

Interplast Australia & New Zealand

# Equal Employment Opportunity (EEO) and Anti-Discrimination Policy

Policy Status:  
Approved

Initial CEO Endorsement:	28 September 2023
Board Approval Date:	15 August 2025
Last Review Date:	21 July 2025
Future Review Date:	01 October 2027
Frequency of Review:	2 years
Policy Owner:	Board Support

## Revisions to Policy

Significant Changes	Endorsed by CEO	Approved by Interplast Board
Initial creation in new template	28 September 2023	10 October 2023
Reviewed and minor updates	21 July 2025	15 August 2025

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## Section 1: Purpose

The purpose of the Equal Employment Opportunity (EEO) and Anti-Discrimination Policy is to demonstrate Interplast Australia & New Zealand's (Interplast) commitment to provide a safe, flexible and respectful environment for all personnel of Interplast, free from all forms of discrimination, bullying, sexual harassment and harassment on the ground of sex.

Interplast is also committed to prevent conduct that subjects a person to a hostile workplace environment on the ground of sex.

This policy will support Interplast to fulfil its obligations to eliminate discrimination in the workplace.

## Section 2: Scope

The EEO and Anti-Discrimination Policy applies to all Interplast personnel and observers accompanying any Interplast activity.

The principles set out in this policy are intended to apply to any work-related context, including conferences, work functions, social events and program visits, wherever and whenever personnel or observers may be as a result of their duties.

Interplast recognises that workplace discrimination can occur in:

- Recruiting and selecting personnel (including volunteers)
- Terms, conditions and benefits offered as part of employment
- Who receives training and what sort of training is offered
- Who is considered and selected for transfer, promotion, retrenchment or dismissal.

## Section 3: Policy

Interplast recognises that equal employment opportunity is a matter of employment obligation, social justice and legal responsibility and that prohibiting discriminatory policies and procedures is sound management practice.

Interplast also recognises that it has a legal responsibility to ensure equal employment opportunity and a workplace environment that is free of harassment, bullying, discrimination and victimisation. Interplast believes that it is the right of all personnel (which includes employees and volunteers) to be able to attend work and to perform their duties without being subjected to any form of discrimination. Equally, it is the obligation and responsibility of all personnel to ensure that the workplace is free from discrimination.

Interplast is fully committed to its obligations to eliminate discrimination in the workplace and will not tolerate discrimination of any kind under any circumstances.

Interplast is an equal opportunity employer and will provide equality in employment for all people employed or seeking employment or volunteer opportunities with Interplast.

### 3.1: Positive duty to eliminate sexual harassment

Interplast is committed to comply with the positive duty under the Sex Discrimination Act 1984 (Cth), to take reasonable and proportionate measures to eliminate, as far as possible:

1. sexual harassment (being unwelcome conduct of a sexual nature)
2. harassment on the ground of sex (being unwelcome conduct based on the sex of the person, but not necessarily sexual in nature)
3. discrimination on the ground of a person's sex (being differential treatment based on the sex of the person)
4. conduct that subjects a person to a hostile workplace environment on the ground of sex (being conduct that results in an offensive, intimidating and humiliating environment for people of one sex, but not necessarily directed at a person)
5. acts of victimisation that relate to complaints, proceedings, assertions or allegations in relation to conduct in points 1 to 4 above.

*The various forms of harassment, discrimination and victimisation referred to above are explained more fully later in this policy.*

The steps that Interplast will take in order to eliminate all forms of sexual harassment, discrimination and victimisation include:

1. Undertaking periodic risk assessments to identify the risk of sexual harassment, discrimination and victimisation in the workplace
2. Taking reasonable and proportionate steps to address those risks
3. Implementing appropriate policies to specify expected behaviours in the workplace including this policy
4. Ensuring there is an effective grievance handling framework in place to address any reports of sexual harassment, discrimination and victimisation (see the Grievance Resolution Policy)
5. Providing appropriate training to all personnel on such matters
6. Promoting a workplace culture in which all forms of sexual harassment, discrimination and victimisation are not tolerated and in which personnel are encouraged to report any forms of such behaviour that they are subject to or witness.

### 3.2: Rights and responsibilities

All personnel are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- Work free from discrimination, bullying, sexual harassment and harassment on the ground of sex

- A fair and equitable chance to compete for promotion or transfer, and to pursue their career as effectively as others
- Have their performance assessed or be provided training and development opportunities and promotions based only on performance and competence
- Work in an environment that is not hostile on the ground of sex
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All personnel must:

- Follow the standards of behaviour outlined in this policy
- Offer support to people who experience discrimination, bullying, sexual harassment, harassment on the ground of sex, or a workplace environment that is hostile on the ground of sex, including providing information about how to make a complaint
- Avoid gossip, and respect the confidentiality of complaint resolution procedures
- Treat everyone with dignity, courtesy and respect.

### 3.3: Additional responsibilities of managers

Managers must also:

- Take steps to educate and make personnel aware of their obligations under this policy and the law
- Intervene quickly and appropriately when they become aware of inappropriate behaviour
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- Help personnel resolve complaints informally
- Refer formal complaints about breaches of this policy to the Chief Executive Officer for investigation
- Ensure personnel who raise an issue or make a complaint are not victimised
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- Seriously consider requests for flexible work arrangements.

### 3.4: Unacceptable workplace conduct

Discrimination, bullying, sexual harassment, harassment on the ground of sex, and conduct that creates a workplace environment that is hostile on the ground of sex are unacceptable at Interplast and are unlawful under legislation including:

- Sex Discrimination Act 1984 (Cth)

- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth).

Any person found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including termination of employment.

Under the law, personnel can be held personally liable for certain breaches of discrimination law, and Interplast can also be vicariously liable for employees' conduct.

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

### 3.5: Discrimination

Discrimination can occur:

Directly - when a person or group is treated less favourably than another person or group in a similar situation, because of a personal characteristic protected by law (see list below).

*For example, a worker is harassed and humiliated because of their race, or a worker is refused promotion because they are 'too old'*

Indirectly - when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

*For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.*

Consistent with this, Interplast will not condone, and regards as unfair, all forms of unlawful discrimination or vilification, including that which relates to any of the protected personal characteristics under Federal discrimination law. These include:

- A disability, disease or injury, including work-related injury
- Parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- Race, colour, descent, national origin, or ethnic background
- Age, whether young or old, or because of age in general
- Sex
- Industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- Religion
- Pregnancy and breastfeeding

- Sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- Marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- Political opinion
- Social origin
- Medical record
- An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

### 3.6: Disability discrimination

Employers are also required in some circumstances to make “reasonable adjustments” to facilitate employees with disabilities to perform the “inherent requirements” of the particular role they perform. An employer will be deemed to have discriminated against an employee if they fail to make these adjustments.

The “inherent requirements” of a position are the essential activities that must be carried out to fulfil the purpose of the position.

An adjustment is not reasonable if it will impose “unjustifiable hardship” on the employer. In assessing unjustifiable hardship factors to be considered include:

- The nature of the benefit or detriment to be imposed on any person concerned, including the community
- The effect of the employee's disability
- The financial circumstances and the estimated amount of expenditure required to be made by the employer
- The availability of financial and other assistance to the employer.

Examples of adjustments that may in some circumstances be reasonable for an employer to make include:

- Changing recruitment and selection procedures - providing a sign language interpreter for a Deaf person or ensuring the medical assessor is familiar with a person's particular disability and how it relates to the job requirements
- Modifying work premises - making ramps, modifying toilets or providing flashing lights to alert people with a hearing loss
- Changes to job design, work schedules or other work practices - swapping some duties among staff or providing regular meal breaks for a person with diabetes
- Modifying equipment - lowering a desk or providing an enlarged computer screen

- Providing training or other assistance - running induction programs for staff with a disability and their co-workers, providing a mentor or support person for a person with an intellectual disability, and including staff with a disability in all mainstream training.

It is not unlawful to discriminate against a person because of their disability where:

- They cannot meet the inherent requirements of the job, even when the employer has made any reasonable adjustments; or
- Providing the person with reasonable adjustments to facilitate their disability imposes an unjustifiable hardship on the employer.

### 3.7: Bullying

Workplace bullying occurs when an individual, or a group of individuals, repeatedly behaves unreasonably towards a worker, or a group of workers, and the behaviour creates a risk to health and safety. It includes both physical and psychological abuse.

Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect).

The following are some examples of direct bullying:

- Sarcasm, belittling or humiliating comments and other forms of demeaning language
- Threats, abuse, insulting or offensive comments or shouting
- Coercion
- Isolation
- Inappropriate blaming
- Ganging up
- Constant unconstructive criticism
- Violent, aggressive or intimidating conduct
- Victimisation
- Practical jokes or initiation.

The following are examples of indirect bullying:

- Unjustified criticism or complaints
- Deliberately excluding someone from work-related activities
- Deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- Setting unreasonable timelines or constantly changing deadlines
- Setting tasks that are unreasonably below or beyond a person's skill level
- Denying access to information, supervision, consultation or resources to the detriment of the person
- Spreading misinformation or malicious rumours
- Changing work arrangements such as rosters and leave to deliberately inconvenience a particular person (s).

The above examples are not an exhaustive list of bullying behaviours. They are indicative of the type of behaviours that may constitute bullying or harassment but are not a form of discrimination (i.e. not based on a protected personal characteristic). Regardless, all forms of bullying are unacceptable to Interplast.

If you are unsure whether behaviour not provided on this list constitutes bullying, you should contact your direct line manager in the first instance for guidance.

### 3.8: Sexual harassment and harassment on the grounds of sex

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written.

It can include:

- Comments about a person's private life or the way they look
- Sexually suggestive behaviour, such as leering or staring
- Brushing up against someone, touching, fondling or hugging
- Sexually suggestive comments or jokes
- Displaying offensive screen savers, photos, calendars or objects
- Repeated unwanted requests to go out
- Requests for sex
- Sexually explicit posts on social networking sites
- Insults or taunts of a sexual nature
- Intrusive questions or statements about a person's private life
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

If someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Harassment on the ground of sex occurs, where a person is harassed by reason of:

- their sex; or
- a characteristic that appertains generally to persons of their sex; or
- a characteristic that is generally imputed to persons of their sex.

Harassment on the ground of sex is also referred to as "sex-based harassment."

Harassment in this context means any unwelcome conduct of a demeaning nature by reason of the person's sex in circumstances in which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Harassment on the grounds of someone's sex does not need to be sexual in nature to be unlawful. For example, harassment that is on the grounds of sex may include sexist remarks, which, for example, imply that certain tasks are strictly 'men's work' or 'women's work.'

Sexual harassment and harassment on the ground of sex occurs in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All personnel have the same rights and responsibilities in relation to sexual harassment and harassment on the ground of sex.

A single incident is enough to constitute sexual harassment or harassment on the ground of sex – it does not have to be repeated.

All incidents of sexual harassment and harassment on the ground of sex – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Interplast recognises that comments and behaviour that do not offend one person can offend another. This policy requires all personnel staff and volunteers to respect other people's limits.

Interplast will not tolerate or accept any form of sexual harassment or harassment on the ground of sex, in the workplace or in any work-related context such as conferences, work functions and program trips.

All personnel and representatives of Interplast are responsible for their own behaviour, and under the law may be held personally liable if they engage in sexual harassment or harassment on the ground of sex.

An individual who causes, instructs, induces, aids or permits someone else to engage in sexual harassment, or sex-based harassment can also be found to have engaged in unlawful conduct. Interplast may also be vicariously liable for personnel found to have engaged in any form of sexual harassment or harassment on the ground of sex.

### 3.9: Hostile workplace environment

It is unlawful for a person to subject another person to a workplace environment that is hostile on the ground of sex.

Such unlawful conduct is conduct which results in an offensive, intimidating and humiliating environment for people of one sex, but does not necessarily need to be directed at a specific person.

Conduct that could result in people of one sex feeling unwelcome or excluded by the general work environment includes displaying obscene or pornographic materials, general sexual banter or innuendo and offensive jokes.

Personnel can be personally liable for any such conduct and Interplast may also be vicariously liable for the actions of its personnel.

Interplast is committed to ensure that our workplace is not one which is hostile on the ground of sex.

### 3.10: Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment, because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or conduct that creates a hostile workplace environment. Victimisation is against the law.

Interplast has a zero-tolerance approach to victimisation.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

### 3.11: Vilification

Vilification is where a person commits a public act which is reasonably likely to offend, insult, humiliate or intimidate another person because of their race, sex, religion, sexuality or sexual identity. Hatred or vilification due to an attribute protected under equal opportunity laws is unlawful.

Interplast will not tolerate or accept any form of hatred or vilification due to a protected attribute of another person.

Any conduct that can possibly be observed by the public or any sort of communication either verbal or in writing to the public, can be considered a public act. Workplaces can be public places.

Interplast may be vicariously liable for personnel found to have engaged in any form of unlawful hatred or vilification. Personnel may also be sued personally or prosecuted criminally under Commonwealth or State criminal laws.

Conduct that may constitute vilification can include verbal or written statements, or even be the reproduction or distribution of already published information. Examples include:

- Offensive material on the internet, including e-forums, blogs, social networking sites and video sharing sites

- Offensive comments or images published in a publication such as a leaflet, flyer, internal message board or workplace intranet
- Offensive speeches at public events, work functions or in the workplace
- Abusive comments in any public place, such the workplace, or any other place attended in connection with employment; or
- In some instances, the reproduction or distribution of already published information around the workplace.

### 3.12: Confidentiality

It is unacceptable for any personnel or representatives of Interplast to talk with other personnel or representatives of Interplast about any complaint of discrimination or harassment without Interplast's express permission.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

### 3.13: Decisions to be based on merit

All recruitment and job selection decisions at Interplast will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

### 3.14: Disclosures and complaints

#### If someone makes a disclosure to you

Disclosures may arise anywhere and at any time within Interplast.

If someone makes a disclosure of sexual harassment to you, you must, to the best of your ability and in accordance with the wishes of the discloser:

- assist the discloser to access and understand Interplast policies and procedures
- advise the discloser of counselling and support services available (Interplast EAP)
- refer the discloser to their line manager or the CEO (if this is not already you).

A disclosure is not a complaint and is not investigated as one. A person who makes a disclosure may or may not proceed to make a complaint.

### If you believe that you have been discriminated against

Interplast strongly encourages personnel or representatives of Interplast who believe they have been discriminated against, bullied, sexually harassed, harassed on the ground of sex, vilified or victimised, to disclose the matter. They may choose to:

- Disclose the matter to another employee at Interplast whom they trust, or
- Disclose the matter with their line manager.

After making a disclosure, they may choose to lodge a complaint.

### Have witnessed something?

Any personnel or representative of Interplast who have witnessed or heard any report of any discrimination, bullying, sexual harassment, harassment on the ground of sex, conduct that creates a hostile workplace environment on the ground of sex, vilification or victimisation, should report this to their line manager, the CEO, or can raise a complaint in accordance with the Whistleblowing Policy and Procedures.

### If an allegation is made against you

If an allegation is made against you, Interplast will follow the procedure as detailed in the Grievance Resolution Policy and Procedure.

### Lodging a complaint

The processes for lodging a complaint, and the methods through which matters are explored and resolved, are detailed in the Grievance Resolution Policy and supporting Procedures.

Any reports of discrimination including sexual harassment and bullying will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.

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

### After a Complaint is completed

After finalisation of any investigative or disciplinary process, Interplast will continue to provide assistance and support measures as required to:

- protect the safety and welfare of all parties, and
- facilitate the recovery of any person who has been discriminated against.

## 3.15: Breaches of this Policy

Interplast treats all disclosures and complaints of any nature very seriously.

In addressing complaints:

- Interplast 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

- Confidentiality will be maintained wherever possible in the handling of complaints.

A breach of this policy will result in disciplinary action. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate.

## Section 4: Monitoring and Review of this Policy

This policy will be monitored and reviewed at intervals as indicated in this policy and following the process outlined in Interplast's Policy Framework.

The Chief Executive Officer is ultimately accountable to the Board for managing and maintaining this policy and is responsible for the implementation of this policy. The Board is responsible for adopting this policy.

The Head of Corporate Services is accountable to the Chief Executive Officer for ensuring the currency of this policy and all supporting procedures and relevant manuals and has responsibility for operationalising the policy.

Where compliance issues are identified, they will be addressed promptly. The Chief Executive Officer is responsible for taking any recommended amendments to this policy to the Interplast Board for its approval.

## Section 5: Related Documents and Legislation

Name of document/legislation	Location/hyperlink
Sex Discrimination Act 1984 (Cth)	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Racial Discrimination Act 1975 (Cth)	
Disability Discrimination Act 1992 (Cth)	
Age Discrimination Act 2004 (Cth)	
Australian Human Rights Commission Act 1986 (Cth)	
Whistleblowing Policy	<a href="#">Policies and Guidelines   Interplast Australia</a>
Prevention of Sexual Exploitation, Abuse and Harassment Policy	<a href="#">Policies and Guidelines   Interplast Australia</a>
Code of Conduct	Key documents

Grievance Resolution Policy	Key Documents
Grievance Resolution Procedure	Key Documents
Disability Inclusion Policy	<a href="#">Policies and Guidelines   Interplast Australia</a>

## Section 6: Definitions

Word / Phrase	Definition
Personnel	<p>Personnel includes all employees, consultants, volunteers, Board Directors, Committee members, Working Group members and Ambassadors that are engaged by Interplast to perform the work of Interplast.</p> <p>Volunteers include both professional (e.g. administrative roles) and medical volunteers (e.g. surgeons, anaesthetists, nurses or allied therapists), students, interns, or any other person who has entered into a volunteer arrangement or agreement with Interplast.</p>
Observer	<p>Observers are individuals accompanying an Interplast program, delivered by volunteers in a partner country (e.g. representing a donor organisation or students on an observational placement). Observers do not have a clinical role but may assist the clinical team by completing tasks related to program delivery.</p>
Partner	<p>Partner includes organisations that work with Interplast to implement a joint project with mutually agreed outcomes, and/or with whom Interplast has a signed partnership agreement and/or memorandum of understanding.</p> <p>Partner organisations may or may not be recipients of funds through Interplast.</p>
Beneficiary	<p>Beneficiary 1) a patient receiving treatment through an Interplast activity (this may include a consult only, surgery, allied health treatment or other clinical care, and could be provided by an Interplast volunteer, or a local partner clinician during an Interplast activity), or 2) local partner personnel participating in training delivered by Interplast.</p>
Stakeholder	<p>Stakeholders include all personnel, observers, partners, beneficiaries and supporters, community members in the country where we work, funders, international development peers and organisations, or any other individuals or organisations that connect with Interplast.</p>

Equal employment opportunity	Consists of ensuring that all personnel are given equal access to training, promotion, appointment or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.
Discrimination	Consists of treating an individual with a particular attribute less favourably than an individual without that attribute or with a different attribute under similar circumstances. It can also involve seeking to impose a condition or requirement on a person with an attribute who does not or cannot comply, while people without that attribute do or can comply.
Un-lawful discrimination (under Federal and State legislation) occurs when	Someone, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin; sex, pregnancy or marital status; age; disability; religion; sexual orientation; trade union activity; or some other specified characteristic.
Sexual harassment	Means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.
Bullying	Is repeated and unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.
Victimisation	Happens where personnel are treated harshly or subjected to any detriment because they have made a complaint of discrimination or harassment. Victimisation will also happen if a person is subjected to a detriment because they have furnished any information or evidence in connection with a discrimination complaint.
Vilification	Is where a person commits a public act which is reasonably likely to offend, insult, humiliate or intimidate another person because of their race, sex, religion, sexuality or sexual identity.