

## ANTI-DISCRIMINATION PROCEDURE

<b>Approving authority</b>	Executive Management Team
<b>Purpose</b>	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
<b>Responsible Officer</b>	Vice President
<b>Next scheduled review</b>	September 2018
<b>Document Location</b>	<a href="http://www.ozford.edu.au/higher-education/policies-and-procedures/">http://www.ozford.edu.au/higher-education/policies-and-procedures/</a>
<b>Associated documents</b>	Anti-Discrimination Policy Anti—Bullying & Harassment Policy and Procedure Diversity and Equity Policy and Procedure

### 1. PRINCIPLES

Ozford Institute of Higher Education (hereafter referred to as the “Institute”) is an equal opportunity workplace and learning environment for staff and students.

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 and students should be able to work and study 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.

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**.

### 2. SCOPE

This procedure applies to all staff and students:

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

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.

### 3. DEFINITIONS

#### 3.1 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.

#### 3.2 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.

### 4. PROCEDURE

The Institute will take all reasonable steps to prevent or minimise unlawful Discrimination, Bullying, Harassment, Victimisation and Vilification against staff or students in the workplace and learning environment. All staff are expected, when carrying out their duties, to show respect towards all persons.

#### 4.1 Managers have responsibility to:

- take reasonably practicable steps to ensure that their workplace or learning environment both on-campus and online, is free from Discrimination, Bullying and Harassment;
- providing training or advice to staff to eliminate Discrimination, Bullying and Harassment and develop cross-cultural awareness and sensitivity among professional and academic staff and students;
- encourage due recognition to the history and experiences of the Aboriginal and Torres Strait Islander Peoples of Australia and other ethnic groups;
- inform staff or students who experience Discrimination, Bullying and Harassment of their rights and provide them with the appropriate policy and procedures to resolve their concerns;
- ensure that staff or students who make a Complaint are not victimised for doing so and respect their privacy and confidentiality at all times;
- maintain a confidential database of complaints.

#### 4.2 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.

If a staff member or student who believes that she/he is being discriminated, and is unable to resolve the matter herself/himself, or is of the belief that it is unsafe to do so, he or she may approach the Vice President in the first instance, and then follow the Institute Complaints and Appeals process

#### 4.3 Support and counselling

The Institute provides confidential assistance to staff or students 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:

<b>Name</b>	Ms. Rong LIU
<b>Position</b>	Vice President
<b>Location</b>	Level 10, 310 King Street
<b>Telephone</b>	03 8663 7198
<b>Email</b>	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

#### 4.4 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.

#### **4.5 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:

<b>Name</b>	Ms. Rong LIU
<b>Position</b>	Vice President
<b>Location</b>	Level 10, 310 King Street
<b>Telephone</b>	03 8663 7198
<b>Email</b>	rongliu@ozford.edu.au

#### **4.6 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.

### **5. QUALITY ASSURANCE**

To ensure that this procedure is fit for purpose and meet the requirements of the HES Threshold Standards the procedure will be:

- 5.1 internally approved by the Executive Management Team on development or review
- 5.2 externally reviewed as part of any independent review of the HES Threshold Standards approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier).
- 5.4 referenced to the applicable HES threshold Standard and/or other legislation/regulation.

## 6. FEEDBACK

Feedback or comments on this procedure is welcomed by the listed Responsible officers of the Institute.

## 7. ACKNOWLEDGEMENTS

This procedure is consistent with the Sample procedure - 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>

## 8. VERSION CONTROL

Version	Date approved	Description	Approved by
3.0	September 2018	Initial issue	EMT
Related legislation/ regulation/ standard	HES Threshold Standards 2015- Standard 2		