

**ANTI-DISCRIMINATION POLICY**

(To be read in conjunction with Anti-Bullying & Harassment Policy & Gender Equity Policy)

Approving authority	Governing Board
Approval date	3 June 2014
Purpose	To ensure the workplace provides a fair and supportive environment free from all forms of discrimination, discriminatory practice and beliefs, that promotes personal respect, values diversity, and provides physical and emotional safety
Responsibility for implementation	Vice President
Next scheduled review	June 2016
Document Location	R:\OIHE\HR\Policies\Anti-discrimination policy.doc
Associated documents	Anti—Bullying & Harassment Policy Gender Equity Policy

Acknowledgements:

This policy is consistent with the Sample policy - discrimination and sexual harassment of the Queensland Anti-discrimination Commission see <http://www.adcq.qld.gov.au/resources/other-resources/employers-toolkit/sample-policy-discrimination-and-sexual-harassment#link1>

1. Introduction

Oxford Institute of Higher Education (hereafter referred to as the “Institute”) is an equal opportunity employer. At all stages of the employment relationship (recruitment and selection, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement, retrenchment and termination) staff will be treated on their merits and valued according to how well they perform their duties.

The Institute believes that all staff should be able to work in an environment free from discrimination, victimisation, sexual harassment, vilification and the seeking of unnecessary information on which discrimination might be based. We consider these behaviours unacceptable and they will not be tolerated.

2. Principles

Discrimination is the treatment or consideration of, or making a distinction in favour of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit. It includes behaviour such as less favourable treatment, unfair exclusion, and asking discriminatory questions.



Discrimination in any form is unacceptable. All at the Institute have a responsibility to provide working, and teaching and learning environments that are free from discrimination in all forms, including those based on **race, ethnicity, gender, ability, disability, sexuality and religion.**

3. Application of this policy

This policy applies to all staff:

- full time, part time, casual, permanent or temporary;
- contract or commission workers;
- volunteers, vocational and work experience placements.

It applies to staff in all their work-related interactions with each other, and with customers, contacts or clients.

It applies to staff while in the workplace or off site, at work-related functions (including social functions and celebrations), while on trips and attending conferences.

4. Responsibility of staff

All staff contribute to the creation of a discrimination free and inclusive workplace and a healthy workplace culture.

Managers have a particular obligation to model appropriate behaviour; promote this policy; treat all complaints seriously and attend to them promptly; monitor the work environment and seek expert help for complex or serious matters.

All staff have the responsibility to comply with this policy; report incidents to their managers and not to participate in discriminatory or harassing behaviour.

5. Consequences of breach of the policy

Staff who make a complaint of discrimination or sexual harassment will not suffer any victimisation by the Institute for making the complaint. This also applies to staff who agree to be a witness in a complaint or have a complaint made against them.

Disciplinary action will be taken by the Institute against any staff member found to have breached this policy. Action will be appropriate to the breach and may include: an official warning and note on the person's personnel file; a formal apology; counselling; demotion, transfer, suspension; or dismissal for very serious matters.

6. Anti-discrimination legislation

In Victoria under the [Equal Opportunity Act 2010](#) discrimination, victimisation, sexual harassment, vilification and seeking unnecessary information on which discrimination might be based are illegal.



Discrimination on the following grounds is against the law:

- race, (including colour, descent or ancestry, nationality, national or ethnic origin);
- age (whether young or older);
- impairment (including biological, functional, learning, physical, sensory, mobility, cognitive, psychological, psychiatric impairment or the presence of an organism capable of causing disease);
- religious belief or activity;
- sex or gender identity;
- relationship status (including being married, single, divorced, separated, de facto or in a same sex relationship);
- sexuality;
- pregnancy, breastfeeding, parental status (including being or not being a parent, guardian, foster parent, adoptive parent, or step parent);
- family responsibilities (including the responsibility to care for and support a dependant child or immediate family member);
- lawful sexual activity as a sex worker;
- trade union activity;
- political belief or activity;
- association with someone else who is identified because of one of the above attributes.

Other behaviour that is against the law includes:

- seeking unnecessary information on which discrimination might be based;
- victimisation because a person has made a complaint, agreed to be a witness or has had a complaint made against them;
- sexual harassment is prohibited under both state legislation and the federal [Sex Discrimination Act 1984](#) ;
- vilification on the basis of a person's race, religion, gender identity or sexuality.
- [Federal anti-discrimination legislation](#) also prohibits discrimination on the basis of criminal record, medical record or social origin.

7. What is discrimination?

Direct discrimination occurs when a person (or a group of people) is singled out for worse treatment, compared to others in similar circumstances, because of one or more of the attributes listed above. Direct discrimination may involve:

- making offensive 'jokes' about another worker's racial or ethnic background, sex, sexuality, age or impairment;
- expressing negative stereotypes about particular groups or using stereotypes as a basis for decisions about work e.g. 'Women with young children shouldn't work.' or 'Older workers can't learn new skills.'
- using selection processes based on irrelevant attributes such as age, race or impairment rather than on skills really needed for the job.



Indirect discrimination occurs when one rule applies to all, but in fact disadvantages a person (or group of people) because they are unable, or less able to comply with the rule because they have an attribute listed above. The fact that the disadvantage was not intended is not an excuse. For example:

- Requiring everyone to be available for all shifts might be unfair to a person with responsibilities to care for children or an elderly parent.
- Only hiring people who have never had a back injury or a workers compensation claim might rule out an employee whose health has returned and can do the job well.
- Not considering the provision of some reasonable adjustments would disadvantage a person with an impairment, who may be able to perform the essential parts of the job in a different way.

8. What is sexual harassment?

Sexual harassment is any form of unwelcome sexual attention that might offend, humiliate or intimidate the other person and may be experienced by women or men. It includes uninvited touching or physical contact; leering at a person or at parts of their body; talking about your sex life or asking about another person's sex life; sexual jokes or propositions; sexually offensive communications (phone, email, SMS or other social media.)

Sexual harassment is against the law wherever and whenever it occurs. The Institute will not tolerate sexual harassment in the workplace or in any work-related context such as conferences, work functions and business trips. Sexual harassment has nothing to do with mutual attraction. Such friendships are a private matter.

Sexual harassment does not have to be repeated or continuous to be against the law. Some actions or remarks are so offensive that they constitute sexual harassment in themselves, even if they are not repeated. Other single incidents, such as an unwanted invitation or compliment, may not be sexual harassment. Some forms of sexual harassment, such as assault, physical molestation, stalking, sexual assault and indecent exposure, are also criminal offences.

The person being harassed does not need to say that the behaviour is unwelcome. Many people find it difficult to speak up. All employees are responsible for their own behaviour. If you think the behaviour may offend, then don't do it.

9. Vicarious liability

Under the Act the person who discriminates against, victimises, sexually harasses, vilifies or asks for unnecessary information can be liable for the illegal behaviour as well as their employer, (*Company name*); unless the Institute can show we have taken reasonable steps to prevent it.

The Institute provides all staff with brochures and information about discrimination and sexual harassment at induction, and conducts regular awareness training.

Managers must ensure that all staff are treated fairly and are not subject to any of the behaviours mentioned in this policy. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way.



10. What to do if you are discriminated against, sexually harassed, vilified or asked for unnecessary information

Don't ignore discrimination, sexual harassment, vilification or requests for unnecessary information, thinking it will go away - often it just gets worse. Choose the action you feel most comfortable with. You can follow more than one action at the same time.

11. Support and counselling

The Institute provides confidential assistance to staff in the form of wellbeing support and professional counselling and encourages staff to seek help.

For information on leave entitlements or Work Cover contact the HR department.

- (1) **Get more information before deciding what to do** Contact the following person in the Institute who have been nominated to give information:

Name: Rong Liu
Position: Vice President
Location: Level 10, 310 King Street, Melbourne
Contact Details: (Telephone, email): 03 8663 7198 rongliu@ozford.edu.au

- (2) Contact the Victorian Equal Opportunity and Human Rights Commission for information about your rights and responsibilities.

Level 3, 204 Lygon Street
Carlton Vic 3053
Phone: 1300 891 848
Fax: 1300 891 858
Email: information@veohrc.vic.gov.au
Hearing impaired (TTY): 1300 289 621
Interpreters: 1300 152 494

12. Self help

If you feel confident and want to deal with the situation yourself, you can use self-help techniques. *However, it is not necessary that you try to resolve the complaint this way.*

This option involves approaching the person responsible for the discriminatory or sexually harassing behaviour yourself. You should tell the person what you are unhappy about, why you are unhappy about it, and what you would like to happen. Taking a person with you for support may be helpful.

13. Make an internal complaint



The Institute has an obligation to treat all complaints of discrimination, victimisation, sexual harassment, vilification or seeking unnecessary information seriously. All complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented.

1. The starting point to resolving a complaint is to talk with someone. This can be your manager (or another manager if more appropriate). Tell them what your concerns are; explain what has happened and how it has affected you.
2. The manager may take immediate action (e.g. removing offensive graffiti or posters).
3. The manager may provide a range of options. One approach is to centre on the resolution of the issue, without deciding fault. The manager may speak to the person you are making a complaint about, to see if the situation can be resolved simply.
4. Some matters are not resolved so easily, especially if the person being complained about denies or disputes the allegations, or the issues are complex. Your manager (or another manager if appropriate) may handle your complaint, or refer it to specialist human resource staff or engage an independent external agency. This option will involve an investigation, collecting evidence and witness statements, and making findings and recommendations which will be implemented by the Institute. The following human resource staff are available to discuss these options:

Name: Rong Liu

Position: Vice President

Location: Level 10, King Street

Contact Details: (Telephone, email): 03 8663 7198 rongliu@oxford.edu.au

14. Make an external complaint

If you think you have been discriminated against, sexually harassed, victimised or vilified, contact the Victorian Equal Opportunity and Human Rights Commission and talk about your concerns. Their dispute resolution service is free and confidential. They can send you information about the complaint process and if they can't help you they will try to refer you to someone who can.

To make a complaint to the Victorian Equal Opportunity and Human Rights Commission see <http://www.humanrightscommission.vic.gov.au/index.php/discrimination>

Or call the Australian Human Rights Commission in Sydney on 1300 656 419 to make a complaint under federal anti-discrimination legislation.

15. Policy review

All policies will be reviewed every two to three years, and distributed to staff. Should the need arise, the policies will be translated into appropriate languages.

The Institute is committed to providing an environment which is safe for all staff. You will not be disadvantaged in your employment conditions or opportunities as a result of lodging a complaint.

Signed.....

Position: (*Vice president*)



Oxford Institute of Higher Education

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