

# **Anti-Discrimination Policy**

## **AIMS**

Mystic Monastery of St John the Baptist of Monastic and Indigenous Healing is committed to providing a safe, flexible and respectful environment for staff and clients free from all forms of discrimination, bullying, and sexual harassment.

All staff are required to treat others with dignity, courtesy, and respect.

By effectively implementing our Equal Employment Opportunity & Anti-Discrimination Policy, we will attract and retain talented staff and create a positive working environment for staff.

## **SCOPE**

This policy applies to:

- All staff, including managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers;
- How the Company provides services to clients and how it interacts with other members of the public;
- All aspects of employment, recruitment, and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport;
- On-site, off-site or after-hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their duties;
- Staff treatment of other staff, clients, and other members of the public encountered in their duties.

As this policy imposes any obligations on the Company, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees, they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

The Company may unilaterally introduce, vary, remove or replace this policy at any time.

## **STAFF RIGHTS AND RESPONSIBILITIES**

All staff are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics; Work free from discrimination, bullying, and sexual harassment; The right to raise issues or to make an inquiry or complaint reasonably and respectfully without being victimized;

Reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs, or culture.

All staff must:

- Follow the standards of behavior outlined in this policy;
- Offer support to people who experience discrimination, bullying, or sexual harassment, including providing information about how to make a complaint;
- Avoid gossip and respect the confidentiality of complaint resolution procedures; Treat everyone with dignity, courtesy, and respect.

## **ADDITIONAL RESPONSIBILITIES OF MANAGERS AND SUPERVISORS**

Managers and supervisors must also:

- Model appropriate standards of behavior;
- Take steps to educate and make staff aware of their obligations under this policy and the law; Intervene quickly and appropriately when they become aware of inappropriate behavior;
- Act fairly to resolve issues and enforce workplace behavioral standards, making sure relevant parties are heard;
- Help staff resolve complaints informally;
- Refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation;
- Ensure staff who raise an issue or make a complaint are not victimized;
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made;
- Seriously consider requests for flexible work arrangements.

## **UNACCEPTABLE WORKPLACE CONDUCT**

Discrimination, bullying, and sexual harassment are unacceptable at the Company and are unlawful under the legislation, including:

- Sex Discrimination Act 1984 (Cth);
- Racial Discrimination Act 1975 (Cth);
- Disability Discrimination Act 1992 (Cth);
- Age Discrimination Act 2004 (Cth);

Staff (including managers) found to have engaged in such conduct might be counseled, warned, or disciplined. Severe or repeated breaches can lead to formal discipline up to and including termination of employment.

Under the law, staff can be held personally liable for certain breaches of discrimination law, and the Company can also be vicariously liable for staff members' conduct.

## **DISCRIMINATION**

Discrimination is treating, or proposing to treat, someone unfavorably because of a personal characteristic protected by the law, such as sex, age, race, or disability.

Discrimination can occur:

- Directly, when a person or group is treated less favorably than another person or group in a similar situation because of a personal characteristic protected by law. For example, workers are harassed and humiliated because of their race, or workers are refused a promotion because they are too old.'
- 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. For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

Protected personal characteristics under Federal discrimination law include:

- Parental status or status as a carer, for example, because they are responsible for caring for children or other family members;
- Race color, descent, national origin, or ethnic background;
- Age, whether young or old or because of age in general;
- Sex;
- Industrial activity, including being a member of an industrial organization like a trade union or taking part in industrial activity, or deciding not to join a union;
- Religion;
- Pregnancy and breastfeeding;
- Sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transgender, transsexual, queer, and heterosexual;
- Marital status, whether married, divorced, unmarried or in a de facto relationship or same-sex relationship; Political opinion;
- Social origin; Medical record;
- An 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.

It is also against the law to treat someone unfavorably because you assume they have a personal characteristic or may have it at some time in the future.

## **DISABILITY DISCRIMINATION**

Employers are also required in some circumstances to make "reasonable adjustments" to facilitate employees with disabilities to perform the "inherent requirements" of the particular role they perform. An employer will be deemed to have discriminated against an employee if they fail to make these adjustments.

The "inherent requirements" of a position are the essential activities that must be carried out to fulfil the purpose of the position.

An adjustment is not reasonable if it will impose "unjustifiable hardship" on the employer. In assessing unjustifiable hardship factors to be considered include:

- The nature of the benefit or detriment to be imposed on any person concerned, including the community;
- The effect of the employee's disability;
- The financial circumstances and the estimated amount of expenditure required to be made by the employer; The availability of financial and other assistance to the employer.

Examples of adjustments that may in some circumstances be reasonable for an employer to make include:

- Changing recruitment and selection procedures. For example, providing a sign language interpreter for a Deaf person or ensuring the medical assessor is familiar with a person's particular disability and its relation to the job requirements.
- We are modifying work premises, such as making ramps, modifying toilets, or providing flashing lights to alert people with a hearing loss.
- Changes to job design, work schedules, or other work practices. For example, swapping some duties among staff or providing regular meal breaks for a person with diabetes.
- Modifying equipment. For example, lowering a workbench or providing an enlarged computer screen.
- Providing training or other assistance. For example, running induction programs for staff with a disability and their co-workers, providing a mentor or support person for a person with an intellectual disability, and including staff with a disability in all mainstream training.

It is not unlawful to discriminate against a person because of their disability where:

They cannot meet the inherent requirements of the job, even when the employer has made any reasonable adjustments; or

Providing the person with reasonable adjustments to facilitate their disability imposes an unjustifiable hardship on the employer.

## **BULLYING**

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

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 behavior does not have to be repeated to be discrimination – it may be a one-off event.

Behaviors that may constitute bullying include;

- Sarcasm and other forms of demeaning language; Threats, abuse, or shouting;
- Coercion; Isolation;
- Inappropriate blaming; Ganging up;
- Constant unconstructive criticism;
- Deliberately withholding information or equipment that a person needs to do their job or access their entitlements;
- Unreasonable refusal of requests for leave, training, or other workplace benefits.

Any form of bullying is unacceptable in the Company and may also be against workplace health and safety law. The Company has a separate Workplace Anti-Bullying and Anti-Harassment Policy that employees must read and abide by. This deals with bullying and harassment that is not a form of discrimination (i.e., were not based on a protected personal characteristic).

## **SEXUAL HARASSMENT**

Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual behavior, which could be expected to make a person feel offended, humiliated, or intimidated. Sexual harassment can be physical, spoken, or written. It can include:

- Comments about a person's private life or the way they look; Sexually suggestive behavior, such as leering or staring; Brushing up against someone, touching, fondling, or hugging; Sexually suggestive comments or jokes;
- Displaying offensive screen savers, photos, calendars or objects; Repeated unwanted requests to go out;
- Requests for sex;
- Sexually explicit posts on social networking sites; Insults or taunts of a sexual nature;
- Intrusive questions or statements about a person's private life; Sending sexually explicit emails or text messages; Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites;
- Behavior may also be considered an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking, or obscene communications.

Just because someone does not object to inappropriate behavior in the workplace, it does not mean that they consent to the behavior.

Sexual harassment occurs in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities concerning sexual harassment. A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

The Company recognizes that comments and behavior that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

The Company will not tolerate or accept any form of sexual harassment in the workplace or any work-related context such as conferences, work functions, and business trips. All staff members are responsible for their behavior, and under the law, may be held personally liable if they engage in sexual harassment. The Company may also be vicariously liable for staff members found to have engaged in any form of sexual harassment.

## **VICTIMISATION**

Victimization 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, or refused to do something because it would be discrimination, sexual harassment, or victimization. Victimization is against the law.

It is also victimization to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimization is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

The Company has a zero-tolerance approach to victimization.

## **VILIFICATION**

Vilification is where a person commits a public act that is reasonably likely to offend, insult, humiliate or intimidate another person because of their race, sex, religion, sexuality, or sexual identity. Hatred or vilification due to an attribute protected under equal opportunity laws is unlawful.

The Company will not tolerate or accept any form of hatred or vilification due to another person's protected attribute.

Any conduct that can be observed by the public or any sort of communication, either verbal or in writing to the public, can be considered a public act. Workplaces can be public places.

The Company may be vicariously liable for staff members found to have engaged in any form of unlawful hatred or vilification. Staff may also be sued personally or prosecuted criminally under Commonwealth or State criminal laws.

Conduct that may constitute vilification can include verbal or written statements or even reproduction or distribution of already published information. Examples include:

- Offensive material on the internet, including e-forums, blogs, social networking sites, and video sharing sites;
- Offensive comments or images published in a publication such as a leaflet, flyer, internal message board or workplace intranet;
- Offensive speeches at public events, work functions, or in the workplace;

- Abusive comments in any public place, such the workplace, or any other place attended in connection with employment; or
- In some instances, the reproduction or distribution of already published information around the workplace.

## **CONFIDENTIALITY**

It is unacceptable for staff at the Company to talk with other staff members, clients, or suppliers about any complaint of discrimination or harassment without the Company's express permission.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

## **DECISIONS TO BE BASED ON MERIT**

All recruitment and job selection decisions at the Company will be based on merit – the candidate's skills and abilities as measured against the position's inherent requirements – regardless of personal characteristics.

It is unacceptable and may be against the law 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.

## **RESOLVING ISSUES**

The Company strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed, vilified or victimized to take appropriate action by making a complaint following the Grievance Handling Policy.

Any staff member who has witnessed any discrimination, bullying, sexual harassment, vilification or victimization should report this to their manager or another responsible person in the Company or raise a complaint according to the Grievance Handling Policy.