



TRANSLATIONAL RESEARCH INSTITUTE
AUSTRALIA

Healthy and safe workplace: Prevention of Discrimination policy

Purpose and objectives

This policy outlines the Translational Research Institute's (the Institute) commitment to a healthy and safe workplace where the Institute's employees, contractors, facility users, tenants, occupants and visitors are not subjected to behaviours, practices or processes that may constitute discrimination or vilification. Discrimination and vilification are unacceptable and will not be tolerated under any circumstances. Appropriate disciplinary or other action will be taken against anyone who engages in unlawful discrimination.

Policy scope

This policy applies to all members of the Institute community who are engaged in Institute-related activity either on the Institute property or elsewhere. This includes volunteer workers or any other person whose workplace health and safety might be affected by the legitimate activities of the Institute.

Tenants of the Institute (which includes licensees) are required to ensure that their workplace harassment policies and procedures are compatible with this Policy and applicable laws. Tenants are required to implement their policies and procedures to areas of the Institute over which they have management and control and in respect of their employees, contractors, facility users and visitors.

Policy

The Institute is committed to developing and maintaining an environment that is free of discrimination and which promotes respect for persons, integrity, equitable treatment and natural justice.

Definitions of Discrimination

Discrimination is the less favourable treatment, or proposed less favourable treatment of a person on the basis of an "Attribute".

There are 16 attributes contained within the *Anti-Discrimination Act 1991* (Qld):

- sex
- relationship status
- pregnancy
- parental status
- breastfeeding
- age
- race
- impairment
- religious belief or activity
- political belief or activity
- trade union activity

- lawful sexual activity
- gender identity
- sexuality
- family responsibilities
- association with, or relation to, a person identified on the basis of any of the above attributes.

Vilification on the grounds of race, religion, sexuality or gender identity is also unlawful.

Direct Discrimination occurs on the basis of one (or more) of the above attributes. If a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute, in circumstances that are the same or not materially different, this is deemed Direct Discrimination. The intention or motive of a person is not relevant.

Indirect Discrimination occurs on the basis of one (or more) of the above attributes, if a person imposes, or wants to impose, a requirement:

- with which a person with an attribute does not or is not able to comply
- with which a higher proportion of people without the attribute comply or are able to comply
- that is not reasonable.

A “requirement” includes condition, requirement or practice whether or not written.

Whether a requirement is reasonable depends on all relevant circumstances of the case, including for example:

- the consequences of failure to comply with the requirement
- the cost of alternative requirements
- the financial circumstances of the person who imposes, or wants to impose, the requirement.

It is not necessary that the person imposing, or wanting to impose, the requirement is aware of the indirect discrimination.

Institute strategies to eliminate Discrimination

The Institute recognises the rights of individuals and groups to be free from discrimination, harassment and bullying on the grounds of an attribute. The Institute will take all reasonable steps to identify and eliminate unlawful direct, indirect, and systemic discrimination from its structures and practices in order to promote equality of opportunity for its entire staff.

This policy forms the basis for the Institute’s policy of providing equal opportunity for all members of the Institute’s community. The Institute has a firm commitment to equal opportunity principles, and will work towards ensuring that no discriminatory policies or practices exist in any aspect of employment.

Education and conciliation will be used as the principal means to eliminate discrimination and in the resolution of grievances. An essential element in the implementation of this policy is raising the awareness of all members of the Institute community of the principles of equity and social justice.

In affirmation of its commitment to equal opportunity the Institute will:

- promote equal opportunity as an integral part of the Institute’s policies and practices

- adopt policies, procedures, and practices consistent with equal opportunity principles in the areas of recruitment, selection, promotion, training and development, and other conditions of employment
- take action to prevent the occurrence of unlawful discrimination, harassment, sexual harassment and bullying by conducting educative programs and other activities
- take positive steps to promote representative participation of diverse groups of the Institute's community to achieve equal opportunity in employment
- appropriately coordinate with tenants of the Institute regarding their policies and procedures relating to discrimination.

The Institute undertakes a risk assessment process, which includes identifying the risk of discrimination and takes appropriate remedial action where necessary.

The Institute does not employ, or have management, or control over all employees, contractors, facility users, tenants, occupants and visitors at the Institute. As a result, the Institute may not have the same scope of investigation or disciplinary powers in circumstances where its employees or contractors are not alleged to have breached this policy.

Tenants', employers' or other discrimination policies and procedures may also apply to a particular circumstance. The Institute is committed to ensuring that all members of the Institute community are aware of the options they have in respect of any discrimination.

Responsibilities and/or authorities

All members of the Institute's community are responsible for ensuring that equal opportunity principles are respected.

Tenants, managers, supervisors and all employees of the Institute or other entities are responsible for understanding the legislation and ensuring that the workplace is safe and free from discrimination on the grounds covered by this policy. Managers and supervisors are also responsible for ensuring that equal opportunity principles are adhered to in order to promote equal employment opportunity.

Where people can go for assistance

An Institute employee, contractor, facility user, visitor, board or committee member who is being discriminated against can contact the Institute CEO/Director of Research for information and assistance in the management and resolution of a workplace discrimination complaint. If a complaint involves the CEO/Director of Research a worker may alternately contact the Board Chair to make a complaint.

The Institute can give assistance to persons in relation to complaints where another body or entity may be more appropriate to receive the complaint or concern.

Commitment to promptly investigate complaints

Any reports of workplace discrimination will be treated seriously and investigated promptly, fairly and impartially. A person making a complaint and/or who is a witness to workplace discrimination will not be victimised. Victimisation is when a person does an act, or threatens to do an act against a person because:

- they have made a complaint (complainant), or are associated with a person who has made a complaint, under this policy
- they have had a complaint made against them (respondent), or are associated with a person who has had a complaint made against them, under this policy.

Adverse action taken against a complainant may be unlawful under the *Fair Work Act 2009* (Cth) and the *Whistleblowers Protection Act* (Qld). The Institute will not tolerate victimisation of a complainant, respondent or person legitimately associated with the resolution of a grievance.

Grievance procedures detailed in this policy do not pre-empt, limit or delay the parties' rights to pursue other avenues for resolution of grievances where applicable such as direct application to:

- their employer or the tenant for the relevant area
- Anti-Discrimination Commission Queensland under the Anti-Discrimination Act 1991
- Australian Human Rights Commission under the Commonwealth Disability Discrimination Act 1992, Racial Discrimination Act 1975 or Sex Discrimination Act 1984
- Fair Work Australia.

Some external agencies may require internal procedures to be used in the first instance. Where alternative external avenues are chosen, the complainant will no longer have access to the Institute's grievance procedures.

Consequences of breach of policy

Disciplinary action will be taken against an Institute employee, board or committee member who discriminates against another employee, contractor, facility user, visitor, board or committee member, or who victimises a person who has made a complaint, or is a witness to a complaint.

The Institute is committed to ensuring that appropriate investigation and action is taken in respect of any other person at the Institute who discriminates against another employee, contractor, facility user, visitor or who victimises a person who has made a complaint or is a witness to a complaint.

Complaints of alleged workplace discrimination found to be malicious, frivolous or vexatious¹ may make the complainant liable for disciplinary action.

¹ Malicious, frivolous or vexatious complaints include complaints that are deliberately harmful, spiteful, trivial or unworthy of serious attention or resources.