Contact person's position at organisation
<input type="text"/>	<input type="text"/>

ABN of organisation (if known – check payslip or receipt)

Postal Address

Suburb	State/Territory	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>

Email

Phone (Work)	Mobile	Fax
<input type="text"/>	<input type="text"/>	<input type="text"/>

- ** Please provide written consent to act on behalf of someone else signed by both parties*

• **Respondent 2**

Name of organisation or person

Contact person's name at organisation

Contact person's position at organisation

ABN of organisation (if known – check payslip or receipt)

Postal Address

Suburb

State/Territory

Postcode

Email

Phone (Work)

Mobile

Fax

Note: Please provide details of any other respondent(s) on a separate page.

Part C – What is your complaint about?

When did the alleged event(s) happen?

I think that I have been discriminated against because of my (check the boxes below):

- Age
- Association with a child (e.g. breastfeeding in public, not being served because of children)
- Caring responsibilities
- Disability/illness
- Gender identity
- Identity of a spouse or domestic partner
- Intersex status
- Marital or domestic partnership status
- Pregnancy
- Race
- Religious appearance or dress
- Sex
- Sexual orientation

Or I have been:

- Sexually harassed
- Victimised because I made a complaint
- Victimised for being a whistleblower
- Treated unfairly for another reason

Where did these things happen? (area of public activity)

- Employment (including voluntary, paid or unpaid work)
- Goods and services (in shops, hotels etc., or when using services such as an electrician etc.)
- Accommodation (land, housing, business or residential premises)
- Education
- Granting of qualifications
- Clubs and associations
- Sale of land
- Advertising
- Other (please provide details)

Please tell us:

- What happened?
- Who did it?
- Who was involved?
- What is their relationship to you?
- Why do you think it is discrimination, sexual harassment or victimisation?

Your response, along with any additional information in support of this complaint, can be provided as separate attachments to this Complaint Form. Please provide your responses on typed A4 pages and ensure that you retain original supporting documents for your records.

Signature

Date

What (if anything) have you done to try to resolve your complaint?

Have you talked to another organisation about this? If so, please write the name of the organisation and the person you contacted in the box below.

What effect (personal or financial) did the unfair treatment have on you?

What would you like to see happen that would resolve this complaint?

- **If someone is helping you with the complaint, e.g. legal representative, advocate or union representative, please provide their details below.**

Title

First name

Family name

Title / Job / Role

Organisation

Postal Address

Suburb

State/Territory

Postcode

Email

TTY

Phone (Work)

Mobile

Fax

Please send correspondence to this person

Please send correspondence to me

Have you lodged a complaint previously with the Equal Opportunity Commission? No Yes

Was the complaint lodged under a different family name? No Yes

Family name

Details of previous complaint

Statistical Information

Answering the following questions will help us to evaluate our services and better understand the discrimination that people are experiencing. You will not be identified in any data that we publish.

Note: If you are filling out this form on behalf of another person, please enter **their** details.

Gender *: Male Female Other (non-binary, gender diverse, indeterminate or unspecified)

If you feel these categories do not appropriately reflect your gender identity, please use the space below to describe your gender.

Age: 0-9 10-19 20-29 30-39 40-49 50-59 60-69 70-79 80+

Country of Birth:

Aboriginal or Torres Strait Islander:

Yes No

Is English your first language?

Yes No

If not, what is your first language?

If you require any assistance please contact us:

Phone: 8207 1977

Country callers: 1800 188 163

Fax: 8207 2090

TTY: 8207 1911

Email: eoc@agd.sa.gov.au

Website: www.eoc.sa.gov.au

Please sign this form and send to:

Equal Opportunity Commission

GPO Box 464, Adelaide SA 5001

Or email as an attachment to eoc@agd.sa.gov.au

Street address:

Level 17, 45 Pirie Street, Adelaide SA 5000

Privacy statement:

Personal information provided to the Equal Opportunity Commission is protected by the Information Privacy Principles (IPPS) Instruction. Please see <http://www.archives.wsa.gov.au/alias/privacy>

- *Based on Standard Australian Bureau of Statistics (ABS) Gender Classifications in 1200.0.55.102 Standard*
 - *for Sex and Gender Variables 2016*