

DISCRIMINATION AND SEXUAL HARASSMENT POLICY

Background

IRCA is committed to maintaining a work environment free from discrimination and harassment and where all employees are treated with dignity, courtesy and respect.

Application

This policy applies to all directors and staff, including:

- Full time, part time, casual, permanent, temporary
- contractors
- volunteers, vocational and work experience placements
- All staff in their work-related interactions with each other, with clients and contacts
- All staff while in the workplace, or off site at work-related functions

Policy statement

Discrimination and equal opportunity

IRCA 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.

IRCA believes that all staff should be able to work in an environment free from discrimination, victimisation, sexual harassment and vilification. Such behaviours unacceptable and will not be tolerated.

Employee responsibilities

All staff and board members 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.

Definitions

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. Attributes include:

- race
- sex
- sexuality
- age
- pregnancy
- parenthood
- impairment
- religious belief or activity
- irrelevant medical record
- marital status
- breast feeding
- trade union or employer association activity
- political opinion, affiliation or activity
- irrelevant criminal record
- association with a person who has, or is believed to have one of these attributes.

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. 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.

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. IRCA 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.

Internal complaint reporting

IRCA treats all complaints of discrimination, victimization, sexual harassment, and vilification seriously. Complaints will be handled confidentially and impartially, investigated promptly and recommendations implemented.

1. Report the matter to the manager or assistant manager. This can be verbally and/or in writing. Advise of your concerns, what has happened and how it has affected you.
2. The manager may consider whether an informal resolution is appropriate. E.g., speaking to the person about who the complaint is made to see if the situation can be resolved simply.
3. The manager may consider whether a formal response to the complaint is required, (e.g., referral to independent or specialist HR investigation, to collect information and evidence and make findings and recommendations), and disciplinary action.

External resolution

A complaint may be made to the Northern Territory Anti-Discrimination Commission.

Version	Date adopted/revised	Endorsement/Description of change
1.	21/3/2016	General Manager Daniel Featherstone
	17/5/2016	Endorsed by IRCA Board