

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.

VICTIMISATION POLICY

The Company is committed to providing all employees, participants in training, Host Employers and Clients an environment free from workplace harassment, bullying, discrimination, sexual harassment, violence and victimisation and takes a “no tolerance” policy to any behaviour that contravenes this commitment.

The term *victimisation* is used to describe unfair treatment of a worker by an employer because of some action the worker has taken or because the employee refuses to breach anti-discrimination act or assisted another person make a complaint regarding anti-discrimination.

Definition:

According to the

- Queensland Anti-Discrimination Act - *Victimisation happens if a person (the respondent) does an act, or threatens to do an act, to the detriment of another person (the complainant).*
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- NSW Anti-Discrimination Act *It is unlawful for a person ("the discriminator") to subject another person ("the person victimised") to any detriment in any circumstances*

Objectives

The Company aims to achieve the following

- promote a no tolerance policy to any form of workplace victimisation
- ensure employees are aware of their rights and obligations in regards to acts of victimisation
- comply with all regulatory and legislative requirements re workplace harassment, bullying and victimisation
- taken all reasonable steps to prevent the discrimination and harassment from occurring,

The Company will

- ensure all reports of victimisation are treated seriously and investigated promptly, confidentially and impartially
- encourage all employees to report workplace harassment, bullying or victimisation to the appropriate personnel
- ensure all employees who make complaints or witness workplace harassment, bullying or violence are not victimised
- take all necessary action against any person who harass, bully or victimise any other employee, including but not limited to warnings, counselling or dismissal depending on the seriousness of the offence

Victimisation is illegal by law and usually involves retaliation or retribution. These actions are contrary to a number of company policies including but not limited to Anti-Discrimination, Sexual Harassment, Bullying and Workplace Harassment and Violence. Both state and federal laws vary in penalties against offending parties ranging from a monetary penalty and/or imprisonment.-

The Company abides by Federal and State anti-discrimination and codes of practice that protect employees from discrimination and victimisation.

Unfavourable treatment could include adverse changes in the working environment, denial of training or promotion, making negative, unfounded or belittling comments, continual criticism, threats, ostracizing and/or exclusion by peers.

Vicarious Liability

The Company recognises it may be legally responsible for discrimination and harassment which occurs in the workplace or in connection with a person's employment unless it can be shown that **'all reasonable steps'**

have been taken to reduce this liability. The Company acknowledges that lack of awareness that the harassment was occurring is not in itself a defence for employers or management

- Queensland Anti-Discrimination Act Chapter 6 Section 133 Vicarious Liability

If any of a person's workers or agents contravenes the Act in the course of work or while acting as agent, both the person and the worker or agent, as the case may be, are jointly and severally civilly liable for the contravention, and a proceeding under the Act may be taken against either or both.

- NSW Anti-Discrimination Act Part 5 Other Unlawful Acts Section 53 Liability of principals and employers

An act done by a person as the agent or employee of the person's principal or employer which if done by the principal or employer would be a contravention of this Act is taken to have been done by the principal or employer also unless the principal or employer did not, either before or after the doing of the act, authorise the agent or employee, either expressly or by implication, to do the act.

Liability of individuals

The vicarious liability provisions of the legislation do not preclude individual persons from being held liable for their own discriminatory or harassing behaviour in the workplace or in connection with their employment.

Victimisation is unacceptable and will not be tolerated under any circumstances. Any reports of workplace bullying and victimisation will be treated seriously and investigated promptly, confidentially and impartially.

The Company encourages all employees and participants to report all incidents of victimisation. The person threatened or harassed may lodge a complaint of victimisation in the same manner as any other discrimination/harassment/sexual harassment/bullying complaint.

Complaints are treated in the same way as other complaints under the Act. It is important to note that even if the original complaint of discrimination or harassment does not continue, The Company will continue to investigate the complaint of victimisation.

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 GPO Box 853, Brisbane, 4001 or telephone on (07) 3239 3365.
- 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
- Australian Human Rights Commission Level 3, 175 Pitt Street SYDNEY NSW 2000 GPO Box 5218 SYDNEY NSW 2001 Telephone: (02) 9284 9600 Complaints Infoline: 1300 656 419 TTY: 1800 620 241 Fax: (02) 9284 9611
- Your union who may be able to provide you with advice.

Reference

Note – Cth refers to Commonwealth

- Queensland Anti-Discrimination Act
- Disability Discrimination Act (Cth)
- Racial Discrimination Act (Cth)
- Sex Discrimination Act (Cth)
- Human Rights and Equal Opportunity Commission Act (Cth)
- Australian Human Rights Commission (Cth)
- Australian Human Rights Commission – A Code of Practice for Employers
- Prevention of Workplace Harassment Advisory Standards
- Criminal Code of Queensland
- NSW Anti-Discrimination Act
- Work Health and Safety Act and Regulations