



# Workplace Discrimination and Harassment Policy

**Major changes to this document:** Rebranded.

## 1.0 Purpose

The purpose of this policy is to promote a positive work environment that is free from all forms of discrimination, harassment or bullying.

## 2.0 Principles

- We are proud of the diversity of our workforce and have zero tolerance for any form of discrimination, bullying and harassment.
- Our human resources practices are transparent and fair and we employ and promote people based on merit and their ability to do the job.
- We take our responsibilities as an employer to provide a safe, fair and accountable workplace seriously and regularly seek feedback from our employees to measure their satisfaction.
- We inform our employees and volunteers of both their rights and responsibilities for creating and maintaining a workplace that is free from discrimination, bullying and harassment.

## 3.0 Scope

This policy applies to:

- All employees, Directors, volunteers, student placements and contractors ('employees and volunteers')
- How we deliver services to our clients and in our interactions with the general public.
- Our human resources, employment and recruitment and selection processes.
- Whether employees and volunteers are working onsite, offsite, after hours or attending work related events.

We expect all employees and volunteers to treat each other, our clients and members of the public in accordance with this policy when carrying out their day-to-day duties.

## 4.0 Employee rights and responsibilities

All employees and volunteers have the right to:

- A workplace and work culture that is free from discrimination, bullying and harassment.
- Merit-based recruitment and selection processes.
- Not be disadvantaged due to any personal characteristics which are protected by law (*refer 6.1*)
- Raise complaints or issues without being victimised.
- Be protected if they make a disclosure under our Whistleblowers Policy and procedure.
- Have another person or organisation e.g. their union to support them throughout a complaint process.
- Flexibility in their work arrangements especially if it helps them to manage their family responsibilities, disability, religious beliefs or culture.

All employees and volunteers have the responsibility to:

- Treat everyone with dignity and respect.
- Uphold the [Multicultural Australia Way](#), our [Code of Conduct](#) and this policy.
- Avoid gossip.
- Maintain confidentiality of complaints and grievances.
- Offer support to people who experience discrimination, bullying or harassment (Such as giving them information on how they can make a complaint or where they can get support).

## 5.0 Additional responsibilities of managers

Line Managers, Senior and Executive Management have further responsibilities to:

- Model the standards of behaviour outlined in the [Multicultural Australia Way](#), our [Code of Conduct](#) and/or this policy.
- Help their team members understand their rights and responsibilities under this policy and the laws it is based upon.
- Identify and promptly address behaviour that breaches our [Code of Conduct](#) and/or this policy.
- Help team members to resolve complaints informally where possible or refer formal complaints to the right person for investigation.
- Be transparent, fair and accountable when they are managing breaches to the [Multicultural Australia Way](#), our [Code of Conduct](#) and/or this policy.
- Make sure team members are not victimised for making a complaint or raising an issue.
- Make sure recruitment and selection is based on merit.
- Consider reasonable requests for flexible working arrangements.

## 6.0 Unacceptable workplace conduct

We have zero tolerance for any form of discrimination, bullying and harassment. This type of conduct is unlawful under the following legislation:

- *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)
- *Anti-Discrimination Act 1991*(Qld)

Any employee or volunteer who engages in any behaviour outlined in Sections 6.1 – 6.5 may be counselled, warned or disciplined. Serious or recurrent breaches may result in dismissal.

### 6.1 Discrimination

Discrimination means treating someone unfairly because of a personal characteristic. Discrimination can be direct (*e.g. a person is humiliated because of their race*) or indirect (*e.g. redundancy is offered to a person who has made a compensation claim rather than on merit*).

Personal characteristics are protected by the law<sup>i</sup>:

- Age.
- Breastfeeding.
- Family responsibilities - responsibility to care for or support a child or other member of immediate family.

- Gender identity - a person identifies as a member of the opposite sex, or is of indeterminate sex and seeks to live as a member of a particular sex.
- Impairment - covers most physical and psychological conditions, and includes reliance of a guide, hearing, or assistance dog, wheelchair or other remedial device, as well as present and past impairments.
- Lawful sexual activity - a person's status as a lawfully employed sex worker, whether or not self-employed.
- Parental status - includes being a step-parent, adoptive parent, foster parent, or guardian.
- Political belief or activity.
- Pregnancy.
- Race - includes colour, descent, ethnic origin, and nationality or national origin.
- Relationship status - whether a person is single, married, separated, divorced, widowed, de facto partner, or civil partner.
- Religious belief or activity - includes not holding a religious belief, and not engaging in Lawful religious activity
- Sex.
- Sexuality - heterosexuality, homosexuality or bisexuality.
- Trade union activity.
- Association with, or relation to, a person identified on the basis of any of the above attributes.

## 6.2 Bullying

- A person is bullied at work if a person or group of people repeatedly act unreasonably towards them or a group of workers, and the behaviour creates a risk to health and safety. This can include verbal, physical, social or psychological abuse,
- We have zero tolerance for bullying in our workplace, and every person has a responsibility to prevent and report bullying.
- Examples of bullying include:
  - Repeated hurtful remarks or attacks, or making fun of your work or you as a person (including your family, sex, sexuality, gender identity, race or culture, education or economic background)
  - sexual harassment, particularly stuff like unwelcome touching and sexually explicit comments and requests that make you uncomfortable
  - excluding you or stopping you from working with people or taking part in activities that relates to your work
  - playing mind games, ganging up on you, or other types of psychological harassment
  - intimidation (making you feel less important and undervalued)
  - giving you pointless tasks that have nothing to do with your job
  - giving you impossible jobs that can't be done in the given time or with the resources provided
  - deliberately changing your work hours or schedule to make it difficult for you
  - deliberately holding back information you need for getting your work done properly
  - pushing, shoving, tripping, grabbing you in the workplace
  - attacking or threatening with an object that can be turned into a weapon
  - initiation or hazing - where you are made to do humiliating or inappropriate things in order to be accepted as part of the team.

- Managers have a responsibility to monitor the employee performance and provide feedback. Reasonable action taken by managers is not bullying, and performance issues should always be addressed in a constructive and supportive way, focusing on positives as well as negatives.
- If you think bullying is happening at work, talk to a manager or HR. All reports will be taken seriously and treated confidentially, and you will not suffer any negative consequences for speaking up.
- Investigations that show bullying has occurred will result in disciplinary action that may include an apology, transfer of duties or dismissal.
- You can also talk to your union or the [Fair Work Commission](#) (FWC) directly.

### 6.3 Sexual harassment

- Sexual harassment is unwelcome sexual behaviour that makes a person feel offended, humiliated or intimidated.
- It can be physical, spoken or written and one incident can be considered harassment – it doesn't have to be repeated.
- Sexual harassment is covered in the workplace when it happens at work, at work-related events or between colleagues outside of work.
- It is important to understand that just because a person does not object to inappropriate behaviour, does not mean they are giving consent for it to happen.
- Examples of sexual harassment include:
  - Comments about a person's private life or the way they look.
  - Suggestive behaviour like leering or staring.
  - Brushing up against a person, touching, fondling or hugging.
  - Sexually suggestive jokes or comments.
  - Repeated requests to go out.
  - Showing offensive photos.
  - Requests for sex.
  - Insults or taunts of a sexual nature.
  - Intrusive questions about a person's private life.
  - Sending sexually explicit photos, emails or texts.
  - Inappropriate communication on social media.
  - Behaviour that may be a criminal offence like physical assault, indecent exposure, sexual assault, stalking or obscene communication.
- Everyone has the same rights and responsibilities when it comes to sexual harassment, and we expect all employees and volunteers to respect other people's limits.

### 6.4 Victimization

- If you are treated badly after you make (or it is known that you intend to make) a complaint about discrimination, harassment or bullying, or make a disclosure under our Whistleblowers Policy, it is victimization.
- We have zero tolerance for victimization in the workplace.
- Disciplinary action will be taken against anyone who victimizes or retaliates against a person after a complaint of harassment, bullying or discrimination.

### 6.5 Gossip

- The confidentiality of all reports of harassment, discrimination or bullying, and their subsequent investigation, must be maintained.

- It is unacceptable for any person to discuss details with any person outside of the investigation process.

## **7.0 Merit-based recruitment and job selection**

- Our recruitment, selection and promotion processes are open, competitive and based on merit.
- We make employment decisions based on the needs of our organisation and the merits of candidates.
- Every person will be given a fair and equitable chance of competing for appointment, promotion or transfer.
- It is unacceptable to ask job applicants questions about their personal characteristics, unless it is directly relevant to the job.
- Managers and directors must make all decisions relating to appointment, promotion and professional development on the ability to person to carry out the duties and requirements of the position.
- Any candidate who thinks they have been treated unfairly in recruitment and selection can resolve the matter through our grievance and dispute resolution process or via our complaints process if they are an external candidate.

## **8.0 Resolving issues**

- All reports of discrimination, harassment or bullying will be addressed quickly, taken seriously and treated confidentially.
- You can verbally report a complaint, but information about the case will be documented.
- Both the person making the complaint and the person who the complaint is about have the right to be supported or represented by another person throughout process.
- No disciplinary action will be taken until the case has been fully investigated.
- Disciplinary action may be taken against a manager who is aware of discrimination, harassment or bullying and doesn't take any action.
- Disciplinary action may also be taken if a complaint is found to be made maliciously.
- If your line manager or HR is the source of the allegation, an Executive Manager should be consulted.
- Where internal processes fail to resolve complaints of discrimination, harassment or bullying, or if you feel you are not able to use internal processes to resolve a complaint, you can take your case to the Fair Work Commission or the [Queensland Human Rights Commission](#).

## **9.0 Employee assistance program**

- We have a confidential and complimentary counselling service, AccessEAP, available to support the health and wellbeing of our employees,
- This counselling provide by this service is confidential and no identifying information is shared with us.
- Employees can contact this service for workplace or personal issues.

## **10.0 Policy Owner**

The Senior Manager, People is responsible for the review and implementation of this policy and associated procedures.

## 11.0 Responsibilities

These people...	Are responsible for...
Senior Manager, People	<ul style="list-style-type: none"> <li>• Reviewing and implementing the processes as outlined in this policy.</li> <li>• Receiving, managing and resolving reports of discrimination, bullying and harassment.</li> <li>• Modelling behaviour and promoting a culture that is free from discrimination, bullying and harassment.</li> </ul>
Human Resources Team	<ul style="list-style-type: none"> <li>• Making sure all line managers are fully aware of their responsibilities to prevent discrimination, bullying and harassment in our workplace.</li> <li>• Ensuring induction and on boarding processes promote zero tolerance for discrimination, bullying and harassment in our workplace.</li> </ul>
Managers	<ul style="list-style-type: none"> <li>• Modelling behaviour that prevents and eliminates discrimination, bullying and harassment in the workplace</li> <li>• Immediately addressing any behaviour that may be viewed as discrimination, bullying and harassment in our workplace.</li> </ul>
All employees	<ul style="list-style-type: none"> <li>• Respecting fellow colleagues, clients and stakeholders.</li> <li>• Abiding by this policy and our <a href="#">Code of Conduct</a>.</li> <li>• Not engaging in behaviour that may be regarded as discrimination, bullying or harassment.</li> <li>• Reporting any incidents of discrimination, bullying and/or harassment.</li> </ul>

## 12.0 Related documents

[Access and Equity Policy](#)

[Code of Conduct](#)

[Disciplinary Procedure](#)

[Grievance and Dispute Resolution Policy](#) and [Procedure](#)

[Discrimination and Harassment Fact Sheet](#)

[Complaints Policy](#) and [Procedure](#)

[Whistleblower Policy](#) and [Procedure](#)

Public Interest Disclosure Act 2010 (QLD)

Public Interest Disclosure Act 2013 (Cth)

<sup>i</sup> <https://www.adcq.qld.gov.au/resources/brochures-and-guides/fact-sheets/discrimination-attributes-and-areas#content>