
ANTI-DISCRIMINATION, BULLYING AND HARASSMENT POLICY

Purpose

Woolcock Institute of Medical Research is committed to providing a safe working environment free from any form of unlawful discrimination, bullying and harassment and we are guided by our values of respect, excellence, partnership, support and opportunity. The Woolcock will take all reasonable steps to prevent and actively respond to concerns raised about adverse behaviours.

Workplace Participants are subject to legislation applying to discrimination, harassment, victimisation, vilification and bullying in the workplace. Unlawful discrimination, bullying and harassment will not be tolerated at the Woolcock and those found responsible may be criminally liable and prosecuted.

Definitions

Affiliate is a person who has been formally appointed as an affiliate of the Woolcock and has a current affiliate agreement with the Woolcock.

Clinician is a person who works in the Woolcock Clinic and has a current clinician's agreement with the Woolcock.

Employee is a person who has a current employment contract with the Woolcock.

Honorary affiliate is a person who has been formally appointed as an honorary affiliate of the Woolcock and has a current honorary affiliate agreement with the Woolcock.

Research leader is a person who has been formally appointed as a research leader by the Executive of the Woolcock.

Student is a person who is enrolled at an educational institution which has a collaborative agreement with the Woolcock and has a current student agreement with the Woolcock.

Workplace Participants are all employees of the Woolcock (whether full-time, part-time, casual or temporary staff engaged through an agent) and all persons performing work on behalf of the Woolcock (including affiliates, honorary affiliates, clinicians, students, research leaders, volunteers and board members).

Unlawful workplace behaviour means unlawful discrimination, harassment (including sexual and sex-based harassment), bullying, vilification, related victimisation and adverse actions and conduct creating an unlawful hostile working environment in the workplace.

Protected Attributes means the attributes or characteristics prescribed by relevant legislation, including race, colour, sex, sexual orientation, age physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin, breastfeeding, gender identity and intersex status.

Rights and responsibilities	<p>All Workplace Participants have a role in preventing and responding to unlawful workplace behaviours and must behave respectfully and appropriately in the workplace.</p> <p>Workplace Participants must:</p> <ul style="list-style-type: none"> • understand and comply with this policy; • not be involved in or engage in any conduct which is unlawful workplace behaviour; • take reasonable steps to eliminate or mitigate risks to the psychological or physical health and safety of others in the workplace; • take reasonable care that their behaviour does not adversely affect the health and safety of others and complying with relevant policies and procedures; • ensure they do not aid, abet or encourage other persons to engage in unlawful conduct; • follow the complaint procedure in this policy if they experience any unlawful conduct; • report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this policy; and <p>maintain confidentiality if they are involved in the complaint procedure. Workplace Participants should be aware that they can be held legally responsible for their unlawful conduct.</p> <p>Workplace Participants who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.</p>
Who does this policy affect	<p>This policy applies to all Workplace Participants and it is not limited to the workplace or work hours. This policy extends to all functions and places that are work related (for example, work lunches, conferences, Christmas parties and client functions).</p> <p>The Woolcock requires all Workplace Participants comply with this policy.</p>
Relevant legislation	<p>Under the <i>Sex Discrimination Act 1984 (Cth)</i> the employer must take reasonable and proportionate steps to eliminate unlawful sex discrimination, sexual harassment, sex-based harassment, conduct which creates a hostile workplace environment on the ground of sex and related victimisation in our workplace, as far as possible. We also have obligations under other anti-discrimination legislation that applies to other types of unlawful workplace behaviour. Workplace Participants may have personal liability for their unlawful workplace behaviour and that of others in the workplace under anti-discrimination legislation.</p> <p>By using the seven organisational standards (refer to Appendix 3 for details), the Woolcock will take all reasonable steps to create a safe and respectful workplace free from all forms of unlawful discrimination, bullying and harassment.</p> <p>Implementation of the <i>Woolcock Anti-Discrimination, Bullying and Harassment</i> policy aims to create a positive environment for all Workplace Participants to minimise or eliminate risks of unlawful workplace behaviours and other psychosocial hazards so far as is reasonably practicable. We must ensure we provide a safe and healthy workplace as required under work health and safety laws.</p> <p>Workplace Participants also have obligations and may be liable if they fail to take reasonable steps to ensure their own health and safety and that of others in the workplace under work health and safety laws.</p> <p>Other laws regulate unlawful workplace behaviour, including the <i>Fair Work Act 2009 (Cth)</i> the <i>Workplace Gender Equality Act 2012 (Cth)</i> and criminal legislation. These other laws impose additional obligations on us and Workplace Participants.</p> <p>For a list of relevant legislation, see Appendix 1.</p>

Unlawful discrimination

Unlawful discrimination is when a person is treated less favourably compared to another person based on a characteristic which is a Protected Attribute.

Indirect unlawful discrimination happens when there is a requirement or rule applied to everyone which has an unequal effect on a person with a particular characteristic.

For example, a strict ban on taking leave during school holiday periods is likely to disproportionately affect employees with family responsibilities. If that requirement is not reasonable in the circumstances, it may be direct discrimination.

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Unlawful harassment

Unlawful harassment is a type of discrimination. It is any uninvited, unwanted verbal or physical conduct which a reasonable person, having regard to all the circumstances, could regard as being offensive, humiliating or intimidating (whether or not that effect was intended by the harasser), and which is based on a protected attribute. What is important is what a reasonable person would think of the situation not what the person intended by the conduct.

Harassment can be a single or repeated act of offensive behaviour. A person being harassed is not required to tell their alleged harasser that the behaviour is unwelcome before making a complaint under this policy.

For example, slurs, negative stereotyping, jokes, threatening, intimidating or hostile acts that show hostility towards an individual or group, written or graphic material that denigrates or shows hostility towards an individual or group or making derogatory comments about a person via social media.

Unlawful workplace bullying

Unlawful workplace bullying is unreasonable behaviour directed towards a worker or group of workers which creates a risk to health and safety in the workplace. It is behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening. Workplace bullying is repeated behaviour, but one-off incidents should not be ignored as they might create risks to health and safety or contravene other laws.

Examples including but not limited to yelling, insulting or offensive language, unjustified criticism, exclusion or isolation of an employee, not giving information needed for a task, impossible task setting or meaningless tasks, unreasonable timelines, threats about job security, rumour spreading, excessive scrutiny or physical abuse.

Workplace bullying is not:

- advice, feedback or counselling on the work performance or work-related behaviour, which might include critical comments indicating performance deficiencies which is intended to improve work performance or the standard of a person's behaviour; or
 - workplace conflict such as differences of opinion and disagreements (unless they are repeated, unreasonable behaviours that create a risk to health and safety).
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Unlawful Vilification

Vilification refers to the unlawful act of publicly inciting or intending to incite hatred towards, serious contempt for, or severe ridicule of a person or a group of persons. Vilification has no justification as "free speech".

Where the content ridicules, incites hatred or contempt of a person's race, religion, sexuality, transgender status or HIV/AIDS status, vilification may be unlawful. In some jurisdictions, vilification may be unlawful if it relates to other protected attributes.

For example, statements or speeches in a public forum such as gossiping and/or spreading of rumours, statements or remarks published in a newspaper, journal, radio, television or other widely accessed electronic media including social media and internet websites, displaying slogans on badges or clothing in public, or stickers, posters, banners, graffiti or other displays in a public space.

Unlawful sex-based and sexual harassment

Unlawful sex-based and sexual harassment is unwelcome behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- *sexual or sex-based remarks or jokes (including reference to sexual orientation, intersex status or gender identity);*
- *implied or actual threats to work progression if sexual advances are rejected;*
- *unwelcome touching, hugging, patting, kissing or pinching;*
- *repeated unwanted requests to go out;*
- *offensive sexual images;*
- *sexual objectification where a person is represented as an object to be owned or consumed (e.g., where a women's body or body parts are used to sell products or they are told to dress in a certain way to please a client);*
- *unwelcome comments about looks, dress or hairstyles;*
- *intrusive questions about someone's sex life;*
- *actual or attempted sexual assault or rape;*
- *asking intrusive questions based on a person's sex (for example, inappropriate questions about menstruation or genitalia);*
- *displaying offensive screen savers, photos, calendars, images or objects;*
- *making sexist, misogynistic or misandrist remarks about a specific person;*
- *requests for sex.*

Sexual and sex-based harassment is context driven. This means sometimes it may not be obvious the behaviour is unwelcome, especially if a workplace participant is more senior or has the power to make things difficult for the aggrieved person (e.g., a big client). Behaviour is unwelcome even if the workplace participant 'means well'. Other factors may make it more likely that the behaviour may be unwelcome, including a historical personal relationship, the place it happens, and personal characteristics of the aggrieved person (e.g., age, gender identity, sexual orientation, Indigeneity, cultural and linguistic diversity, and disability).

Examples include but are not limited to displaying obscene or pornographic materials such as posters, general sexual or sex-based banter or innuendo, showing sexualised images, having uniform requirements which are more revealing for females, requiring a person of one sex to behave in a different way for clients, refusing to provide changing facilities for one sex, excluding one sex from discussions, making sexist or misogynistic remarks and offensive jokes about a person's sex.

Unlawful hostile workplace and harassment on the grounds of sex

A hostile workplace environment on the grounds of sex may happen when general workplace conduct results in people of one sex feeling unwelcome, uncomfortable or excluded, even if the person is not specifically targeted.

Victimisation

Victimisation occurs when a person threatens or takes other inappropriate action towards another person 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, vilification, sexual harassment or victimisation.

Victimisation is both a civil and criminal offence.

Breach of this Policy

All Workplace Participants are required to comply with this policy at all times. If an employee breaches this policy, they may be subject to disciplinary action.

For employees, in serious cases, this may include termination of employment.

Affiliates, Honorary affiliates, students and clinicians who are found to have breached this policy may have their agreements with the Woolcock terminated or not renewed.

If a person makes an unfounded complaint or a false complaint in bad faith (e.g., making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

Complaints Officer

The Complaints Officer at the Woolcock is the Human Resources Manager.

If a workplace participant does not feel comfortable talking to this person about the complaint, they should approach the Executive Director.

Complaint handling procedure

If a workplace participant feels that they have been subjected to any form of unlawful conduct applying to discrimination, harassment, victimisation, vilification and bullying in the workplace or this policy, they should not ignore it. The Woolcock has a complaint procedure for dealing with these issues. The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The manner in which a complaint will be handled will be decided by the Woolcock's Complaints Officer in consultation with the Executive Director.

Student complaints

If a student feels that they have been subjected to any form of unlawful conduct they should seek advice from their academic supervisor/Research Leader in the first instance and then follow the procedures below under his/her guidance.

They may need to take their complaint to the Student Support Unit at the institution where they are enrolled.

Ways in which a complaint can be dealt with:

Confront the issue

If a Workplace Participant feels comfortable doing so, they should address the issue with the person concerned or if the workplace participant is not comfortable addressing the issue directly, the Workplace Participant can request an active bystander to help address the behaviour if they feel safe and comfortable in doing so.

A Workplace Participant should identify the discriminatory behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

This is not a compulsory step. If a Workplace Participant does not feel comfortable confronting the person directly or indirectly, or the Workplace Participant confronts the person and the behaviour continues, the Workplace Participant should report the issue to the Woolcock Complaints Officer.

If a Workplace Participant is unsure about how to handle a situation and is also unsure if they want to make a complaint, they should contact the Woolcock Complaints Officer for support and guidance. The Woolcock Complaints Officer has a responsibility to assist people uncertain about their rights.

Report the issue

A Workplace Participant should report the issue to the Woolcock Complaints Officer. The Complaints Officer in the Workplace Participant's workplace is the Human Resources Manager.

The Complaints Officer will aim to deal with the Workplace Participant's complaint in accordance with this policy. There are two complaint procedures that can be used: informal and formal (detailed further below). The type of complaint procedure used will be determined by the nature of the complaint that is made.

Examples of the ways in which a complaint can be dealt with:

Informal complaint procedure

Under the informal complaint procedure there is a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- the Complaints Officer discussing the issue with the person against whom the complaint is made; and/or
- the Complaints Officer facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

Examples of the ways in which a complaint can be dealt with:

Formal complaint procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by the Complaints Officer. If the Complaints Officer cannot resolve the complaint, it will be escalated to the Executive Director who may then decide to appoint an external investigator or mediator.

An investigation generally involves, collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the Complaints Officer or the external investigator will make recommendations about resolving the complaint.

If the Woolcock considers it appropriate for the safe and efficient conduct of an investigation, Workplace Participants may be required not to report for work during the period of an investigation. The Woolcock may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.

Confidentiality

The Complaints Officer will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other Workplace Participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has potentially occurred, the Woolcock will endeavour to take appropriate action in relation to the complaint.

All Workplace Participants involved in the complaint must also maintain confidentiality, including the Workplace Participant who lodges the complaint. Spreading rumours or gossip may expose Workplace Participants to a defamation claim. Workplace Participants may discuss the complaint with a designated support person or representative (who is not a Workplace Participant employed or affiliated with the Woolcock). However, the support person or representative must also maintain confidentiality.

Possible outcomes	<p>The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the Workplace Participant complained against has engaged in unlawful conduct and/or breached this policy, this may result in instant dismissal, termination of their employment or cancellation of their engagement with the Woolcock. Any disciplinary action is a confidential matter between the affected Workplace Participant and the Woolcock.</p> <p>The Woolcock may take a range of other non-disciplinary measures to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:</p> <ul style="list-style-type: none"> • training to assist in addressing the problems underpinning the complaint; • monitoring to ensure that there are no further problems; • implementing a new policy; • requiring an apology or an undertaking that certain behaviour stops; and/or changing work arrangements.
What to do if you are not satisfied with the outcome: Review	<p>If any of the parties are not satisfied with the way the complaint was handled or the outcome of the complaint process, they can contact the Executive Director who can review the complaint handling process and/or the outcome. If a review is undertaken, the Executive Director's decision in relation to the review will be final.</p> <ul style="list-style-type: none"> • The Woolcock's goal is to resolve issues in-house wherever possible. Workplace Participants can seek the assistance of an outside agency if they feel that their complaint has not been adequately addressed.
Questions	<p>If a Workplace Participant or a manager/supervisor is unsure about any matter covered by this policy, they should seek the assistance of the Human Resources Manager.</p>
Variations	<p>The Woolcock reserves the right to vary, replace or terminate this policy from time to time.</p>
Actions to Achieve this Policy	<p>This policy will be posted on the Woolcock intranet.</p> <p>It will also be given to each new Workplace Participant and they will be asked to acknowledge that they have received the policy and that they will comply with it.</p>
Authorities and Responsibilities	<p>The Executive Director will be responsible for endeavouring to ensure compliance with this policy, including allocation of adequate resources to achieve compliance with this policy.</p> <p>All research leaders and managers/supervisors will be responsible for ensuring employees within their group comply with this policy.</p> <p>The Chief Operating Officer and the Human Resources Manager will be responsible for monitoring compliance with this policy and will from time-to-time review and recommend updates to this policy in line with changes in legislation.</p>

All **Workplace Participants** will be responsible for individually complying with this policy.

Version 5.1: February 2024	Administered by: Chief Operating Officer
Endorsed by: Board	Approval date: 7/2/24
Review date: February 2027	

Workplace Participant acknowledgement

I acknowledge:

- receiving the Woolcock Anti-discrimination, Bullying and Harassment Policy;
- that I will comply with the Policy; and
- that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment or the cancellation of my engagement.

Your name:	
Signed:	
Date:	

Appendix 1

Contact details for external agencies

Workplace Participants are subject to legislation applying to discrimination, harassment, victimisation, vilification and bullying in the workplace.

Commonwealth legislation:

Fair Work Act 2009

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Disability Discrimination Act 1992

Age Discrimination Act 2004

Australian Human Rights Commission Act 1986

Workplace Gender Equality Act 2012

State and territory anti-discrimination legislation:

Anti-Discrimination Act 1977 (NSW)

Equal Opportunity Act 2010 (Vic)

Racial and Religious Tolerance Act 2001 (Vic)

Anti-Discrimination Act 1991 (Qld)

Equal Opportunity Act 1984 (SA)

Racial Vilification Act 1996 (SA)

Equal Opportunity Act 1984 (WA)

Spent Convictions Act 1988 Pt3 Div 3 (WA)

Criminal Code Act 1913 (WA) – Chapter XI – Racist Harassment and Incitement to Racial Hatred

Anti-Discrimination Act 1998 (Tas)

Discrimination Act 1991 (ACT)

Anti-Discrimination Act 1996 (NT)

Work health & safety legislation

Work Health and Safety Act 2011 (Cth)

Work Health and Safety Act 2011 (NSW)

Work Health and Safety Act 2011 (Qld)

Work Health and Safety Act 2011 (SA)

Work Health and Safety Act 2011 (TAS)

Work Health and Safety Act 2011 (ACT)

Work Health and Safety Act 2011 (NSW)

Spent Convictions Act 1988 Pt3 Div 3 (WA)

Criminal Code Act 1913 (WA) – Chapter XI – Racist Harassment and Incitement to Racial Hatred

Anti-Discrimination Act 1998 (Tas)

Discrimination Act 1991 (ACT)

Anti-Discrimination Act 1996 (NT)

Appendix 2

Equal opportunity and discrimination agencies

The following agencies provide information and promote awareness of discrimination and equal opportunity issues. Complaints can be made to these agencies on issues of discrimination, harassment, victimisation and vilification.

Commonwealth

Australian Human Rights Commission <http://www.humanrights.gov.au>

New South Wales

Anti-Discrimination Board of NSW <http://lawlink.nsw.gov.au/adb>

Victoria

Victorian Equal Opportunity and Human Rights Commission www.humanrightscommission.vic.gov.au

Queensland

Anti-Discrimination Commission Queensland www.adcq.qld.gov.au

South Australia

Equal Opportunity Commission www.eoc.sa.gov.au

Western Australia

Equal Opportunity Commission www.eoc.wa.gov.au

Tasmania

Office of the Anti-Discrimination Commissioner www.antidiscrimination.tas.gov.au

Australian Capital Territory

ACT Human Rights Commission www.hrc.act.gov.au

Northern Territory

Northern Territory Anti-Discrimination Commission www.nt.gov.au/justice/adc

Fair Work Ombudsman

The Fair Work Ombudsman has the power to investigate complaints by employees about breaches of the general protections provisions which include workplace discrimination and adverse action for exercising a workplace right such as making a complaint of discrimination, harassment or bullying.

www.fairwork.org.au

Fair Work Commission

A worker who reasonably believes that he or she has been bullied or sexually harassed at work can apply to the Commission for an order to stop the bullying or sexual harassment. The Commission must start to deal with the application within 14 days.

www.fwc.gov.au

Appendix 3

The Woolcock will take all reasonable steps to create a safe and respectful workplace, by using the following seven (7) standards:

<p>LEADERSHIP</p> <p>Senior leaders understand their obligations under the Sex Discrimination Act and have up-to-date knowledge about relevant unlawful conduct. Senior leaders are responsible for ensuring that appropriate measures for preventing and responding to relevant unlawful conduct are developed, recorded in writing, communicated to workers and implemented. Senior leaders regularly review the effectiveness of these measures and update workers. Senior leaders are visible in their commitment to safe, respectful and inclusive workplaces that value diversity and gender equality. They set clear expectations and role model respectful behaviour.</p>
<p>CULTURE</p> <p>We foster a culture that is safe, respectful and inclusive and values diversity and gender equality. This culture empowers workers (including leaders and managers) to report relevant unlawful conduct, minimises harm and holds people accountable for their actions.</p>
<p>KNOWLEDGE</p> <p>We develop, communicate and implement policies regarding respectful behaviour and unlawful conduct.</p>
<p>RISK MANAGEMENT</p> <p>We recognise that relevant unlawful conduct is an <u>equality risk</u> and a health and safety risk. We take a risk-based approach to prevention and response. Senior leaders treat relevant unlawful conduct as an equality risk, health and safety risk and a legal risk.</p>
<p>SUPPORT</p> <p>We ensure that appropriate support is available to workers (including leaders and managers) who experience or witness relevant unlawful conduct.</p>
<p>REPORTING AND RESPONSE</p> <p>We ensure that appropriate options for reporting and responding to relevant unlawful conduct are provided and regularly communicated to workers and other impacted people. Responses to reports of relevant unlawful conduct need to be consistent and timely. They minimise harm to, and victimisation of, people involved. Consequences should be consistent and proportionate.</p>
<p>MONITORING, EVALUATION AND TRANSPARENCY</p> <p>We will collect appropriate records to understand the nature and extent of relevant unlawful conduct concerning our workforce. Such appropriate records will be retained and managed in full accordance with the Australian Privacy Principles.</p> <p>We may use de-identified personal information, obtained in the course of investigating a complaint under this policy, to conduct any management inquiry or review necessary, at any time.</p> <p>Personal information will be de-identified to protect the privacy of the individual.</p> <p>We may use the de-identified collected data to assess and improve the work culture, as well as to develop measures for preventing and responding to relevant unlawful conduct.</p> <p>We will be transparent about the nature and extent of reported behaviours that could constitute relevant unlawful conduct concerning their workers and actions taken to address it.</p>

