

North West Residential Support Services Inc.  
Policies & Procedures  
**ANTI-DISCRIMINATION**

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Effective From: <January> <2015>  
Replaces: <>  
Review: NWRSS Board  
Contact: Neal Rodwell, General Manager  
Review Date: <January> <2018>

NWRSS abides by the Anti-Discrimination Act 1998 [Tasmania] and supports a discrimination-free workplace.

Discrimination based on any of the following is strictly forbidden:

- Race
- Age
- Sexual orientation
- Lawful sexual activity
- Gender
- Marital status
- Pregnancy
- Breastfeeding
- Parental status
- Family responsibilities
- Disability
- Industrial activity
- Political belief or affiliation
- Political activity
- Religious belief, affiliation or activity
- Irrelevant criminal record
- Irrelevant medical record
- Association with a person who has, or is believed to have had, any of the above attributes

This applies to all employees, as well as un-paid volunteers.

Definition of Discrimination

Discrimination is defined as any direct or indirect practice, condition or requirement that makes a distinction between people to the disadvantage of a particular person or group. Unintentional discrimination is not acceptable as a defence.

For the purpose of this policy, employment is deemed to include the application process for positions in the service.

Sexual Harassment

Sexual harassment is defined as:

- Subjecting a person to an unsolicited act of physical contact that is sexual in nature
- Making an unwelcome sexual advance or request for sexual favors
- Making an unwelcome remark or statement with sexual connotations in the presence of the person the comments are directed at
- Making any unwelcome gesture, action or comment of a sexual nature
- Engaging in conduct of a sexual nature that is offensive to the recipient

### Prohibited Behavior

People must not engage in any conduct that offends, humiliates, intimidates, insults or ridicules another person on the basis of an attribute referred to in this policy. People are expected to anticipate that other people might be affected by such behaviour.

### Contact Officers

The service will provide Contact Officers to assist staff in resolving any issue they believe may breach the Act or this policy. Contact Officers are available to:

- Explain the definition of discrimination
- Receive complaints and inquiries from staff
- Advise staff on their obligations and rights under this policy and the Anti-Discrimination Act 1998 [Tasmania]
- Assist staff in resolving any issue in accordance with the outlined procedures
- Bring to management's attention any actions or procedures that may be in breach of this policy or the Act
- Provide assistance for individuals to contact the Anti-Discrimination Commission

The General Manager, Direct Service Manager and Direct Service Managers are all contact officers.

### Victimisation

It is in breach of the Anti-Discrimination Act 1998 [Tasmania] as well as our own policy for any complainant to be victimised in any way because they seek resolution of an issue through the procedures set down.

### Anti- Discrimination Procedure

If a staff member feels they have been discriminated against by another employee, or by a practice or policy of the service, they are advised to follow the procedure set out below:

1. Discuss the matter with a Contact Officer.
2. The Contact Officer will complete a Complaint Sheet to the satisfaction of the complainant and then inform the General Manager.
3. The General Manager will commence an immediate investigation. Without exception all complaints will be investigated.
4. The General Manager and Contact Officer will interview the complainant in the company of any representative they choose.

5. The General Manager and Contact Officer will interview the accused in the company of any representatives the complainant chooses.
6. The General Manager and Contact Officer will interview any witnesses or other relevant parties.
7. The General Manager will make a decision on the matter.
8. The General Manager will provide both the complainant and the accused with a written summary of his/her findings and decision. The decision could involve any of the following:
  - Dismissing an unsubstantiated complaint
  - Instructing the individual/s concerned to cease such behavior and, if necessary, require them to apologise and undergo orientation and training on the requirements of the Act and policy
  - Formally discipline the individual/s concerned as set down in industrial law. This could include:
    1. A formal written warning
    2. Relocation to another work site
    3. Demotion or reduction in hours
    4. Termination of employment
    5. Reviewing and correcting any service procedures or actions that have breached the Act
9. If any party is not satisfied with the results they may seek redress through the Anti Discrimination Commission. The Contact Officer will assist them in making contact with the Commission if required.

If the Manager is the subject of the complaint, a completed Complaint Form should be presented to the President of the Board of Management who will arrange an investigation as outlined.

#### Lodging a Complaint

The following questions are a guide for lodging a complaint. You may submit more but at least provide the following information:

1. Outline clearly and precisely what the complaint is.
2. Are there any witnesses or other people that should be consulted in the process of investigating this complaint?
3. Is there a person(s) you would like to be present during any discussions with you in the investigation process?
4. What resolution are you hoping for if the complaint is substantiated?

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