

# Antidiscrimination, Bullying & Harassment Policy

## 1 APPLICATION

1.1. This Policy applies to:

- a. HMRI directors, employees, volunteers, affiliated researchers, job candidates; student placements, contractors and building occupants;
- b. HMRI's interaction with and treatment of all people including employees, volunteers, affiliated researchers and members of the public, encountered in connection with HMRI related activities and operations;
- c. all aspects of HMRI activities and operations including employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; hours; leave arrangements' workload; research activities, research direction and strategy (including funding);
- d. interactions which are on-site, off-site or outside of work hours; including social functions or conferences.

1.2. To the extent that this policy relates to activities or conduct of non-employees of HMRI, the policy is intended to supplement and not alter any policy of the employer. In the event of any inconsistency between this policy and the policy of an individual's employer, the employer's policy should take precedence.

## 2 INTRODUCTION

2.1 HMRI is committed to providing a safe, flexible and respectful environment for employees, partner organisations, affiliates and visitors, free from all forms of discrimination, bullying and harassment. All HMRI employees and representatives are required to treat others with dignity, courtesy and respect.

## 3 POLICY INTENT

3.1 Harassment of any kind including discrimination, bullying and sexual harassment are unacceptable at HMRI and may be unlawful under the following legislation:

- a. Age Discrimination Act 2004 (Cth)
- b. Australian Human Rights Commission Act 1986 (Cth)
- c. Disability Discrimination Act 1992 (Cth)
- d. Fair Work Act 2009 (Cth)
- e. Racial Discrimination Act 1975 (Cth)

- f. Sex Discrimination Act 1984 (Cth)
- g. Relevant state or territory anti-discrimination, equal opportunity or work health and safety legislation.

3.2 This policy provides a framework for compliance with the above legislation and outlines the standards of conduct or behaviour expected by HMRI and the process for addressing behaviour or incidents which are inconsistent with such standards.

## 4 SCOPE

### *Employee rights and responsibilities*

4.1 All employees are entitled to:

- a. recruitment and selection decisions based on merit and not affected by personal characteristics that are not relevant to their work role or responsibilities;
- b. work free from discrimination, bullying and harassment;
- c. the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised;
- d. reasonable flexibility in working arrangements, especially where needed to accommodate their family or caretaker responsibilities, disability, religious beliefs or culture.

4.2 All employees must:

- a. refrain from engaging in and in appropriate circumstances, report discrimination, bullying or harassment;
- b. support people who experience discrimination, bullying or harassment, including providing information about how to make a complaint;
- c. avoid gossip and respect the confidentiality of complaint resolution procedures; and
- d. treat everyone with dignity, courtesy and respect.

4.3 People leaders must:

- a. model appropriate standards of behaviour;
- b. take steps to educate and make employees aware of their obligations under this policy and the law;
- c. intervene quickly and appropriately when they become aware of inappropriate behaviour;
- d. act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are provided an opportunity to communicate their position;
- e. ensure persons who raise an issue or make a complaint are not victimised;
- f. assist employees resolve complaints informally where appropriate; and

- g. refer formal complaints about breaches of this policy to the Head of Human Resources in the first Instance or directly to the HMRI Institute Director
- 4.4 People leaders must also ensure that all recruitment decisions are based on merit and that no discriminatory requests for information are made and must consider requests for flexible work arrangements.

### *Rights and Responsibilities generally*

- 4.5 All persons in their interactions with HMRI or in the HMRI Workplace, are entitled to:
- a. carry out activities free from discrimination, bullying and harassment;
  - b. have an opportunity to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.
- 4.6 All persons in the HMRI Workplace or who are representing HMRI or carrying out any HMRI activities must:
- a. refrain from engaging in and in appropriate circumstances, report discrimination, bullying or harassment;
  - b. avoid gossip and respect the confidentiality of HMRI complaint resolution procedures; and
  - c. treat everyone with dignity, courtesy and respect.

## **5 DISCRIMINATION**

- 5.1 Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic. Discrimination can occur:
- a. directly, when a person or group is treated less favourably than another person or group in a similar situation because of a particular personal characteristic
  - b. indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a particular personal characteristic.
- 5.2 There are identified personal characteristics which are protected under federal discrimination law which include disability, disease or injury, race, colour, descent, national origin or ethnic background, age, sex, industrial activity, religion, sexual orientation and marital status.

## **6 BULLYING**

- 6.1 Bullying is a form of harassment and can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation, ganging up or ignoring people.

- 6.2 Behaviours that may also constitute bullying also include sarcasm and other forms of demeaning language; threats, abuse, shouting or coercion
- 6.3 Unfair work practices can be considered as bullying - including deliberately withholding information or equipment that a person needs to do their job or access their entitlements.
- 6.4 If someone is being bullied because of a personal characteristic which is “protected” it is considered under federal laws to constitute discrimination. Bullying may also contravene work health and safety laws.

## 7 SEXUAL HARASSMENT

- 7.1 Sexual harassment is a specific and serious form of harassment. It is unwelcome sexual 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:
- comments or questions about a person’s private life or the way they look;
  - sexually suggestive behaviour, such as leering or staring;
  - touching;
  - sexually suggestive comments or jokes;
  - displaying offensive screen savers, photos, calendars or objects;
  - sexually explicit posts on social networking sites, emails or text messages; or
  - inappropriate advances on social networking sites.
- 7.2 Some forms of sexual harassment may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.
- 7.3 HMRI is committed to ensuring that all allegations and incidents of sexual harassment – no matter how large or small or who is involved - are responded to by employees and people managers quickly and appropriately and consistent with HMRI's procedures.

## 8 VICTIMISATION

- 8.1 Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under anti-discrimination or equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something which could constitute discrimination, sexual harassment or victimisation.
- 8.2 It may also be victimisation to threaten someone (such as a witness) who may be involved in investigating a concern or complaint.
- 8.3 Victimisation may contravene anti-discrimination or equal opportunity laws.

## 9 DECISIONS BASED ON MERIT

- 9.1 All recruitment and job selection decisions at HMRI 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.
- 9.2 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 a position.

## 10 CONFIDENTIALITY

- 10.1 Employees or representatives of HMRI must not communicate with other persons including employees, partners or contractors about any complaint of discrimination or harassment except in the circumstances prescribed in this policy or related procedure.

## 11 REPORTING HARRASSMENT

- 11.1 The process for reporting an incident of harassment and HMRI's responsibilities in dealing with incidents is detailed in the HMRI anti-discrimination, harassment and bullying Procedure. Reporting will be confidential and can be instigated by contacting any people manager or by email to the Head of Human Resources, WHS Advisor or [legal@hmri.org.au](mailto:legal@hmri.org.au).

## 12 FAILURE TO COMPLY WITH POLICY

- 12.1 Any person who engages in conduct that constitutes harassment, bullying, discrimination, victimisation or breaches confidentiality in relation to an incident or complaint may be subject to consequences under relevant regulations or legislation.
- 12.2 HMRI employees may be subject to disciplinary action, up to, and including termination of employment or contract where it is established that they have breached this policy.
- 12.3 Conduct by an HMRI Representative (who is not an employee) which is inconsistent with this policy may be referred to the person's employer for investigation and/or disciplinary action in accordance with the employer's policies and procedures and HMRI may end the relationship.

## DEFINITIONS

Please refer to HMRI's Definitions.

## RELATED DOCUMENTS

- HMRI Whistleblower Policy
- HMRI Code of Conduct
- HMRI Grievance Procedure

## VERSION CONTROL

Approval date	Effective date	Version
1 <sup>st</sup> June 2023 Board	07/06/23	18V1