



POLICY

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Discrimination Law

Purpose

To establish the legal compliance requirements of Valley FM (VFM) and VFM presenters to meet all relevant Australian discrimination law obligations. VFM aims to ensure that all presenters are aware of the legal obligations that apply to all forms of discrimination.

Principles of Discrimination Law

That presenters have a basic understanding of discrimination law is prudent as breaches could prove costly to VFM, its Board and individual presenters therefore all must be aware of their obligations under common law and the applicable Commonwealth and ACT legislation.

Commonwealth/Federal laws that have statutory responsibilities related to discrimination regarding:

- Age
- Disability
- Fair Work
- Human Rights
- Race, and
- Sex.

Policy

Refer to Appendix A for an overview of the applicable Commonwealth and ACT discrimination laws. Community radio presenters, are subject to both statutory law i.e. legislation (Acts and any related Regulations be they Commonwealth or ACT) produced by Parliament/Legislature as well as common law. These laws govern how the station protect people from discrimination and harassment. ⁱ

VFM does not expect its presenters to have extensive knowledge of these laws, however, as with all legal matters, 'ignorance is no excuse.'ⁱⁱⁱ Not knowing legal obligations will not excuse a

presenter from the consequences of breaking it - nor will being a volunteer. Consequences can be far-reaching and severe, for example:

- If a presenter's conduct contravenes the law, the presenter, the station and the Board of Directors might all be liable
- If a program guest's conduct contravenes the law, again the presenter, the station and the Board of Directors might all be liable, and
- If the presenter's conduct causes damage to VFM, the Board of Directors could, under its obligation to act in the best interests of the Valley FM Broadcasters Association Inc., counter-sue the presenterⁱⁱⁱ. It is therefore essential that each presenter understands their legal obligations.

VFM ascribes to station policies and practices that reflect the behaviours expected of its presenters and volunteer members. This policy relates to the requirements at law, both Commonwealth and ACT, as well as community radio broadcasting Codes of Practice that govern discrimination of any form specifically to community radio broadcasting organisations.

Presenters are referred to existing VFM policies and general information relating to discrimination i.e. Access, Equity, Equality and Diversity and Harassment and Discrimination and Bullying as well as information included in the VFM Station Handbook.

Legislation Framework

Commonwealth

Age Discrimination Act 2004

Australian Human Rights Commission Act 1986

Disability Discrimination Act 1992

Fair Work Act 2009

Racial Discrimination Act 1975

Sex Discrimination Act 1984.

Workplace Gender Equality Act 2012

ACT

Discrimination Act 1991

Human Rights Act 2004

References

Australian Human Rights Commission (AHRC). 2014. *A Quick Guide to Australian Discrimination Laws*. Available @ [AHRC Quick Guide to Australian Discrimination Laws](#)

Community Broadcasting Association of Australia (CBAA). 2008 and 2016. *Community Radio Broadcasting Codes of Practice* available at [CBAA Broadcasting Codes of Practice 2008/2016](#)

ⁱ Quick Guide to Australian Discrimination Laws

ⁱⁱ PBS Melbourne Presenters' Training Course Manual March 2017

ⁱⁱⁱ Ibid

APPENDIX A: AUSTRALIAN DISCRIMINATION LAWS OVERVIEW

Commonwealth and Territory discrimination laws generally overlap and prohibit the same type of discrimination. As both laws apply VFM must comply with both. The laws apply in slightly different ways and there are some gaps in the protection that is offered between them. For this policy VFM's statutory obligations in this regard are stated here. Detailed explanations are provided in the following table.

Act	Grounds for Discrimination	Areas covered
Commonwealth		
Age Discrimination Act 2004	Discrimination on the basis of age be it young or old	Discrimination in employment, education, access to premises, provision of goods, services and facilities, accommodation, disposal of land, administration of Commonwealth laws and programs and requests for information
Australian Human Rights Commission Act 1986	Discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, marital or relationship status, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation and trade union activity. Also covers discrimination on the basis of the imputation of one of the above grounds.	Discrimination in employment or occupation
Disability Discrimination Act 1992	Discrimination on the basis of physical, intellectual, psychiatric, sensory, neurological or learning disability, physical disfigurement, disorder, illness or disease that affects thought processes, perception of reality, emotions or judgement, or results in disturbed behaviour and presence in body of organisms causing or capable of causing disease or illness (e.g. HIV virus). Also covers discrimination involving harassment in employment, education or the provision of goods and services.	Discrimination in employment, education, access to premises, provision of goods, services and facilities, accommodation, disposal of land, activities of clubs, sport and administration of Commonwealth laws and programs.

Fair Work Act 2009	Discrimination on the basis of race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer responsibilities, pregnancy, religion, political opinion, national extraction and social origin.	Discrimination, via adverse action, in employment including dismissing an employee, not giving an employee legal entitlements such as pay or leave, changing an employee's job to their disadvantage, treating an employee differently than others, not hiring someone, or offering a potential employee different (and unfair) terms and conditions for the job compared to other employees.
Racial Discrimination Act 1975	Discrimination on the basis of race, colour, descent or national or ethnic origin and in some circumstances, immigrant status. Racial hatred, defined as a public act/s likely to offend, insult, humiliate or intimidate on the basis of race is also prohibited under this Act unless an exemption applies.	Discrimination in all areas of public life including employment, provision of goods and services, right to join trade unions, access to places and facilities, land, housing and other accommodation and advertisements.
Sex Discrimination Act 1984.	Discrimination on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity, and intersex status. Sexual harassment is also prohibited under this Act.	Discrimination in employment, including discrimination against commission agents and contract workers, partnerships, qualifying bodies, registered organisations, employment agencies, education, provision of goods, services and facilities, accommodation, disposal of land, clubs, administration of Commonwealth laws and programs, and superannuation.
ACT		
Discrimination Act 1991	Discrimination on the basis of sex, sexuality, gender identity, relationship status, status as a parent or carer, pregnancy, breastfeeding, race, religious or political conviction, disability, including aid of assistance animal, industrial activity, age, profession, trade, occupation or calling, spent conviction and association (as a relative or otherwise) with a person who has one of the above attributes. Sexual harassment and vilification on the basis of race, sexuality, gender identity or HIV/AIDS status are also prohibited under this Act.	Discrimination in employment, including discrimination against commission agents and contract workers, partnerships, professional or trade organisations, qualifying bodies, employment agencies, education, access to premises, provision of goods, services or facilities, accommodation, clubs, and requests for information.