




Anti-Discrimination and Harassment Policy & Procedures

Statement

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA), is committed ensuring that the working environment is free from discrimination and harassment. PQSA aims to create a working environment which is free from discrimination and harassment and where all members of staff are treated with dignity, courtesy and respect

Approved by: 	Date: February 2015
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Support Services and HomeCare+.

SCOPE

Compliance with this policy is a condition of appointment for all persons engaged to provide services on behalf of PQSA.

DEFINITIONS

Client – a person who receives services from any division of PQSA.

Duty of Care - The obligation of a person not to be careless or negligent and to exercise reasonable care in the conduct of an activity.

Equitable - open to all without systemic, hidden or apparent bias on the grounds of gender, race, disability, sexuality, age, marital status, pregnancy, potential pregnancy, breastfeeding, religious beliefs, medical record, criminal record or trade union activity.

Discrimination - less favourable treatment, or proposed less favourable treatment of a person on the basis of an Attribute.

Attribute –

- ◆ sex
- ◆ relationship status
- ◆ pregnancy
- ◆ parental status
- ◆ breastfeeding
- ◆ age
- ◆ race
- ◆ impairment
- ◆ religious belief or religious activity
- ◆ political belief or activity
- ◆ trade union activity
- ◆ lawful sexual activity
- ◆ gender identity
- ◆ sexuality
- ◆ family responsibilities
- ◆ association with, or relation to, a person identified on the basis of any of the above attributes.

Vilification on the grounds of race, religion, sexuality or gender identity is also unlawful.

Direct Discrimination occurs on the basis of one (or more) of the above attributes, if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

Indirect Discrimination occurs on the basis of one (or more) of the above attributes, if a person imposes, or proposes to impose, a term –

- ◆ with which a person with an attribute does not or is not able to comply; and
- ◆ with which a higher proportion of people without the attribute comply or are able to comply; and
- ◆ that is not reasonable.

Health – refers to the physical and psychological health of a worker.

Must – indicates a mandatory action required by law, industrial instrument, or an Association policy or procedure.

Should – indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action.

Reasonable – The appropriate standard or quality of objective decision-making that must be brought to bear when making an administrative decision.

Reporting – is an account or statement given either verbally or in writing with the specific intention of relaying information or recounting certain events in an objective manner.

Worker – is a person who carries out work in any capacity including work as an employee, contractor or subcontractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker, apprentice or trainee, or a student gaining work experience, or a volunteer.

Workplace – is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

RESPONSIBILITIES

Managers and supervisors are responsible for ensuring workers and clients are not harassed or discriminated against within the workplace or “in connection with” their employment or service provision.

Workers and clients are not to participate in discriminatory or harassing behaviour within the workplace.

POLICY

PQSA is committed to developing and maintaining an environment that is free of discrimination and harassment and which promotes respect for persons, integrity, equitable treatment and natural justice.

As outlined in the Code of Ethical Behaviour, PQSA actively discourages behaviours and actions that do not produce a positive, safe and respectful work environment.

Discrimination and harassment, including sexual harassment, will not be tolerated under any circumstances, and may be unlawful under State or Commonwealth law.

Workers have a responsibility to behave in a respectful and equitable manner towards other workers, clients, and members of the community as detailed in the Code of Ethical Behaviour.

PROCEDURES

Any worker, prospective worker or client, prospective client that believes that they are discriminated or harassed in the workplace may raise a dispute in accordance with the PQSA Workers Grievance or Client Complaints’ Management Policy and Procedure.

Appeals and Grievances

Workers have the right to appeal the decision to terminate employment. Appeals against termination must be lodged in writing to the Manager, Human Resources. Appeals must be heard by a Senior Manager and the Manager Human Resources within twenty-four (24) hours of the appeal being lodged. Grievances against the probationary procedures will be handled in accordance with the Workers Grievance and Client Complaints Policy and Procedures.

Confidentiality

Documentation relating to allegations of discrimination or harassment will be treated with the utmost confidentiality.

RELATED LEGISLATION

- ◆ Racial Discrimination Act 1975
- ◆ Sex Discrimination Act 1984
- ◆ Disability Discrimination Act 1992
- ◆ Age Discrimination Act 2004
- ◆ Australian Human Rights Commission Act 1986
- ◆ Whistle-blowers Protection Act (SA) 1993
- ◆ Work, Health and Safety Act 2012

SUPPORTING PQSA DOCUMENTATION

- ◆ Equal Opportunity Policy
- ◆ Bullying in the Workplace Policy and Procedure
- ◆ Recruitment Policy and Procedure
- ◆ Client Rights and Responsibilities
- ◆ Code of Ethical Behaviour
- ◆ Job Descriptions.
- ◆ Workers Grievance Policy and Procedure
- ◆ Clients Complaints Policy and Procedures
- ◆ Work, Health and Safety Management System
- ◆ Discipline and Termination of Employment Policy and Procedures
- ◆ Managing Diversity in the Workplace

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.