# ANTI-DISCRIMINATION

## Purpose

Meditech has implemented policies and procedures to promote work and service environments which are free from discrimination and harassment. This policy applies to all staff, service users and to members of the public with whom we have contact.

## Policy

Meditech is committed to a policy of non-discrimination. It is committed to providing all staff and service users with a work or service environment that is free from any form of discrimination, harassment and vilification to ensure that they are able to function effectively and participate fully in their respective areas of the organisation.

Meditech does not condone or tolerate discrimination, harassment, and vilification. Such behaviour is deemed to be unacceptable and may result in disciplinary action.

Meditech will ensure that allegations of discrimination, harassment or vilification will be dealt with in a prompt and confidential manner.

Meditech accepts responsibility to ensure that equal employment opportunities exist for all current and future employees. This applies to recruitment, interview, selection, appointment and promotion processes. Staff members will be selected or promoted according to merit irrespective of personal attribute.

In terms of Affirmative Action, Meditech recognises that certain groups of people are affected by past or continuing discrimination or disadvantage and as a result are more likely to be unemployed or working in lower paid jobs. As a result Meditech will take a systematic approach to the identification of barriers encountered by target group members. It will develop specific programs to assist such people to access employment, training or promotional activities.

## Scope

This policy applies to all employees of Meditech as well as the service users, their families, guardians and advocates.

## Definitions

* **Direct Discrimination:** direct discrimination means treating or proposing to treat another person less favourably on the basis of an attribute than the person treats or would treat someone without that attribute in the same or similar circumstances.
* **Indirect Discrimination:** indirect discrimination means imposing or proposing to impose an unreasonable requirement, condition or practice that may appear to be neutral but has a disproportionately negative impact on people with particular attributes. This means a requirement, condition or practice which:
* A person with the attribute does not or cannot comply with
* A higher proportion of people without the attribute or with a different attribute do or can comply with
* Is not reasonable in the circumstances.
* **Harassment:** Harassment is any form of behaviour that is not wanted, is not asked for and is not returned, that is likely to create a hostile or uncomfortable workplace by humiliating, intimidating or offending a person because of an attribute protected by the law.
* **Racial and Religious Vilification:** Racial and religious vilification is behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group, because of their race or religion.
* **Equal Employment Opportunity:** Equal Employment Opportunity results when the person best qualified for a position is successful without discrimination through processes which are open, transparent, and competitive and is based on merit. This includes direct and indirect discrimination on the basis of:
* Race, colour, descent, national or ethnic origin, ethno-religious background
* Sex
* Marital status
* Pregnancy or potential pregnancy
* Disability (including physical, intellectual or other disability and illnesses)
* Age
* Homosexuality
* Transgender status
* Carer’s responsibilities
* **Affirmative Action:** The term is used in different ways as follows:
* To cover everything to do with the development of equal employment opportunity plans as described above
* To describe strategies that provide special help for groups who have been disadvantaged in the past such as Indigenous People, women, people with disabilities etc.
* To cover programs and strategies aimed at women only and which enable women to compete equally for employment, training and promotional opportunities.

## Procedures

**Reporting and resolving allegations of discriminatory behaviour**

The following procedures will be adopted for the reporting and resolving of allegations of discrimination, harassment and/or vilification.

1. Any staff members or service users, who believe they are being discriminated against, harassed or vilified in a way which contravenes this policy or legislative Acts should immediately report the matter to their supervisor or to the Human Resources Manager. Service users may also report to any member of staff or management or external advocate.
2. All complaints in relation to discrimination, harassment or vilification will be treated in a confidential, sensitive, fair and timely manner.
3. All complaints in relation to discrimination, harassment or vilification will be fully investigated by a person appointed by the director and this may be an employee of Meditech or may be a person from an agreed external, independent agency.
4. The investigation and resolution of allegations of discrimination will be addressed according to the normal grievance and complaints management processes of Meditech.
5. If the complainant is not satisfied with the process or the outcome of the investigation they can make appeals to external bodies such as Human Rights Commission.

# ATTACHMENT 1

## Prohibition of discrimination and harassment on specified grounds

The following are examples of areas where people can be discriminated against or harassed.

* Age
* Breastfeeding in public
* Carer status
* Disability or impairment
* Employment activity
* Gender identity
* HIV, AIDS and Hepatitis C
* Industrial activity
* Irrelevant criminal record
* Lawful sexual activity
* Marital status
* Physical features
* Political belief or activity
* Pregnancy
* Race
* Religious belief or activity
* Same sex relationships
* Sex
* Sexual orientation
* Social origin
* Personal association with a person who is identified by reference to a protected attribute
* Any other attribute protected by law

1. **Discrimination in employment**

Discrimination in employment may include:

* Advertisements
* Interview questions
* Refusing to employ someone
* Setting unfair terms of employment
* Denying access to a training program
* Refusing or limiting access to opportunities for promotion, transfer or other employment benefits
* Unfair dismissal

# Legislation and Cross-Reference

**NSW Disability Services Act 1993**

**NSW Anti-Discrimination Act 1977**

**NSW Disability Services Act 1993**

**Human Rights and Equal Opportunity Commission Act 1986**

**The Racial Discrimination Act 1975**

**The Sex Discrimination Act 1984**

**The Disability Discrimination Act 1992**

**The Racial Hatred Act 1995**

**NSW Disability Services Standards**

* + - Standard 1 Rights
    - Standard 4 Feedback and Complaints

**Other relevant Meditech Policies and Procedures**

* + Abuse and Neglect
  + Entry Criteria
  + Exit Criteria