



Public, Political, Scientific Advocacy

ASMR workplace discrimination and harassment policy

The Australian Society for Medical Research

Workplace discrimination and harassment policy

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1. Scope

This policy applies to:

- board members
- all staff, including: leadership team, managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers
- how the Australian Society for Medical Research provides services to its financial members and how it interacts with other members of the public
- all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport
- on-site, off-site or after hours work; work-related social functions; conferences – wherever and whenever staff may be as a result of their duties with the Australian Society for Medical Research
- staff treatment of other staff, of member, and of other members of the public encountered in the course of their duties with the Australian Society for Medical Research.

2. Aims

The Australian Society for Medical Research (ASMR) is committed to providing a safe, flexible and respectful environment for staff, board members, State committee members and its financial members, free from all forms of discrimination, bullying and sexual harassment.

All ASMR staff are required to treat others with dignity, courtesy and respect and should expect the same in return.

By effectively implementing our *Workplace discrimination and harassment policy* we will attract and retain talented staff and board directors and create a positive environment in which to operate.

3. Staff rights and responsibilities

All ASMR staff, board directors, and State committee members are entitled to:

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

All ASMR staff, board directors, and State committee members must:

- follow the standards of behaviour outlined in this policy
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint
- avoid gossip and respect the confidentiality of complaint resolution procedures
- treat everyone with dignity, courtesy and respect.

3.1 Additional responsibilities of the ASMR leadership team

The ASMR leadership team (Executive) must also:

- model appropriate standards of behaviour
- take steps to educate and make staff, board directors, and State committee members aware of their obligations under this policy and the law
- intervene quickly and appropriately when they become aware of inappropriate behaviour
- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard
- help staff, board directors, and State committee members resolve complaints informally in the first instance
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer (the ASMR President or Senior Executive Officer) for investigation
- ensure staff who raise an issue or make a complaint are not victimised

- ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made
- seriously consider requests for flexible work arrangements.

4. Unacceptable workplace conduct

Discrimination, bullying and sexual harassment are unacceptable within the ASMR or at any of its events and are unlawful under the following legislation:

- *Sex Discrimination Act 1984 (Cth)*
- *Sex Discrimination Amendment (sexual orientation, gender identity and intersex status) Act 2013 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Age Discrimination Act 2004 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth).*

Staff (including the ASMR leadership team), board directors, and State committee members found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

4.1 Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, gender identify, sexuality, age, race or disability.

Discrimination can occur:

Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).

For example, a worker is harassed and humiliated because of their race or a worker is refused promotion because they are 'too old'

Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).

For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

Protected personal characteristics under Federal discrimination law include:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- sex, gender identify, sexuality

- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

4.2 Bullying

If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- deliberately withholding information or equipment that a person needs to do their job
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying is unacceptable in the ASMR and may also be against occupational health and safety law.

4.3 Sexual harassment

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 about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring

- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

The ASMR recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

4.4 Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment 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, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

The ASMR has a zero-tolerance approach to victimisation.

4.5 Gossip

It is unacceptable for ASMR staff, ASMR board directors, and ASMR State committee members to talk with other staff members, clients or suppliers about any complaint of discrimination or harassment.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and may lead to formal discipline.

5. Merit at the Australian Society for Medical Research

All recruitment and job selection decisions at the ASMR 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.

It is unacceptable and may be against the law to ask job or board 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 the position.

6. Resolving issues at the Australian Society for Medical Research

The ASMR strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed or victimised to take appropriate action by approaching either the ASMR President, a member of the ASMR Executive or the ASMR Senior Executive Officer and detailing the complaint.

6.1 Making a complaint

Any Staff member or Director who believes they have experienced or witnessed behaviour that contravenes this Policy may make a Complaint under this procedure.

At any stage of the process under this procedure, a staff member may seek the assistance and support of a Representative.

There are two options provided under these procedures for responding to a Complaint of Discrimination, Bullying or Harassment:

- 1) an informal complaint process, or
- 2) a formal complaint process.

A Staff member or Board Director is not required to exhaust informal attempts at resolution before formal action commences. Complainants have the right to formalise their Complaint at any stage.

If a Complaint is made, either as an informal complaint or a formal complaint, and where the seriousness of the alleged behaviour becomes apparent (e.g. misconduct/serious misconduct), at any time during the complaints processes it may be referred as follows:

a) in the case of a Respondent who is a Staff member, the matter may be referred to a member of the ASMR Executive Committee.

b) in the case of a Respondent who is a Board Director, a matter may be referred to the ASMR Senior Executive Officer or a member of the ASMR Executive Committee for further action (as appropriate).

6.2. Informal complaints process

An informal Complaint process is recommended where:

- a) The alleged behaviour is/was not violent and addressing it with the Respondent will not create an unsafe circumstance for the Complainant; and/or
- b) the Complainant simply wants to make it clear that the behaviour is unwanted and wants it to cease.

In the first instance the Complainant, if they feel safe to do so, is encouraged to initiate a conversation letting the Respondent know that their behaviour is impacting the Complainant and/or others and request that it stops.

The Complainant may approach the ASMR Senior Executive Officer or a member of the ASMR Executive Committee to request support to address the behaviour.

Potential outcomes of an informal process may include, but are not limited to:

- a) an apology;
- b) an agreement between the parties on acceptable behaviour;
- c) resetting expectations of behaviour for all parties by the ASMR Senior Executive Officer or member of the ASMR Executive committee;
- d) undertaking internally provided training programs;

The informal Complaint process will be carried out in good faith and according to the principles of natural justice. Complaints that are frivolous, vexatious, misconceived or lacking in substance will be rejected if a preliminary investigation of the facts indicates this. Where a Complaint is found to be vexatious or has been made in bad faith, disciplinary action may be taken against the Complainant.

6.3 Formal complaints process

A Complaint may be made under the formal Complaint's process regardless of whether an informal Complaints process has been instigated earlier.

The formal Complaints process option may be appropriate where:

- a) informal attempts at resolution have failed, or have not been pursued;
- b) the Complainant is alleging that the inappropriate behaviour being complained about is victimisation or reprisal action as the result of an earlier Complaint;
- c) the Complaint involves allegations which could constitute misconduct or serious misconduct as outlined through this policy;

A staff member or Board Director can initiate a formal Complaint relating to a breach of the Policy by completing the Bullying, Discrimination, and Harassment – Staff and Affiliates Formal Complaint Form. This form is to be completed in full and lodged with the ASMR Senior Executive Officer or member of the ASMR Executive.

The response to a formal Complaint may include:

- a) a method of Alternative Dispute Resolution; or
- b) investigation

The formal Complaint process will be carried out in good faith and according to the principles of natural justice. Complaints that are frivolous, vexatious, misconceived or lacking in substance will be rejected if a preliminary investigation of the facts indicates this. Where a

Complaint is found to be vexatious or has been made in bad faith, disciplinary action may be taken against the Complainant.

6.4. Formal investigation process

If the ASMR Senior Executive Officer or ASMR Executive Committee determines a formal investigation is necessary, an appropriate investigator will be appointed.

To afford Natural Justice to both the Complainant and Respondent, the investigator will ensure that:

- a) the Complainant and Respondent receive information about the standard of conduct expected during an investigation process, including confidentiality;
- b) the Respondent is fully apprised of the allegations against him or her;
- c) all issues are investigated;
- d) all participants in the investigation are informed of information relevant only to their participation in the investigation;
- e) the Complainant and the Respondent have the right to be heard and be treated impartially and without bias;
- f) the Complainant, Respondent and any interviewees are afforded the right to a Representative at discussions or interviews throughout the process;
- g) the investigation report is confidential and will not be released to any parties, unless required under law, but may be used to form allegations as part of any disciplinary processes.

For the purpose of conducting an effective investigation, all parties acknowledge that information relating to the investigation could contain confidential, sensitive or personal information or material. Information could include interviews, statements, emails, phone records, text or data messages, forming part of the investigation report and as such, shall not be made available to Staff or other stakeholders other than to the Respondent or Complainant (on a confidential basis) where reasonably necessary to afford natural justice to the parties.

The investigator will generally make a finding about the allegation of behaviour, which may be in breach of the Policy, in which case the Complainant and the Respondent will be notified in writing whether the allegation/s is/are substantiated or not and the reason for this determination.

Other parties involved in the investigation will receive communication to confirm their involvement has concluded or the investigation process has concluded.

On completion of an investigation, and if the allegations are substantiated, the relevant manager will determine appropriate actions, which may include but are not limited to:

- a) the Complainant and the Respondent participate in an Alternative Dispute Resolution (ADR);
- b) training;
- c) resetting expectations of behaviour by the ASMR Senior Executive Officer or ASMR Executive Committee; or
- d) other options as deemed appropriate to the circumstances; or

6.5 Alternative Dispute Resolution

ADR may help the Complainant and Respondent resolve a complaint or reach an agreement, and can occur at any stage of the complaint management process.

Participation in ADR in an informal or formal Complaint management process is voluntary and must be agreed to by both the Complainant and the Respondent.

Alternative Dispute Resolution may include:

- a) Mediation: a process in which the Complainant and the Respondent, with the assistance of an independent dispute resolution practitioner (the mediator) negotiate in an endeavour to come to a mutually agreed resolution. The mediator has no advisory or determinative role.
- b) Facilitation: a process in which the parties (usually a group), with the assistance of an independent dispute resolution practitioner (the facilitator) identify problems to be solved, tasks to be accomplished or disputes issues to be resolved. Facilitation may conclude there, or it may continue to assist the parties to develop options, consider alternatives and endeavour to reach an agreement. The facilitator has no advisory or determinative role.
- c) Conciliation: a process in which the Complainant and the Respondent, with the assistance of an independent dispute resolution practitioner (the conciliator), identify the issues, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the dispute or the outcome of its resolution, but not a determinative role.

6.6 Confidentiality

Any party involved in a matter relating to the Policy and this Procedure (including Complainant, Respondent, witnesses, interviewees and Representatives) have a responsibility to treat a Complaint and all information and associated processes as confidential.

Information provided by the Complainant or the Respondent will be treated as confidential and will be provided only to those who have a need for the information for the purposes of managing the complaint in the course of their Society membership or when it is required in the course of investigating or resolving the Complaint.

6.7 False allegations and/or vexatious complaints

Reports (whether oral or in writing) made in bad faith and/or including false information in the course of an investigation may lead to allegations of Misconduct/Serious Misconduct and result in disciplinary action against the person.

If the Complaint is found to be vexatious, the Society may take action against the Complainant.

6.8 Employee assistance program

ASMR staff and Board Directors are entitled to one session of free, professional counselling from our employee assistance program. To access the employee assistance program, contact the ASMR Senior Executive Officer.

Employee assistance program counselling is confidential and nothing discussed with a counsellor will be communicated back to the ASMR.

7. Other relevant ASMR policies

Staff, especially the ASMR leadership team, are encouraged to read this policy in conjunction with other relevant ASMR policies, including

- Workplace sexual harassment policy
- Flexible work arrangements policy
- Pregnancy and work procedure and policy
- Occupational health and safety policy

- Workplace complaint resolution policy and procedure
- Mission, vision and values statements

8. More information

If you have a query about this policy or need more information please contact

Ms Cath West, ASMR SEO and CFO, asmr@asmr.org.au

9. Review details

This policy was adopted by the ASMR on [22nd May, 2020](#)

This policy was last updated on [22nd May, 2020](#)