



WHITE CLOUD
FOUNDATION

ANTI-DISCRIMINATION POLICY

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Drafted by	Karen Gallagher	Approved by Board on	14/07/21
Responsible person	Adam Scott	Scheduled review date	30/06/23

SCOPE

This policy is applicable to all employees, contractors and volunteers of White Cloud Foundation and all those who are involved in the operations of White Cloud Foundation.

PURPOSE

This document sets out:

- White Cloud Foundation's policy against such discrimination; and
- The governance structures, responsibilities and processes that have been established to give effect to that policy.

Any person who breaches this policy may be subject to White Cloud Foundation's disciplinary procedures.

DEFINITIONS

Discrimination means treating a person, or a group of people, less favourably than another person or group because of their background or certain personal characteristics.

Discrimination can occur on the basis of the following attributes:

- sex;
- relationship status;
- parental status;
- race;
- religious belief or activity;
- political belief or activity;
- impairment;
- trade union activity;
- lawful sexual activity;
- pregnancy;
- breastfeeding;
- family responsibilities;
- gender identity;
- sexuality;
- age;
- Or an association with, or relation to, a person identified on the basis of any of the above attributes.

POLICY

White Cloud Foundation endorses diversity, supports equal rights and does not advocate, support or practice discrimination based on race, religion, age, national origin, language, sex, sexual orientation, or mental or physical handicap or any other personal attribute protected by law.

White Cloud Foundation has a duty of care to provide a safe workplace, free from discrimination.

White Cloud Foundation accepts and acts on its duty of care. Any reported allegations of discrimination will be promptly, thoroughly, and fairly investigated.

Discrimination complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

RESPONSIBILITIES

It is the responsibility of the Board to:

- Regularly review the leadership and commitment given to eliminating discrimination through active promotion of the organisation's Anti-Discrimination Policy.
- Monitor performance by way of periodic management reports and assurances.

It is the responsibility of the Board Chair and Executive Staff to:

- Ensure that:
 - all staff, contractors and volunteers are made aware and understand this policy against discrimination and their responsibilities;
 - the organisation's practices and processes incorporate precautions against discrimination in such areas as hiring, client selection, and program delivery;
 - reasonable accommodations are made to allow diverse groups to access benefits provided by the organisation; and
 - where appropriate, weight is given to the culture and experiences of individuals from disadvantaged groups.
- Where appropriate, delegate responsibility for compliance to officers with responsibility for particular sections.
- Oversee the performance of subordinate officers in these matters.
- Review and report to the Board, as appropriate, on the effectiveness of the management systems established to remove discrimination.
- Analyse material breaches and identified compliance system weaknesses for systematic trends and ensure that any adverse trends are addressed.
- Promote a culture of effective policy compliance across the organisation.

It is the responsibility of all staff, contractors and volunteers to:

- Be made aware of this policy against discrimination and their responsibilities. This policy will be explained as part of the induction process and through other means as appropriate.
- Not act in a manner that would be considered to be discriminatory pursuant to this policy or any applicable legislation.
- Where appropriate, suggest ways in which practices, systems and procedures could be improved so as to reduce the likelihood of discrimination occurring.

PROCEDURES

COMPLAINT PROCESS

Discrimination can occur at any level of the organisation, can be experienced by both men and women and may involve a co-worker, volunteer, supervisor, manager, service provider, donor, client or customer. Lack of intent is no defense in discrimination cases.

Employees or volunteers who believe they are the subject of discrimination should take firm, positive and prompt action.

Where possible, the employee or volunteer should make the perceived discriminator(s) aware that they find their behaviour offensive, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact their Supervisor or Manager. Alternatively, an employee or volunteer may contact another Manager or Supervisor that they feel comfortable with.

The Manager will provide support and ascertain the nature of the complaint and the wishes of the complainant.

INFORMAL INTERVENTION

The Manager or Supervisor will explain the employee or volunteer's rights and responsibilities under organisation's policy, procedures and Equal Employment Opportunity or anti-discrimination legislation.

Informal intervention may be undertaken through a process of mediation or conciliation. During informal intervention the alleged discriminator will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the complainant and the respondent come to an agreement on the procedure to be followed. If this occurs, no record will be made of the proceedings, and any subsequent proceedings will begin *de novo*. If this does not occur, the formal procedure should be followed.

FORMAL COMPLAINTS PROCEDURE

The Manager or Supervisor may be obliged to carry out a formal investigation in relation to a complaint of discrimination.

The formal procedure will be co-ordinated by the Manager or Supervisor in consultation with the Board Chair.

Formal investigations may be conducted internally (by a manager or Board member) or by an external investigator.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be stood down from work or provided with alternative duties during an investigation in which case they will be paid their normal pay (if relevant) during any such period.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

Records are to be kept and filed in a confidential and secure place. If no confidential area is available, these notes may be sealed and forwarded to Board's Financial Director, where they will be maintained, unopened, in a confidential filing system. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.

The findings as to whether discrimination has occurred will be determined on the basis of the evidence, and on the balance of probabilities.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- counselling;
- disciplinary action against the discriminator (e.g. demotion, suspension, probation or dismissal);
- official warnings that are noted in the respondent's personnel file;
- disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- formal apologies and undertaking that the behaviour will cease;
- conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- reimbursing any costs associated with the discrimination; and
- re-crediting any leave taken as a result of the discrimination.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a discrimination complaint (irrespective of the findings), the Manager or Supervisor will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all employees and volunteers of their obligations and responsibilities in relation to providing a workplace free from discrimination.

Outcomes will depend upon factors such as:

- the severity and frequency of the discrimination;
- the weight of the evidence;
- the wishes of the person who was discriminated against;
- whether the discriminator could have been expected to know that such behaviour was a breach of policy;
- the level of contrition; and
- whether there have been any prior incidents or warnings.

If the investigation determines that discrimination has occurred, the Manager or Supervisor must forward a summary of the complaint and the action taken to Board's Financial Director. A copy may be placed in the respondent's personnel file by the Board's Financial Director.

The Manager or Supervisor will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews.

If there has been any substantiated victimisation, disciplinary procedures will be followed.

PROCEDURES FOR DEALING WITH CRIMINAL CONDUCT

Some forms of severe discrimination (if based on a person's age, disability, race, sex, pregnancy, relationship status, family responsibilities, sexual orientation or gender identity) may constitute criminal conduct. While White Cloud Foundation is committed to treat most complaints about discrimination at an organisational level as far as possible, however severe discrimination of this type may not suited to internal resolution. Such complaints should be treated by the criminal justice system. Employees or volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

REVIEW

The Board Chair or Executive Staff can recommend a review of this policy at any time. Otherwise, this policy is to be reviewed and approved by the Board at intervals of not less than 2 years.