

NOTE: For the purpose of this document the term “The Company” refers to Toowoomba Regional Group Apprenticeship Company Pty Limited, Downs Group Training and DGT

ANTI-DISCRIMINATION and SEXUAL HARASSMENT POLICY

The Company is committed to providing all employees, participants in training, Host Employers and Clients an environment free from discrimination and sexual harassment. Under various legislation employers, employees and participants have a legal responsibility to comply with any measures that promote health and safety. The Company aims to eliminate or reduce the risk to employee’s or participant’s health and safety caused by discrimination and sexual harassment.

Objectives

The Company aims to achieve the following -

- ensure all employees and participants are aware of their rights and obligations in regards to discrimination and sexual harassment
- promote a no tolerance policy to any form of discrimination and sexual harassment
- develop an environment which promotes respect for persons, integrity, equitable treatment and natural justice.
- comply with all regulatory and legislative requirements re discrimination and sexual harassment

The Company will

- ensure all reports of discrimination and sexual harassment will be treated seriously and investigated promptly, confidentially and impartially
- encourage all employees and participants to report incidents of discrimination and sexual harassment and ensure all employees who make complaints or witness acts of discrimination and sexual harassment are not victimised
- take all necessary action against any company personnel who discriminates or sexually harasses another person

DISCRIMINATION

The Anti-Discrimination Board of NSW and the Australian Human Rights Commission states under state and federal legislation

‘unlawful discrimination 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 preference; trade union activity; or some other characteristic specified under anti-discrimination or human rights legislation’

Discrimination is illegal and may be direct or indirect and both forms may be practised unintentionally and/or unconsciously. The Company will not tolerate any forms of discrimination.

Direct Discrimination refers to any action, which specifically excludes a person or group of people from a benefit or opportunity, or significantly reduces their chances of obtaining it, because a personal characteristic irrelevant to the situation (eg. sex or ethnic origin) is applied, consciously or unconsciously, as a barrier.

Indirect Discrimination occurs when there is a requirement (a rule, policy, practice, procedure) that is the same for everyone, but has an equal disproportionate effect or result on one particular group. Unless this type of requirement is “reasonable” having regarded the circumstances, it is likely to be indirect discrimination – even if there was no intention to discriminate.

Discrimination undermines working relationships, and can cause low morale amongst employees, absenteeism and in cases of severe dissatisfaction, even resignation. As an employer, The Company does not wish to see this happen, as employees and participants have the right to work in an environment free from discrimination.

The Company has ensured that all personnel who are responsible for making decisions in relation to any employees are fully aware of the laws of discrimination to ensure no employee or participant is discriminated against and all are treated fairly.

SEXUAL HARASSMENT

The Australian Human Rights Commission in its Code of Practice for Employers and the Sex Discrimination Act prohibit sexual harassment in all circumstances and define sexual harassment as

- an unwelcome sexual advance,
- an unwelcome request for sexual favours or
- other unwelcome conduct of a sexual nature, which, in the circumstances, a reasonable person would anticipate the possibility that the recipient would feel offended, humiliated or intimidated
- **sexual nature** includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Sexual harassment is a legally recognised form of sex discrimination. Sexual harassment and sex discrimination are both unlawful under the Sex Discrimination Act and will not be tolerated in any circumstances. No employee or participant of The Company should be subjected to intimidation or sexual harassment in the workplace, in training or in work related situations.

Sexual harassment distresses employees and participants, damages staff and participant morale and productivity and may cause The Company to lose employees and participants.

Sexual harassment as defined above includes unwelcome touching or other physical contact, remarks with sexual connotations, indecent exposure, dirty jokes, and requests for sexual favours, leering or the display of offensive material such as posters, calendars, emails and magazines.

Sexual harassment is NOT behaviour, which is based on mutual attraction, friendship and respect. If the interaction is consensual, welcome and reciprocated, it is NOT sexual harassment.

A single incident may amount to sexual harassment, if an action or remark is offensive. In contrast, an unwanted invitation out or compliment may not be sexual harassment if they are not repeated.

Complaints

The Company will take all complaints of discrimination or sexual harassment seriously and investigate them fully and confidentially. The Company will ensure the employee or participant, and any witnesses to the discrimination or harassment, are not victimised or unfairly treated in any way as a consequence of their complaint.

If any company personnel discriminate against or sexually harass any employee or participant, then disciplinary action will be taken against those personnel. This may include a warning, transfer, counselling, demotion or dismissal, depending upon the circumstances.

- An employee will not suffer any disadvantage to their employment conditions or opportunities for having made a complaint and The Company will ensure they are not victimised in any way.
- A participant will not suffer any disadvantage to their training conditions or opportunities for having made a complaint and The Company will ensure they are not victimised in any way.

Victimisation – Refer Victimisation Policy OP-038

Victimisation occurs when a person does or threatens to do something that will be detrimental to another person. Victimisation usually involves retaliation or retribution and is therefore contrary to the policy's emphasis of responding to complaints fairly and efficiently.

What can you do if you have been discriminated against or sexually harassed?

The Company's complaints handling procedures are based on the principles of natural justice and all complaints are handled in a prompt, supportive, consistent and confidential manner.

Issues of discrimination and sexual harassment can be dealt with informally or formally depending upon the circumstances and people involved.

The Company encourages all employees and participants to take action. Discrimination and sexual harassment will not be tolerated, and it will not go away unless something is done about it. If employees or participants suspect or feel they are being discriminated against or sexually harassed, there are a number of options available, including:

The following options are available to all employees:

- an informal approach, speaking directly to the person concerned,
- Contact The Company Sexual Harassment and Anti-Discrimination Officers, who will take your complaint seriously and will investigate your complaint. The investigation will be kept confidential. You will be kept informed of the results of the investigation and what action will be taken.

If you are not satisfied with the support and handling of any complaints then you may wish to contact

- The Queensland Anti-Discrimination Commission at Level 17, 53 Albert Street, Brisbane, 4001 or on (07) 3239 3365 or toll free 1300 130 670
- The NSW Anti-Discrimination Board PO Box A2122 Sydney NSW 1235 or telephone on (02) 9268 5555 or Toll free Enquiries: 1800 670 812 (if you are calling from rural or regional NSW); or
- your union who may be able to provide you with advice.

Reference

Note – Cth refers to Commonwealth

- Queensland Anti-Discrimination Act
- New South Wales Anti-Discrimination Act
- Australian Human Rights Commission Act (Cth)
- Sex Discrimination Act (Cth)
- Sexual Harassment – Code of Practice
- Australian Human Rights Commission Code of Practice for Employers
- Criminal Code of Queensland
- Work Health and Safety Act (Qld and NSW)
- Workcover Queensland Act
- Racial Discrimination Act (Cth)
- Disability Discrimination Act
- Age Discrimination Act (Cth)
- Workplace Gender Equality Act

Resources/Links

www.adcq.qld.gov.au

www.humanrights.gov.au

www.antidiscrimination.lawlink.nsw.gov.au

www.wgea.gov.au