



# Anti-Discrimination Policy

## Scope

This policy applies to Brook RED Community Members, Nominated Support People, Board Members, employees, volunteers, and students on placement.

## Purpose

This policy sets forth how Brook RED will ensure that its interactions with all stakeholders are free from harassment and discrimination.

## Principles

Brook RED values diversity in our community and is committed to creating and maintaining a workplace that is free from harassment and discrimination. Brook RED is committed to equal opportunity employment and to ensuring that all aspects of employment are fair under relevant legislation. We value all people and treat all people with dignity and respect.

## Policy

### 1. Staff Rights and Responsibilities

All staff are entitled to:

- Employment processes including recruitment which are based on merit and not affected by irrelevant personal characteristics;
- Work free from discrimination, bullying, sexual harassment, and sex-based harassment;
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised; and
- Reasonable flexibility in working arrangements, especially where needed to accommodate family responsibility, disability, religious beliefs, or culture.

All staff must:

- Model appropriate behaviour;
- Follow the standards of behaviour outlined in this policy;
- Offer support to people who experience discrimination, bullying, sexual harassment, or sex-based harassment, including providing information about making a complaint;
- Avoid gossip;
- Respect the confidentiality of complaint resolution procedures; and
- Treat everyone with dignity and respect.

Managers and Coordinators must additionally:

- Make staff aware of their obligations under this policy and the law;
- Intervene quickly and appropriately if they become aware of inappropriate behaviour;
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- Help staff resolve complaints informally;
- Refer formal complaints about breaches of this policy to the Human Resources and Compliance Manager for investigation;
- Ensure there are no recriminations for those who raise an issue or complaint;

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- Ensure that recruitment processes and decisions are based on merit; and
- Seriously consider requests for flexible work arrangements.

## 2. Unacceptable Workplace Conduct

*Discrimination, bullying, sexual harassment, sex based harassment, and victimisation* are unacceptable at Brook RED and are unlawful under the following legislation:

- Anti-Discrimination Act 1991 (QLD)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)

Discrimination, bullying, sexual harassment, sex-based harassment, and victimisation are covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work. Discrimination, bullying, sexual harassment, sex-based harassment, and victimisation are unacceptable at Brook RED. Staff found to have engaged in discrimination, bullying, sexual harassment, sex-based harassment, or victimisation may be subject to disciplinary action and severe or repeated conduct may be subject to termination.

Brook RED actively complies with the Positive Duty to take reasonable and proportionate measures to eliminate as far as possible discrimination, bullying, sexual harassment, sex-based harassment, and victimisation. Brook RED endorses the Australian Human Rights Commission's Guiding Principles and Standards and incorporate measures to ensure that we are continuously exploring ways to prevent and address unacceptable behaviour.

## 3. Confidentiality

Workers should not talk with others workers, Community Members, or other stakeholders about any complaint of discrimination or harassment. Breaching confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role is a serious breach of this policy and may lead to formal discipline.

## 4. Equal Employment Opportunity

All recruitment and job selection decisions at Brook RED will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics. It is unacceptable to ask job candidates questions, or to in any other way seek information about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

## 5. Addressing and Resolving Issues

Everyone has the right to raise issues, make an enquiry or complaint in a reasonable and respectful manner without being victimised. Brook RED

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encourages anyone who believes they have been discriminated against, bullied, sexually harassed, sex-based harassed, or victimised at Brook RED to take appropriate action by speaking with their Line Manager or Manager and/or making a complaint using the Brook RED Complaints Policy.

## Definition of Terms Used

### Bullying

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices. Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event. If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Behaviours that may constitute bullying can include:

- Demeaning language;
- Threats, abuse, or shouting;
- Coercion;
- Isolation;
- Inappropriate blaming;
- Ganging up;
- Persistent unconstructive criticism;
- Deliberately withholding information or equipment; and
- Denial of workplace benefits such as leave or training.

### Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law. These include:

- A disability, disease or injury, including work-related injury;
- Parental status or status as a carer, for example, because they are responsible for caring for children or other family members;
- Race, colour, descent, national origin, or ethnic background;
- Age;
- Sex;
- Industrial activity, including being or not being a member of a trade union or taking part or not taking part in industrial activity;
- Religion;
- Pregnancy and breastfeeding;
- Sexual orientation or gender identity;
- Marital status, de facto relationship status, or same sex relationship status;
- Political opinion;
- Social origin;
- Medical record; and
- Association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

Discrimination can occur directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by

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law or indirectly, when an unreasonable requirement, condition, or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

## Sexual Harassment

This refers to unwelcome conduct of a sexual nature that occurs in circumstance in which a reasonable person, aware of those circumstances, would anticipate that the person being harassed might feel offended, humiliated, or intimidated. Sexual harassment can be overt, covert, or subtle. It can happen in person, over the phone, and online – including via social media. Examples include:

- Unwelcome physical contact or unwelcome advances such as brushing up against someone, touching, fondling, or hugging;
- Repeated or inappropriate invitations to go out on dates;
- Sexualised gifts;
- Comments or questions about a person's private life or the way they look;
- Sexually suggestive behaviour, such as leering or staring;
- Sexually suggestive comments or jokes;
- Displaying offensive screen savers, images, videos, calendars, or objects;
- Requests for sex;
- Sexually explicit emails, text messages, or posts on social media;
- Insults or taunts of a sexual nature;
- Accessing sexually explicit internet sites; and
- Behaviours that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking, or obscene communications.

Sexual harassment is not always obvious or continuous, and a person does not need to intend for their behaviour to be sexual harassment for it to be unlawful. Conduct does not need to be sexually explicit to be covered and can include innuendo, insinuation, undertone, or jokes. It can include one-off incidents or a pattern of behaviour that makes the working environment uncomfortable or threatening in a sexually hostile way.

Conduct can be unwelcome even when a person does not explicitly reject it. Power imbalances, or a fear of victimisation, may prevent people from speaking up. Additionally, behaviour that may have been welcome in the past does not always remain welcome to the person receiving it. While the ways in which people experience certain behaviour may differ, whether such behaviour is unlawful sexual harassment under the Sex Discrimination Act depends on how a reasonable person would interpret the behaviour in the circumstances. This includes consideration of circumstances such as the age, sex, sexual orientation, gender identity, religious belief, and ethnicity of the person being harassed, any disability, and the nature of the relationship between the parties involved.

Sexual harassment is not sexual interaction, flirtation, attraction, or friendship that is invited, mutual, consensual, or reciprocated.

## Sex-Based Harassment

Although they sound similar, and often occur in combination, sexual harassment and sex-based harassment are different. Harassment on the ground of sex ('sex-based harassment')

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involves unwelcome behaviour that is sexist and demeaning in nature, but that is not necessarily sexual. To 'demean' is to debase or degrade another person.

As with sexual harassment, sex-based harassment is unlawful when it occurs in circumstances in which a reasonable person, aware of those circumstances, would anticipate that the person being harassed might feel offended, humiliated, or intimidated.

It can happen when a person is degraded, put down, or disrespected because of their sex, or a characteristic generally associated with people of that sex. Examples include:

- Asking intrusive personal questions based on a person's sex (for example, inappropriate questions about menopause, menstruation, or genitalia);
- Making inappropriate comments and jokes based on a person's sex;
- Displaying images or making comments that are sexist or strongly prejudiced against a particular sex; and
- Asking a person to engage in degrading conduct based on their sex.

## Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, been involved in investigating a complaint, or refused to do something because it would be discrimination, bullying, sexual harassment, or sex-based harassment.

## References

Age Discrimination Act 2004 (Cth)

Anti-Discrimination Act 1991 (QLD)

A quick guide for complying with the Positive Duty under the Sex Discrimination Act 1984 (Cth), Australian Human Right Commission

Australian Human Rights Commission Act 1986 (Cth)

Brook RED Code of Conduct

Brook RED Complaints Policy and Procedure

Brook RED Human Resources Policy and Procedure

Disability Discrimination Act 1992 (Cth)

Racial Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984 (Cth)

## Document Control and Record of Changes

Version	Effective Date	Approved by	Summary of Change	Date of Next Review
Version 01	January 2016	Eschleigh Balzamo	Introduction of new policy	-
Version 02	April 2017	Eschleigh Balzamo	Change of format	January 2018
Version 03	May 2017	Eschleigh Balzamo	Change to version control	January 2018

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Version 04	September 2019	Eschleigh Balzamo	Review and Update	January 2021
Version 05	June 2021	Eschleigh Balzamo	Review and Update	July 2023
Version 06	August 2023	Eschleigh Balzamo	Review and Update	August 2024

The General Manager has overall responsibility for this policy. If there are any questions regarding this policy, please direct these to the Business Services Manager or General Manager.