



## 1. PURPOSE

This policy is designed to assist Puffing Billy Railway (PBR) to:

- provide a working environment where employees, volunteers, external parties and others are treated fairly, with respect and free from discrimination, harassment and bullying.
- ensure when work related decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess.
- ensure appropriate education and standards regarding workplace conduct are implemented, to define unacceptable behaviour and to set out the procedures for reporting and managing such conduct.
- demonstrate a commitment to providing an environment which promotes good working relationships founded on respect, dignity, and inclusion.

## 2. POLICY STATEMENT

The Puffing Billy Railway Board (PBRB) operators of PBR are committed to providing a safe and harmonious work environment where people are treated with dignity and mutual respect. This commitment extends to external parties including visitors, children and young people.

We recognise that positive working relationships underpin our ability to achieve our mission and deliver on our organisational objectives.

We have an obligation covered by law to take proactive, reasonable and proportionate steps to eliminate discrimination, harassment, bullying and victimisation.

We understand our legal responsibility to prevent bullying and harassment in the workplace and we have adopted a proactive and systematic approach to promote awareness of discrimination, harassment and bullying as a means of reducing the risk of inappropriate behaviours occurring at PBR.

We have Issue Resolution processes in place to address discrimination, harassment, bullying and other workplace grievances should they occur. Where such behaviours involve a child or young person we implement the *Child Safety and Wellbeing Policy* and *Child Safety and Wellbeing Reporting and Response Procedure*.

We aspire to create a work environment which promotes good working relationships.

## 3. SCOPE

This policy applies to all employees, volunteers, contractors (including temporary contractors) of PBR referred to in this policy as 'workplace participants'.

This policy is not limited to the workplace or work hours. This policy extends to all functions and places that may be considered work related. For example, work lunches, conferences, Christmas parties and client functions or other events where there is a connection with the workplace.

This policy is not intended to override or form part of the terms of any award, enterprise agreement or contract that applies to a workplace participant but should be considered a lawful and reasonable direction to workplace participants.



## 4. DEFINITIONS

TERM	MEANING
<b>CHILD OR YOUNG PERSON</b>	Person under the age of 18
<b>CONTACT OFFICER</b>	They are appointed and trained employees who provide peer support within the confines of daily duties to support workplace participants with enquiries related to discrimination, sexual harassment, vilification or victimisation
<b>DISCRIMINATION</b>	Treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability. Discrimination can be direct or indirect.
<b>DIRECT DISCRIMINATION</b>	<p>is against the law and occurs if a person treats, or proposes to treat, a person with a <b>protected attribute</b> unfavourably because of that protected attribute</p> <p>It is irrelevant whether the alleged discriminator is aware of the discrimination, intentionally discriminates or considers the treatment unfavourable, or whether or not the protected attribute is the only or dominant reason for the treatment, provided that it is a substantial reason.</p>
<b>EXTERNAL PARTIES</b>	Visitors, passengers, neighbours, children and young people (and their parents/carers) or those external to the operations of PBR (not a workplace participant)
<b>INDIRECT DISCRIMINATION</b>	<p>is against the law and occurs if a person imposes, or proposes to impose, a requirement, condition or practice—</p> <p>(a) that has, or is likely to have, the effect of disadvantaging persons with a protected attribute; and</p> <p>(b) that is not reasonable</p>
<b>HARASSMENT</b>	any form of unwelcome conduct directed towards a person based protected attributes (as listed in Appendix A), that a reasonable person would expect to offend, humiliate or intimidate. Types of harassment include sexual harassment, racial harassment, religious harassment, political harassment, age harassment and disability harassment. Harassment does not have to be intentional to be unlawful
<b>PROTECTED ATTRIBUTE</b>	refers to a characteristic or personal circumstances that is the basis or part of the basis of the act of discrimination, harassment, victimisation or vilification. All attributes are listed in 'Protected Attributes (Victorian Legislation)' and includes, but is not limited to: gender, age, race, religious belief or activity, family status, pregnancy or potential pregnancy.



	It is also against the law to treat someone unfavourably because they have a personal association with someone who has or is assumed to have a personal characteristic protected by law.
<b>REPEATED BEHAVIOUR</b>	persistent nature of behaviour and can refer to a range or pattern of behaviours over a period of time.
<b>SEXUAL HARASSMENT</b>	unwelcome and uninvited sexual advances or conduct of a sexual nature which a reasonable person, could anticipate, would make the person being harassed, feel offended, humiliated or intimidated having regard to all the circumstances. Sexual harassment is unlawful and does not have to be directed at a particular individual to be unlawful. Sexual harassment does not have to be intentional to be unlawful.
<b>UNREASONABLE BEHAVIOUR</b>	determined by the 'reasonable person test'. This means asking 'Would a reasonable person expect that a person targeted by the behaviour would feel humiliated, offended, intimidated or distressed?' Such consideration would be the nature of the relationship between the parties, the history of any other communications and contact between the parties, community norms of the day and the circumstances surrounding the conduct. The victim of the behaviour does not have to complain or object to the behaviour for it to be considered bullying or harassment, nor does there have to be intent on the part of the perpetrator for behaviour to be judged unreasonable.
<b>VICTIMISATION</b>	Unfair treatment of either a person who has made a complaint, is involved in an allegation, supports another person to make a complaint or has had an allegation raised against them
<b>VILIFICATION</b>	any act that happens publicly and could incite others to hate, have serious contempt for, or severely ridicule a person or group of people because they are (or are thought to be) of a certain race or religion
<b>WORKPLACE BULLYING</b>	repeated, unreasonable behaviour by an individual or group of individuals directed towards the worker or a group of workers of which the worker is a member that creates a risk to physical and/or psychological health and safety.  Workplace bullying does not include reasonable management action undertaken in a reasonable way by the Supervisor/Manager. This may include fair and reasonable comment and advice (including negative feedback on performance or behaviour). Feedback on work performance or expected behaviour is different to intimidation, as it is intended to assist workplace participants to improve work performance or their standard of behaviour.



<b>WORKPLACE PARTICIPANTS</b>	all Employees, Board Members, Volunteers of PBR, Contractors, Consultants and any individuals or groups undertaking activity for or on behalf of PBR.
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## 5. RIGHTS AND RESPONSIBILITIES

The CEO and Board has responsibility to:

- monitor the implementation of this Policy.
- ensure there are clear processes in place for raising grievances and complaints.
- take action if they become aware of any behaviour which could constitute a breach of this policy, even if no complaint has been lodged.
- clearly communicate and promote this policy and grievance processes amongst workplace participants.
- identify potential risk factors and take prompt, reasonable action to minimise risks.
- promote positive working relationships.

All **workplace participants** have a responsibility to:

- understand and comply with this policy and the organisations Codes of Conduct
- ensure they do not assist or encourage other persons to engage in unlawful conduct.
- follow PBR policies and procedures, particularly the *Issue Resolution Policy* if they experience, observe or become aware of any conduct that contravenes this policy and the organisations Codes of Conduct.
- follow PBR policies and procedures, including the *Child Safety & Wellbeing Policy* and reporting protocols.
- maintain confidentiality if involved in the complaint or grievance process.
- be aware that they can be held legally responsible for unlawful conduct.
- be aware that there can be disciplinary action in the event of conduct that is contrary to PBR policies.
- ensure that they do not make false, malicious or vexatious complaints.
- ensure that they do not victimise any person who makes a legitimate complaint.
- complete training at regular intervals on respectful and appropriate workplace behaviour with colleagues and external parties on regular intervals on workplace behaviour.

**Managers and Supervisors** are accountable for the conduct of the people they manage. Managers and supervisors are expected to actively participate in complying with and promoting the policy by:

- modelling appropriate standards of behaviour.
- maintaining an environment that encourages effective communication and interpersonal behaviours.
- assessing and monitoring the work environment (as far as reasonable) to ensure that bullying and harassment risk factors (e.g., organisational change, negative leadership styles, poor work systems, poor workplace relationships and vulnerable workers), are appropriately managed and do not lead to bullying behaviours, harm or abuse.



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- identifying, preventing and appropriately addressing problems or potential problems expeditiously, without prejudice or victimisation.
- recruiting, promoting, training, developing and transferring employees and volunteers based on merit and performance.
- acting upon any concerns or complaints that are made or lodged, in accordance with PBR policies and procedures.
- maintaining sensitivity and confidentiality as required under these procedures.
- being aware of legislative requirements.
- taking steps educate and make workplace participants aware of their obligations under this policy and the law.

## **6. POLICY DETAILS**

### **6.1. EQUAL OPPORTUNITY, DIVERSITY AND INCLUSION**

Equal employment opportunity and managing diversity means we recognise and respect similarities as well as differences in individual characteristics such as gender, age, ability, family status, sexual orientation, religion and ethnic or national origin (full list in [Appendix 1](#) below).

In practice this means that all of us who are working to achieve the PBR's objectives recognise and accept each other as unique individuals and treat each other with respect and dignity.

Workplace discrimination can occur in:

- advertising for workplace participants
- recruitment and selection
- negotiation of an employment agreement
- denying or limiting access to opportunities for promotion, transfer or training or to any other benefits connected with engagement of a workplace participant or external party
- dismissal or retrenchment
- subjecting the workplace participant or external parties to any other detriment, including harassment

Discrimination is considered unacceptable and will not be tolerated at PBR.

### **6.2. HARASSMENT**

It is the PBR's policy and intention to provide a workplace free from unlawful harassment. PBR will not tolerate or condone any form of unlawful harassment. Harassment may be physical, verbal, visual or written (including electronic).

Some examples of harassment include (but not limited to):

- Offensive comments or gestures
- The display of offensive or discriminatory material



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- Offensive or discriminatory emails or text messages. For further information pertaining to appropriate social media behaviour refer to the *Social Media Policy*.

Unlike bullying, harassment can stem from a single occurrence. Harassment can be either deliberate or unintentional the boundaries of what constitutes harassment vary from person to person. The intention does not matter as it is the boundaries of what constitutes harassment may vary from person to person.

In determining whether the behaviour of a workplace constitutes unlawful harassment or sexual harassment, it is irrelevant whether the workplace participant is aware of the impact of the harassment, and whether or not it is intentional.

Some forms of harassment may constitute a criminal offence under the *Crimes Act 1958* (Vic). Where criminal conduct is suspected or alleged to have occurred, PBR may report this to the relevant authorities.

Harassment can occur in different forms including (but not limited to) the following:

- **Sexual Harassment** - A single incident is enough to be considered sexual harassment - it does not have to be repeated behaviour.

Examples of sexual harassment include but are not limited to physical contact such as pinching, touching, grabbing, kissing or hugging; sexual jokes or comments; staring or leering at a person's parts of their body; sexually explicit conversations; displays of offensive material such as posters, screen savers, internet material etc; sending rude or offensive emails, attachments or text messages or suggestive comments about a person's body or appearance.

PBR will not tolerate sexual harassment wherever and whenever it takes place and is dealt with under the *Sexual Harassment Policy*. Sexual harassment involving a child or young person is dealt with under the *PBR Child Safety & Wellbeing Policy* and associated procedures.

- **Harassment of persons with disabilities** includes making comments about a person's disability, isolating a person because they are disabled, or not including them in office functions because they are disabled. There is an explicit legislative requirement to address discrimination experienced by people with disabilities by making reasonable adjustments in the areas of employment, education and service provision.
- **Racial harassment** includes making comments or jokes about a person's race, racial characteristics or place of origin. It also includes isolating a person because of their race, racial characteristics or place of origin or not including them in office functions for any of those reasons.

### **6.3. BULLYING**

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the other person. Risk to health and safety includes risk to the mental or physical health of the workplace participant. In determining whether the behaviour of a workplace participant constitutes bullying, it is irrelevant whether or not the workplace participant is aware of the impact of the bullying, and whether or not it is intentional.



Bullying is considered unacceptable behaviour within the workplace and will not be tolerated at PBR. Bullying may occur 'downwards' (from supervisors/managers to their direct reports), 'sideways' (between workplace participants) or 'upwards' (workplace participants to supervisors/managers).

Bullying does not have to relate to protected attribute. Bullying is unlawful in Australia in accordance with various workplace law and serious bullying can amount to a criminal offence under the Crimes Act.

Bullying behaviours can take many different forms. Examples of bullying at work may include (but not limited to):

- verbal or written abuse including yelling, screaming, or abusive, offensive or threatening language
- spreading misinformation or malicious rumours
- behaviour or language that frightens, humiliates, belittles or degrades, including over-criticising, or criticism that is delivered with yelling or screaming
- displaying offensive material
- inappropriate comments about a person's appearance, lifestyle, family, sexual preferences or any personal or private matter
- teasing or regularly making someone the focus of pranks or practical jokes
- interfering with a person's personal property or work equipment
- harmful or offensive initiation practices
- unreasonably overloading a person with work, or not providing enough work
- setting timeframes that are difficult to achieve, or constantly changing them
- setting tasks that are unreasonably below, or above, a person's skill level
- deliberately excluding or isolating a person from normal work activities
- withholding information that is necessary for effective performance of the person's job
- deliberately denying access to resources or workplace benefit and entitlements (for example training, leave etc)
- deliberately changing work arrangements, such as rosters and leave to inconvenience a particular workplace participant(s).

This list is not exhaustive. Other types of behaviour may also constitute bullying.

Bullying can be physical, verbal or written. It can include words or statements which are transmitted in person, by post, phone, video, e-mail, social media, mobile devices or computers.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

A person's intention is irrelevant when determining if bullying has occurred.

Appropriately managing workplace participants does not constitute bullying, if it is done in a reasonable manner. Managers have the right and are obliged to manage workplace participants. Examples of reasonable management practices includes:

- setting reasonable performance goals, standards and deadlines in consultation with employees and volunteers after considering their respective skills and experience





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- allocating work fairly
- rostering and allocating working hours in a fair and reasonable manner
- transferring a workplace participant for legitimate and explained operational reasons
- deciding not to select a workplace participant for promotion, following a fair and documented process
- informing a workplace participant about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- informing a workplace participant about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring
- conducting performance management processes

Reasonable management action does not include:

- singling one person out for performance management or disciplinary action when others are performing or behaving at the same standard
- setting unrealistic or unobtainable performance goals
- providing feedback in an unconstructive way (overly negative, unhelpful or unnecessary)

#### **6.4. VICARIOUS LIABILITY**

While the person who sexually harasses or discriminates against someone else is liable or accountable for their behaviour, PBR can also be held vicariously liable (legally responsible) for acts of sexual harassment or discrimination by their workplace participants. This means that PBR must show they have taken all reasonable steps to prevent discrimination or harassment from occurring in their workplaces, and that they have responded appropriately to resolve incidents of discrimination and harassment.

#### **6.5. OCCUPATIONAL VIOLENCE**

Occupational violence includes any incident where a workplace participant is physically attacked or threatened in the workplace.

Occupational violence may include but is not limited to:

- Striking, kicking, scratching, biting, spitting or any other type of direct physical contact
- Throwing objects
- Attacking with knives, guns, clubs or any other type of weapon
- Pushing, shoving, tripping, grabbing
- Conducting 'initiation' ceremonies for new workplace participants
- Any form of indecent or inappropriate physical contact.

#### **6.6. LODGING A COMPLAINT**

If a workplace participant believes they are being treated unfairly or has been bullied, harassed or discriminated against at PBR, they should follow the *Issue Resolution Procedure*. All reports and complaints are expected to be treated seriously as per PBR policies and procedures. Where a complaint





includes an allegation or creates a reasonable belief that conduct which may be criminal in nature has occurred, PBR may report the matter to the relevant authorities. PBR will regularly review all feedback, complaints and concerns as a means of identifying opportunities for continuous improvement.

Complaints involving children and young people (directly or indirectly) are managed via the *Child Safety & Wellbeing Policy* and the *Child Safety and Wellbeing Reporting and Response Procedure*.

#### **6.7. BREACHES OF POLICY**

PBR views breaches to this policy very seriously. Any breach of this policy or the law by workplace participants may result in disciplinary action as per the *Disciplinary Action Procedure*, up to and including termination of employment.

#### **6.8. FALSE, MALICIOUS OR VEXATIOUS ALLEGATIONS**

False complaints of harassment, bullying or discrimination proved to be of a malicious nature are unacceptable behaviour and are considered to be serious. Individuals shown to be involved in such complaints may face disciplinary action as per the *Disciplinary Action Procedure*.

#### **6.9. CONFIDENTIALITY**

Where appropriate, disclosures/reports of harassment, discrimination or bullying will be treated in confidence to protect a workplace participants personal privacy as much as possible. However, allegations of sexual harassment or potential criminal conduct are serious and should be considered accordingly. In some instances, a matter may need to be escalated or referred without agreement from the workplace participant, particularly in circumstances that may:

- constitute a criminal offence
- constitute an occupational health and safety risk or
- require disciplinary action.

Only relevant persons within the business will be advised of the declaration/report and any arrangements necessary for the purpose of managing the disclosure/report. At the time a disclosure/report is made, Puffing Billy rail should notify the parties who, within the business, will be privy to this information.

#### **6.10. REPRISALS AND HARASSMENT**

Any person found to victimise, harass or take reprisal action against people participating in procedures associated with this policy may be subject to separate disciplinary action as per the *Disciplinary Action Procedure*.

#### **6.11. INFORMATION OR CLAIMS WITHOUT SUBSTANCE**

Workplace Participants found to have knowingly provided false information, or knowingly made allegations of harassment, bullying or discrimination without any substantive merit, may be subject to separate disciplinary action as per the *Disciplinary Action Procedure*.

#### **6.12. SUPPORT OPTIONS**

A range of options are available to provide support regarding matters pertaining to Discrimination Harassment and Bullying.



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### Internal Support

Members of the PBR Leadership Team and PBR People and Culture Team.

### Employee Assistance Program (EAP)

EAP is a free short-term, confidential, counselling service staffed by independent qualified practitioners designed to offer a problem-solving, solution-oriented approach to support employees and volunteers with personal or work-related issues.

Contact details for EAP are available on notice boards throughout the railway, on the intranet and in newsletters or contact People and Culture.

### Contact Officer

PBR will support and resource a team of trained and appointed PBR employees who are available for workplace participants to contact to access information related to discrimination, sexual harassment, vilification or victimisation. Matters of serious misconduct will need to be referred to People and Culture for investigation.

### External Support

- **1800RESPECT** - 1800RESPECT provides information, referral and counselling services to people experiencing or at risk of experiencing sexual assault, domestic or family violence. It is also available to friends, family and professionals. 1800RESPECT provides a confidential service 24 hours a day, seven days a week. You can contact 1800RESPECT by visiting [www.1800respect.org.au](http://www.1800respect.org.au) or calling 1800 737 732.
- **Centres Against Sexual Assault** - Centres Against Sexual Assault are non-profit, government-funded organisations that provide support, counselling and crisis care to child and adult victims of sexual assault and their family. You can find your local centre by visiting [www.casa.org.au](http://www.casa.org.au).
- **Lifeline** - Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24-hour crisis support and suicide prevention services. You can contact Lifeline by visiting [www.lifeline.org.au](http://www.lifeline.org.au), calling 13 11 14 or texting 0477 13 11 14
- **Sexual Assault Crisis Line** - The Sexual Assault Crisis Line is a state-wide, after-hours, confidential, telephone crisis counselling service for people who have experienced both past and recent sexual assault. You can contact the Sexual Assault Crisis Line Victoria by visiting <https://www.sacl.com.au> or by calling 1800 806 292.

## **7. RELATED DOCUMENTATION**

### **State Legislation:**

- Equal Opportunity Act 2010 (Vic)
- Crimes Act 1958 (Vic)
- Occupation Health and Safety Act 2004 (Vic)



**Federal Legislation:**

- Sex Discrimination Act 1984 (Cth)
- Human Rights & Equal Opportunity Commission Act 2010 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 2010 (Cth)
- Fair Work Act 2009 (Cth)

**PBR Documentation**

- Safety Health and Wellbeing Policy PBRB PO 001
- Discrimination, Harassment & Bullying Policy PBRB PO 008
- Issue Resolution Policy PBRB PO 012
- Issue Resolution Procedure PBRB P 003
- Disciplinary Action Procedure PBRB P 002
- Code of Conduct PBRB S 001
- Child Safety and Wellbeing Code of Conduct PBRB PO 020
- Child Safety and Wellbeing Reporting and Response Procedure PBRB P 007
- Individual Compliance Check Policy PBRB PO 044
- Incident Management and Feedback Policy PBRB PO 050
- Diversity and Inclusion Policy PBRB PO 030
- Sexual Harassment Policy PBRB PO 064
- Social Media Policy PBRB PO 016
- Contact Officer Procedure PBRB P 041

*Note ETRB and PBRB in the policy, procedure or form identifier used interchangeably*

**8. DOCUMENT INFORMATION, CONTROL AND REVIEW**

**8.1. INFORMATION**

<b>DOCUMENT ID</b>	PBRB PO 008
<b>DOCUMENT TITLE</b>	Discrimination, Harassment & Bullying Policy

**8.2. RESPONSIBILITY**

<b>DOCUMENT OWNER</b>	People & Culture
<b>DOCUMENT AUTHOR</b>	People & Culture Manager
<b>APPROVING BODY</b>	Board



**8.3. VERSION CONTROL AND CHANGE HISTORY**

<b>VERSION NUMBER</b>	<b>APPROVAL DATE</b>	<b>APPROVED BY</b>	<b>AMENDMENT</b>
1	24 September 1997	Board	First Written
2	2003	Board	
3	28 August 2007	Board	
4	28 May 2015	Board	
5	9 April 2019	Board	Revision with feedback from Workplace Assured – Replacement of ETRB PO 008
6	31 October 2023	Board	MoC 073-2023
<b>REVIEW</b>			
Due date		October 2026	



Puffing Billy Railway's staff and volunteers are committed to providing positive experiences for children in an environment that is caring, nurturing and safe.

**Our Children, Our Focus, Our Future, Speak Up!**



**Appendix 1 – Protected Attributes<sup>1</sup>**

Attribute	Definition	Example of discrimination
Age	Actual or assumed age, or because of age in general	Employee not given access to training because of age.
Disability	Includes physical and mental impairments, disease or injury past, future and assumed disability	Employee offered lower pay than other employee doing the same job because of a disability.
Industrial activity / inactivity	Participation in, or membership of, an industrial organisation like a trade union or taking part in industrial action, or deciding not to join a union	Employee applies for job and is denied because of union membership.
Gender identity	Self-identification with a particular gender e.g. person can identify with a gender by the way they dress, medical intervention or name change. Including transsexual or transgender	Employee terminated after gender-affirming surgery.
Lawful sexual activity / sexual orientation	Sexual orientation and lawful sexual activity whether as homosexuals, heterosexual, lesbian, bisexual	Employee is subjected to jokes and comments because of homosexuality.
Marital status	Whether someone is or isn't single, married, divorced, widowed, separated or a domestic partner. The term 'domestic partner' covers all couples irrespective of sex and sexual orientation	Manufacturing company with a mostly male workforce wants to employ an office manager. Lucy is the best candidate but is refused the job because she is single and the manager thinks she won't fit in.
Parental status or status as a carer	Total or substantial responsibility or care and support of another person (may be child, partner, parent, relative or friend – does not apply to a paid carer)	In interview employee mentions she spends a lot of time looking after sick mother. Employer says it can't hire someone with heavy family responsibilities.
Physical features	Height, weight, size, shape or another bodily characteristic. It includes facial features, hair and birthmarks	Restaurant will only recruit people with a certain 'look' – they have specified height, weight and build which is unrelated to the duties of the job.
Political belief or activity	Whether a person holds or does not hold a lawful political belief, or whether they participate or refuse to take part in a lawful political activity. This includes holding particular political beliefs, being a member or not being a member of a political party or participating in political action.	Employee is denied employment because of affiliation with a political party because employer holds a different political affiliation.
Pregnancy	Pregnancy or potential pregnancy	Female employee asked if planning to have children in interview. She says 'yes' and employer decides not to hire her because worried she will go on maternity leave.
Breastfeeding	Breastfeeding or expressing milk	A newly returned to work mother is asked during an interview for a promotion position if she is breastfeeding. Although she is the best person for the job, the employer is worried she will have to take too many breaks.

<sup>1</sup> Equal Opportunity Act 2010 (Vic)



Attribute	Definition	Example of discrimination
Religious belief or activity	Holding (or not holding) a religious belief or view that is not against the law. Religious activity means taking part, not taking part or refusing to take part in a religious activity that is not against the law.	At a job interview with a marketing company, Jan, a Muslim, is asked about her religious background. Even though she is very qualified, she is refused the job because management believes she will have to leave her work duties for prayer several times a day.
Race	Race includes colour, descent, nationality, ancestry, ethnic background or any characteristics associated with a particular race	Employee denied employment because of his racial background.
Sex	Whether a person is male or female or intersex	Sally applies for a job in a male dominated workplace. Sally is the best candidate for the job but is denied employment because employer thinks she won't fit in as a female.
Irrelevant criminal record	When a person has a criminal record and the offence recorded is not directly related to the nature of the role or business; it was a long time ago, or the likelihood of it recurring is minimal.	It is perfectly legitimate for a child-care centre to ensure that no staff have relevant sex offences. But it maybe unreasonable for a real estate agency to refuse to hire a receptionist because she was fined \$50 for using cannabis nine years ago.
Employment activity	Making reasonable requests about employment entitlements or communicating a concern about employer's failure to provide entitlements. E.g. about rates of pay or annual leave	Employee makes a reasonable request for information in relation to their rates of pay. Employee is sacked because the company can't afford to pay the rates he's requesting.
Personal association	Personal association with someone who has or is assumed to have one of the protected characteristics.	Sally is denied employment because the employer is uncomfortable with the fact that her brother is a trade union official.

Reference Equal Opportunity Act 2010 (Vic)