

# MELBOURNE COMMUNITY TELEVISION CONSORTIUM LTD

(ACN 104 562 076)

## ANTI-DISCRIMINATION, HARASSMENT & BULLYING POLICY

*(Last amended FEBRUARY 2022)*

This policy applies to:

- all employees of C31 including full-time, part-time, casual, permanent & fixed term, and volunteers;
- all producers of programs, members of Members and Affiliates, independent producers, and any related staff or volunteers;

hereafter referred to as Station Participants.

Discrimination, harassment & bullying will not be tolerated by C31. All Station Participants must ensure they read, understand and abide by these procedures relating to discrimination, harassment & bullying.

### SUMMARY

This Policy affirms C31's commitment to providing a work environment that is characterised by shared respect and is, as far as possible, free of unlawful discrimination and harassment.

The Policy:

- a. Explains unlawful discrimination and harassment
- b. Clearly states expectations of all members of the C31 community
- c. Provides a mechanism for addressing allegations of unlawful discrimination and harassment

### OPERATIONAL RANGE

This Policy applies to:

- a. all staff across the C31, in all domestic and offshore locations, including Outside Broadcasting, and while engaged in all work-related activities such as conferences and work-sponsored social occasions;
- b. all contractors and consultants performing work on C31 sites or on behalf of the Channel;
- c. the Council and its committees;
- d. any volunteer in the workplace.

People who perform work on the C31 site, but are not C31 staff, contractors, visitors or volunteers, must abide by this Policy while on site. The relevant C31 staff responsible for engaging the services will ensure that the service provider is fully informed of their responsibilities under this Policy.

This Policy does not allow for a complaint by a person who is not a staff member, contractor, volunteer.

However, the channel will take all reasonable steps to successfully resolve matters that arise in these circumstances via its Public Complaints Policy (TBC) and associated processes.

## DEFINITIONS

### *What is Discrimination?*

Discrimination may be direct or indirect.

- a. Direct discrimination occurs when you treat, or propose to treat, someone with a protected personal characteristic unfavourably because of that personal characteristic.
- b. Indirect discrimination occurs when you impose an unreasonable requirement, condition or practice that disadvantages a person or group because of a protected characteristic.

Discrimination on the basis of protected characteristics is unlawful under the *Equal Opportunity Act (Vic) 2010*. If you engage in behaviour that constitutes discrimination, you not only put the Channel at risk of liability, but also expose yourself to possible legal action.

Not all discrimination is unlawful. Discrimination on the basis of a reasonable difference that is not a personal protected characteristic may be both lawful and necessary. For example, you may reasonably discriminate between employment applicants, on the basis of skills, experience and employment background, in making hiring decisions.

### *Protected Attributes*

The protected attributes under the Fair Work Act are:

- a. race
- b. colour
- c. sex
- d. sexual orientation
- e. age
- f. physical or mental disability
- g. marital status
- h. family or caring responsibilities
- i. pregnancy
- j. religion
- k. political opinion
- l. national extraction
- m. social origin

### *What is Harassment?*

Harassment occurs when a person or group engages in systematic and/or continued unwanted and annoying actions, including threats and demands.

Harassment may be sexual or non-sexual in nature and may take multiple forms and have a variety of motivations. Common forms of harassment seen within, or associated with, a workplace environment include:

- a. Stalking;
- b. Badgering of colleagues or other staff;
- c. Use of belittling, aggressive or threatening language;
- d. "Hazing" (this may also be bullying if the behaviour is repeated);
- e. Threats to a person's employment, status at work, or professional reputation.

Harassment may or may not have a discriminatory basis. It is possible for a person to engage in harassment which is not connected with a protected attribute, and is therefore not unlawfully discriminatory, but this behaviour is nonetheless not tolerated.

Discrimination is unlawful if it is based on one of the following protected personal attributes:

- a. age;
- b. breastfeeding;
- c. employment activity;
- d. gender identity;
- e. disability;
- f. industrial activity;

- g. lawful sexual activity;
- h. marital status or relationship status;
- i. parental status or status as a carer;
- j. physical features;
- k. political belief or activity;
- l. pregnancy;
- m. race;
- n. religious belief or activity;
- o. sex;
- p. sexual orientation;
- q. an expunged homosexual conviction;
- r. intersex status;
- s. personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

## C31'S COMMITMENT

C31 recognises its duty to ensure that people in positions of responsibility make themselves aware of the potential for unlawful discrimination, harassment, vilification and victimisation to occur and to put controls in place to prevent them.

For this reason, C31 reserves the right to act to address any potential incidents of unlawful discrimination or harassment, including by conducting an investigation, even if no complaint has been made.

## BREACHES OF THIS POLICY

C31 treats all allegations of unlawful discrimination and harassment as serious matters.

In addressing allegations of unlawful discrimination and harassment:

- a. C31 will exercise procedural fairness. Those involved in the process will not be biased or affected by conflict of interest, and will act fairly and impartially.
- b. Confidentiality will be maintained wherever possible in the handling of complaints of discrimination.

People making complaints should not suffer adverse consequences or reprisals from C31 or any of its staff as the result of making a complaint. If victimisation occurs, C31 will take steps to address it.

### *If you have been discriminated against or harassed*

If you experience unlawful discrimination or harassment at C31, you are strongly encouraged to report the matter. You may choose to:

- a. Seek advice from the General Manager or Operations Manager.
- b. It may be sufficient to make it clear to the other person that their behaviour is unwelcome, offensive or distressing, if you feel safe to do so.
- c. Seek advice from the Victorian Equal Opportunity & Human Rights Commission  
<https://www.humanrights.vic.gov.au/>

Any difficulty in defining what constitutes harassment or bullying should not deter anyone from seeking assistance to address behaviour that has caused the distress, nor should anyone be deterred by embarrassment, intimidation, or fear of publicity. The sensitivity of harassment complaints and the need for confidentiality will be respected.

After, or instead of, pursuing the options outlined in (above), you may choose to lodge a complaint.

The processes for lodging a complaint, and the methods through which matters are explored and resolved, are detailed in the Grievance Policy (TBC).

### *If an allegation is made that you have discriminated against or harassed a person or group*

If an allegation is made against you, C31 will address the matter as detailed in the Grievance Policy (TBC).

The expectations of you, and your rights in the process, are explained in that procedure. You will be given

an opportunity to know the case against you and have the opportunity to respond to allegations made.

The consequences for substantiated breaches of this Policy will depend on the seriousness of the case. Outcomes for you may include disciplinary action in accordance with the relevant industrial instrument (for staff).

Disciplinary action will also be taken against anyone who retaliates against or victimises a person who has made a complaint.

#### *If you make a vexatious complaint*

A vexatious complaint is where a groundless complaint is lodged to cause harm to, or harass, the respondent.

If C31 has reasonable grounds to regard a complaint as vexatious, it may decline to investigate the matter.

If you make a vexatious complaint, outcomes for you may include disciplinary action in accordance with the relevant industrial instrument (for staff).

## CULTURAL SAFETY

Workspaces and projects can be places where inequities can result in a lack of cultural safety for participants. C31 will endeavor to do our utmost to attend to the cultural safety of all participants by continually educating ourselves on this issue, making cultural safety a priority, rigorously examining our own protocols and behaviours, listening without defensiveness and acting on observations and concerns.

C31 recognises diversity as strength and welcomes differences in gender, cultural background, nationality, age, religious faith, identity, sexual orientation and supports people with accessibility requirements. We strive to foster a professional and inclusive environment where all staff are respected, valued and enabled to thrive.

C31 is committed to ensuring the integration of the principles of equity, diversity, inclusion and equal opportunity in all relevant channel policies, procedures, decisions and operations.

C31 will develop organisational structures that enable leaders to embed and manage diversity and inclusion, and ensure leaders are accountable for outcomes, including collecting data and reporting on the progress in implementing relevant strategies.

C31 will work to remove barriers to inclusion in employing staff with a diverse range of personal circumstances and characteristics. This includes, but is not limited to:

- a. revising and improving recruitment processes as necessary;
- b. providing access to flexible working arrangements and support;
- c. providing information, awareness and training to assist staff and managers in identifying and redressing bias in hiring and employment; and,
- d. providing programs and resources to enable managers to be inclusive leaders in their processes and practice.

C31 will employ appropriate, effective and flexible strategies to improve opportunities for people from under-represented or disadvantaged groups, and will make reasonable adjustments to policies, practices and requirements where necessary to provide equal opportunity for individuals.

To foster a professional and inclusive environment that enables all staff to thrive, C31 does not tolerate discrimination against any person on the basis of a protected characteristic. (See [Anti-discrimination, Harassment and Bullying Policy](#)).

C31 may target particular cohorts for employment, advancement and other opportunities at the Channel, where doing so will serve to provide opportunities for greater diversity, inclusion and equity. Opportunities for inclusion will be considered and applied in all aspects of the employment lifecycle, including:

- a. recruitment
- b. retention
- c. performance management
- d. promotion
- e. remuneration
- f. workforce planning including succession planning and talent identification

- g. training and professional development.

C31 will use appropriate language to foster inclusion of staff members from diverse backgrounds, and will be informed in language choices by the expressed preferences of communities and individuals, including the use of individuals' preferred gender pronouns.

## PRIORITY AREAS FOR INCLUSION

C31 has identified the following priority areas for active inclusion:

- a. First Nations people  
C31 affirms the place of First Nations People as the original inhabitants and owners of this Country. C31 will promote the inclusion of First Nations People through specific recruitment strategies and practices. C31 is committed to strengthening its relationship with First Nations People through community engagement, employment and broader outreach through internship & early career strategies. [A Guide to Using Respectful and Inclusive Language and Terminology](#)
- b. Lesbian, Gay, Bisexual, Transgender, Intersex and Gender Diverse community  
C31 is a place where people of diverse genders, sexes and sexualities are recognised and welcomed, are free to be themselves and can bring their whole selves to work. C31 aims to be a place where all can benefit from the diversity of our community.
- c. Staff Gender Equality  
C31 is committed to improving career outcomes for staff identifying as women, addressing gender imbalances including pay gaps, senior representation and career progression. As part of this commitment, the Channel will promote workplace flexibility for all staff, particularly those in supporting caring and parental roles. The Channel is also committed to achieving gender balance across the workforce including monitoring employment of casuals and contractors and where there are significant operational changes and restructures.
- d. Culturally Diverse communities  
C31 is a community of people from diverse backgrounds, languages, ancestries, ethnicities, cultural traditions, and religions. C31 will enact policies, practices and behaviour that support inclusion and equality and do not perpetuate systemic discrimination or exclusion due to bias.
- e. Staff with disabilities  
C31 commits to undertake actions to enhance inclusion for staff with disabilities, including promoting leadership, awareness and participation and ensuring that our physical and digital environments are accessible, inclusive, and safe. The Channel's full commitment is established in the Equity & Inclusion Policy.

## GENDER AFFIRMATION PRINCIPLES

C31 is committed to providing a safe, inclusive and respectful environment for all members of the transgender and gender diverse (TGD) community at the Channel.

C31 will provide resources to assist TGD staff through their transitions, including affirming access to the appropriate gendered facilities for TGD staff/contractors and, where possible, the provision of gender neutral facilities for non-binary staff/contractors.

TGD staff/contractors' gender identities will be affirmed by C31 staff through the use of preferred names, pronouns and descriptors.

C31 will be proactive in ensuring that TGD staff/contractors will not be discriminated against in any way on the basis of their gender identity.

The Channel acknowledges that gender expression is a significant part of gender affirmation and can manifest in diverse ways, including non-binary presentations.

C31 is committed to providing a safe, respectful and inclusive environment for all forms of gender expression consistent with a person's identification.

C31 will not produce programs which argue against TGD rights or existence.

## STAFF GENDER AFFIRMATION PLAN

Staff are not obliged to disclose that they will be affirming their gender. Those who choose to inform their colleagues, manager(s) or workplace and would like to discuss their options, a gender affirmation plan, or any other queries or concerns, have a number of people who may provide support to access support:

- a. General Manager;
- b. Operations Manager

Staff are encouraged to develop a Gender Affirmation Plan in consultation with their manager. The plan can support a TGD staff member's transition and can include:

- a. when and whom to invite to be part of a support group (e.g. trusted colleague/ a Diversity & Inclusion representative);
- b. outline estimated timeframes for gender affirmation;
- c. proposed leave plans (if/as required);
- d. when to communicate the change to relevant staff, what to include and how to go about this;
- e. recommended awareness training, to whom it should be delivered and when;
- f. expectations and timeframes in relation to IT system changes (such as gender and name);
- g. proposed date the staff member will present in the workplace in their affirmed gender.

A plan can involve consultation with a number of areas and support services and can involve a number of contributors if desired.

## CHANGES TO RECORDS

Staff/Contractors can make a request for their personal details to be changed. Evidence may be required, and where relevant the documentation will be specified by external agencies.

Staff/Contractors who are updating personal details with the organisation, may also need to ensure they have updated their details with relevant government agencies, particularly the Australian Taxation Office, and their Superannuation fund. There are potential consequences to updating personal information, and it is the responsibility of the staff member or contractor to make a careful and informed decision before updating their information. The [Australian Government Guidelines on the Recognition of Sex and Gender](#) provides further information.

Personal details may include:

- a. Title
- b. Preferred name
- c. Given name (documentation is required)
- d. Gender (documentation is required)
- e. Email
- f. Phone display

## ASSOCIATED DOCUMENTS

MCTC Ltd Code of Behaviour

MCTC Ltd Equity & Inclusion Policy

MCTC Code of Behaviour

## AUTHORISATION

Signature of CEO

Name of CEO

Date

Signature of Board Secretary

Date of approval by the Board

Melbourne Community Television Consortium Ltd.

## ACCOUNTABILITY

Accountable / Responsible Officer

General Manager

Date

28 February 2022

Scheduled Review Date

28 February 2024