

Anti-Discrimination Policy

1. Purpose

Inala Community House (ICH) is committed to providing a safe, flexible and respectful environment for workers free from all forms of discrimination, bullying and sexual harassment. ICH will take all reasonable steps to eliminate or minimise the risk of discrimination occurring in the workplace. All workers are responsible for providing an environment that is supportive of this aim and are required to treat others with dignity, courtesy and respect (in accordance with the ICH *Code of Conduct*).

By effectively implementing this policy, ICH is creating a positive environment for workers.

Breaches of this policy may result in disciplinary and possible legal action.

2. Scope

This policy applies to Board members, management and all employees, including volunteers, students, trainees and contractors. For the purposes of this policy, these persons shall be referred to as workers.

3. Definitions

Vilification: is a public act or statement that incites hatred towards, severe ridicule of, or serious contempt for a person or a group of people because of their race, religion, sexuality or gender identity.

4. Policy

4.1 Rights and Responsibilities

ICH promotes a safe and inclusive workplace for all people. Inclusion in the workplace means:

- All people are respected for who they are
- Feeling connected with coworkers and having a sense of belonging in the work environment
- Having equal access to opportunities and resources
- Feeling able to contribute to their perspective and abilities

Inclusion within the workplace increases wellbeing, drives service quality and promotes a positive culture. All workers uphold the standards outlined within the ICH *Code of Conduct* and act in a manner which upholds ICH's values.

All workers are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics
- Work in an environment free from discrimination, bullying and sexual harassment
- 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 (where possible and the needs of the organisation are met), especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture

4.2 Unacceptable Conduct

Discrimination, bullying and sexual harassment are unacceptable at Inala Community House and are unlawful under federal and state legislation.

Workers 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.

Discrimination is unlawful in all aspects of work, including:

- recruitment
- terms and conditions on which a job is offered
- employment benefits
- training
- transfers
- promotion
- dismissal

4.2.1 Discrimination

Discrimination is treating, or proposing to treat, someone less favourably because of their background or certain personal characteristic protected by the law, as detailed below. Discrimination on these grounds is against the law.

Discrimination can occur either directly or indirectly. Direct discrimination includes where 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. For example:

- A worker is harassed and humiliated because of their race.
- A worker is refused promotion because they are 'too old'.

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

Protected personal characteristics under Commonwealth and/or State discrimination laws include:

- Sex or gender
- Relationship status
- Pregnancy, where they are, have been in the past or are presumed to be pregnant
- Parental status, including both having children and not having children
- Breastfeeding
- Age whether young or old, or because of age in general
- Race including their colour, descent or ancestry, ethnicity, ethnic origin, nationality or national origin, immigrant status
- Impairments, including physical, psychiatric, sensory, neurological or learning, intellectual, the presence in the body of organisms capable of causing illness or disease and other conditions. It also includes conditions that people are born with or may develop later in life as well as a previous impairment that no longer exists
- Religious belief or activity means having or not having a religious belief or engaging in, not engaging in or refusing to engage in lawful religious activity
- Political belief or activity
- Trade union activity
- Lawful sexual activity means a person undertaking lawful sex work
- Gender identity including intersex status
- Sexuality or sexual orientation
- Family or carer responsibilities, i.e. someone's responsibility to care for, or support, a dependent child or other member of their immediate family
- Irrelevant criminal record
- Medical record
- Association with, or relation to, a person identified on the basis of any of these attributes

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

Discrimination may affect:

- Persons applying for a job (recruitment)
- New workers who have not yet started
- Current workers

Discrimination can also occur in the provision of goods or services. ICH services or programs may have individual anti-discrimination information relating to anti-discrimination in the provision of goods or services.

It is not discrimination where actions are:

- Allowed by legislation
- Not related to one of the protected characteristics
- Related to the inherent requirements of the job

ICH has strategies to eliminate or minimise the risk of discrimination occurring in the workplace including:

- Leadership commitment which promotes a safe, respectful and inclusive workplace through role modelling, clearly communicating behavioural standards, ongoing supervision and maintaining current knowledge
- Risk assessment processes which assess the risk of discrimination (recognising that bullying and sexual, sex or gender-based harassment can be a form of discrimination)
- Creating a safe, inclusive and respectful workplace by communicating expected standards of behaviour and having processes to address breaches of these standards, creating inclusive physical and online environments, ensuring that there are fair processes in place when reports are received and embedding this through organisational systems
- Sharing knowledge about discrimination through induction, training, resources and education
- Support available to workers
- Reporting systems if discrimination occurs
- Measuring any available data about discrimination occurring within the workplace

Some specific strategies in place to prevent discrimination in the workplace include:

- Approvals process for job advertisements
- Approved and set interview questions
- Merit based selection processes
- Suitability requirements documented
- Grievance processes
- Flexible work arrangements

It is the policy of ICH that all persons in the workplace can expect to be treated only on the basis of merit and according to their skills and abilities.

It is not permitted to seek information about a job applicants personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

ICH has a zero-tolerance approach to workers being exposed to discriminatory comments or remarks from others in the workplace. Any worker subjected to this type of discriminatory behaviour should immediately report this to their Manager. All workers should also address inappropriate comments or remarks (which do not reflect ICH's commitment to safe, respectful or inclusive spaces) made by others in the workplace.

4.2.2 Anti-Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. This can be a single event and does not have to be repeated to constitute discrimination.

ICH also has an *Anti-Bullying Policy* which deals with repeated actions which constitute bullying.

4.2.3 Anti-Sexual Harassment

Sexual harassment is a specific and serious form of harassment. ICH has implemented a separate *Anti Sexual, Sex and Gender-Based Harassment Policy* to deal with this.

4.3 Vilification

ICH does not condone or support vilification of other people or groups. Vilification includes any form of public communication (whether written or not) and includes any conduct or display of vilifying material. Any act of vilification is serious and may result in serious consequences including disciplinary action, civil proceedings or a criminal prosecution.

4.4 Resolving Issues

Reports of discrimination can be made in accordance with the ICH *Grievance and Dispute Resolution Policy* and associated procedures. ICH will protect all those involved in the process from victimisation.

All workers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Managers or Supervisors who fail to take appropriate corrective action when aware of the discrimination or harassment of a person may be subject to disciplinary action.

4.4 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 victimisation. Victimisation is against the law.

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

ICH has a zero-tolerance approach to victimisation.

4.5 Confidentiality

It is unacceptable for workers at Inala Community House to talk with others about any complaint of discrimination, bullying or harassment (in accordance with the *Grievance and Dispute Resolution Policy* and procedure) except where permitted in accordance with grievance handling processes.

4.6 Responsibilities

The Board and CEO shall:

- Promote equal opportunities and a safe and inclusive workplace

Managers and supervisors shall:

- Model appropriate standards of behaviour
- Ensure workers are aware of required standards of behaviour
- Intervene quickly and appropriately if they become aware of inappropriate behaviour
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure that relevant parties are heard
- Help workers resolve grievances informally
- Ensure that workers making or involved in a grievance are not victimised
- Ensure that all decisions pertaining to workers' employment or conditions of work are based upon the skills and merit of the individual

All workers shall:

- Treat all people with dignity, courtesy and respect
- Follow standards of behaviour outlined in this policy and the *Code of Conduct*
- Avoid gossip and respect the confidentiality of grievance resolution processes

5. Review

This policy should be reviewed every two years.

This policy remains in effect unless otherwise determined by resolution of the Board of Directors.

6. Related Documents

Policies

ICH Code of Conduct Policy
ICH Anti-Bullying Policy
ICH Anti Sexual, Sex and Gender-Based Harassment Policy
ICH Grievance and Dispute Resolution Policy
ICH Confidentiality Policy
ICH Workplace Health and Safety Policy

Procedures

ICH Discrimination Procedure
ICH Grievance and Dispute Resolution Procedure

Other Documents

ICH Client Service Charter

References

Age Discrimination Act 2004 (Cth)
Disability Discrimination Act 1992 (Cth)
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)
Australian Human Rights Commission Act 1986 (Cth)
Fair Work Act 2009 (Cth)
Anti-Discrimination Act 1991 (Qld)
Human Rights Act 2019 (Qld)