



## **ANTI-DISCRIMINATION POLICY AND PROCEDURES**

### **1. INTRODUCTION**

At Creative Care we seek to transform our communal and individual lives in order to build an inclusive, affirming and transformed institutional culture and embrace a future for South Africa shaped by all who live in it. At Creative Care we aim to provide a safe, secure and supportive environment where:

- Individual differences are appreciated, understood, accepted and respected.
- Individuals empathise with each other and offer each other support.
- Discrimination is reported and the necessary steps are taken to eliminate such behaviour.
- All staff and clients are not subject to fear of bullying, harassment or victimisation because of their gender, race, religion, sexual orientation or disability.

### **2. OBJECTIVES OF THE POLICY**

The objectives of this policy and the procedures detailed herein are:

- 2.1 To prohibit the different manifestations of unfair discrimination, based on, but not limited to, race, gender identity, sexual orientation, nationality, conscience and beliefs.
- 2.2 To prevent and eliminate any conduct of unfair discrimination by any member of the community against another, which may undermine his or her human dignity. Such conduct of unfair discrimination may include, but is not limited to, bullying and/or harassment.
- 2.3 To clarify the procedure, the responsibilities and the obligations of all to promote equality.
- 2.4 To establish appropriate and accessible interventions for staff and clients to address allegations of unfair discrimination.

### **3. DEFINITIONS**

3.1 Alternative dispute resolution procedures refer to procedures for settling disputes by means other than formal processes, which usually includes conciliation, mediation, and arbitration.

3.2 Bullying is a form of unfair discrimination. In its simpler manifestation, it involves the chronic abuse of an individual staff member or client by another person. This abuse can take the form of insults, interference, intimidation, undermining, withholding resources, social exclusion, harassment, abuse of power or any other behaviour intended to make the victim feel unwelcome. In its more complex manifestations, bullying may include mobbing, which involves more than one perpetrator acting against a member or may be systemic, in which the culture may ignore or minimise bullying or even inadvertently promote it in its structures.

3.3 For the purpose of this policy, unfair discrimination means “any distinction, exclusion, restriction or preference, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life”. Unfair discrimination may occur on a number of grounds as defined in Chapter 2, Section 9 of the Constitution of the Republic of South Africa. (*The International Convention on the Elimination of All forms of Racial Discrimination: Geneva, Switzerland: 4 January 1969*)



3.4 Direct unfair discrimination is an overt act of discrimination, which occurs when a person is treated less favourably than another person on the basis of any of the grounds listed in Clause 3.2 or any other legally recognised grounds.

3.5 Indirect unfair discrimination occurs when an unreasonable requirement, condition or practice, which appears neutral on the surface, is imposed in order to exclude person/s upon one or more grounds stipulated in Clause 3.2 or any other legally recognised grounds. Such a distinction, exclusion, restriction or preference unfairly discriminates against individuals or groups of individuals.

3.6 Harassment refers to derogatory or unwarranted remarks, ridicule, unwanted physical contact, physical assault or demands for undue favours for personal gratification.

3.7 Victimisation occurs when one person subjects another to detriment (or threatens to do so) because she or he has laid, intends to lay, or has helped someone else to lay, a complaint of unfair discrimination on any of the grounds listed in Clause 3.2, or any other legally recognised grounds, or she or he has refused to perform an act which is in contravention of any policy or legislation, or she or he has provided information about a complaint, i.e. whistle-blowing. It also includes acting to another person's detriment by agreeing to be a witness in cases related to the contravention of policy or legislation.

3.8 Vilification occurs when a person incites hatred towards, contempt for, or severe ridicule of a person or group of persons on any of the grounds listed in Clause 3.2 or any other legally recognised grounds.

3.9 Disability discrimination is part of the commitment to achieving substantive equality, all clients and staff with disclosed disabilities will have access to reasonable accommodations that will allow them to meaningfully participate. Disability is imposed by society when a person with a physical, psychosocial, intellectual, neurological and/or sensory impairment is denied access to full participation in all aspects of life, and when society fails to uphold the rights and specific needs of individuals with impairments. Persons with disabilities experience three main types of interrelated barriers:

- social (including high cost, lack of disability awareness, and communication difficulties);
- psychological (such as fear for personal safety);
- structural (including infrastructure, operations and information).

Reasonable accommodations: Any modification or adjustment to the environment that will enable a client with a disability to have access to or to participate or advance in life. These measures ensure that persons with disabilities enjoy equal opportunities and are equitably represented in the community to the extent that it does not cause unjustifiable hardship.

Unjustifiable hardship: Significant difficulty or expense being incurred with respect to the provision of reasonable accommodation to a particular client or staff member with a disability



#### **4. RESPONSIBILITIES**

4.1 This section of the policy and procedures is predicated on the community taking collective and individual responsibility to ensure adherence to the principles, procedures and measures set out herein.

4.2 All employees are required to attend any race, diversity, transformation and social justice workshops organised during their employment to enhance their understanding of and compliance with this policy.

4.3 Managers have the following responsibilities:

- to monitor the working environment to ensure that acceptable standards of conduct are observed at all times; when managers observe a risk of unfair discrimination in the workplace, they should take the necessary steps to ensure that it is appropriately dealt with; failure to do so may lead to disciplinary action being taken against them.
- to demonstrate and project appropriate behaviour themselves, including ensuring that they do not engage in conduct that may breach the policy and procedures set out herein.
- to ensure employees, students and other relevant persons understand the policy and procedures set out herein.

4.4 All employees and clients of Creative Care have a responsibility to:

- ensure that they do not engage in any unfair discriminatory behaviour, practices and/or vilification or breach of this policy.
- treat all members of the community with respect and kindness, to be polite and well mannered, not to use any offensive language and not to tease, bully or humiliate other members of this community.
- report any incidences of unfair discrimination.
- offer support to anyone who is being unfairly discriminated against and direct them to sources of help and advice; and
- maintain complete confidentiality of information and cooperate during the investigation of a complaint.

#### **5. APPLICATION OF THE POLICY**

This policy and these procedures apply to all staff and clients, including:

- A. any staff; whether they are fixed-term, full-time or part-time;
- B. clients, contractors and visitors while on the premises of the company or with virtual sessions.

#### **6. PROCEDURES**



Breach of this policy and the misconducts mentioned in the preamble will initiate a disciplinary process which could include restorative justice, disciplinary action or conflict resolution.

Any complaints involving clients or staff member must be reported to Creative Care on email [creativecare19@outlook.com](mailto:creativecare19@outlook.com)

## **7. THE RIGHT TO PURSUE EXTERNAL PROCESSES**

Employees, staff members or clients: All members of Creative Care society have the right to pursue external processes. They are urged to exhaust all available internal mechanisms (pre-mediation, mediation, formal procedure) before resorting to such measures.