

By-Law 8

Anti-Discrimination

Aim

Set guidelines for professional and ethical behaviour of all members, volunteers, staff and agents of the Returned & Services League of Australia (Tasmania Branch).

Why have an Anti-Discrimination Policy?

Under Section 104 of the Anti-Discrimination Act 1998 (“the Act”), the Returned & Services League of Australia (Tasmania Branch) Inc has an obligation to take reasonable steps to ensure its members, officers, employees and agents are aware of and do not engage in, repeat or continue discrimination and prohibited conduct.

Under the Act, discrimination, victimisation, harassment and bullying, sexual harassment and inciting hatred are illegal.

As part of our commitment to fair treatment, the RSL requires that all members, volunteers, employees and agents shall have an environment free of discrimination, victimisation, harassment and bullying, sexual harassment and inciting hatred. These types of behaviour are unacceptable and will not be tolerated under any circumstances.

A person must not discriminate against another person on the grounds of any of the following attributes:

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

Other prohibited conduct

- Any conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of gender, marital status, relationship status, pregnancy, breastfeeding, parental status, family responsibilities in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, insulted or ridiculed;
- Sexual harassment
- Victimisation (in relation to complaint)
- Inciting hatred (by public act) – on the grounds of race, disability, sexual orientation, lawful sexual activity, political belief or affiliation, religious belief or affiliation, or political or religious activity;

- Publishing, displaying or advertising matter that promotes, expresses or depicts discrimination or prohibited conduct; and
- Aiding contravention of the Act.

Under Anti-Discrimination law, the RSL can be liable for discrimination, harassment and bullying, sexual harassment and inciting hatred that happens in the RSL, unless it can be shown that reasonable steps have been taken to prevent it.

Committees and Managers therefore must ensure that all members, volunteers, employees and agents are treated fairly and are not subject to any of these behaviours. They must also ensure that people who make complaints, or who are witnesses, are not victimised in any way.

Any reports of discrimination, victimisation, sexual harassment and inciting hatred will be treated seriously and investigated promptly, confidentially and impartially. If a person believes that they have been discriminated against, harassed, bullied or sexually harassed, they should refer to the grievance procedure contained in the relevant Sub-Branch /State Branch Constitution.

Any officer, member, or employee of the Branch or Sub Branch reported to have allegedly discriminated against another person shall be asked in writing by the Chief Executive Officer of the Branch or the Secretary of the Sub Branch to which the person is a member/employee to explain his/her action.

Once it has been proven that an incident has occurred, mediation is to be offered to all parties in the first instance to deal with the situation. Should mediation fail or not be accepted by one or both parties, the matter is to be dealt with within the RSL under the discipline procedures within the Sub Branch Constitution or by By-Law 20 of the State Constitution – State Branch Tribunal. Following the above procedures does not negate the right of the complainant, at anytime during the above proceedings, to lodge the complaint directly with the Office of the Anti-Discrimination Commission if they so wish.

What is Discrimination?

Discrimination can be either direct or indirect

Direct discrimination occurs if a person is treated on the basis of an attribute, imputed attribute or a characteristic imputed to that attribute **less favourably** than a person without that attribute or characteristic.

Indirect discrimination is described as a practice, policy, procedures or rule that appears to treat everyone equally but has the effect of disadvantaging certain groups based on an attribute and which is unreasonable in the circumstances.

Discrimination occurs when someone is treated unfavourably because of an attribute under the Act. Discrimination may involve:

- Making offensive ‘jokes’, either verbally or in written form, about another person’s racial or ethnic background, sex, sexual preference, age or disability.
- Expressing negative stereotypes about particular groups eg: ‘married women shouldn’t be working’.
- Judging someone on their political or religious beliefs rather than their work performance.
- Using selection processes based on irrelevant attributes such as age, race or disability rather than on skills and merit.

What is Harassment and Bullying?

Harassment is unwelcome conduct that humiliates, offends or intimidates people.

Bullying is another form of harassment. Examples of bullying behaviour includes unfair and excessive criticism, publicly insulting someone, ignoring a person's point of view, constantly changing or setting unrealistic work targets and undervaluing a person's efforts at work.

What is Sexual Harassment?

Sexual harassment is any form of unwelcome sexual attention. It includes unwelcome touching or other physical contact, remarks with sexual connotations, smutty jokes, requests for sex, or the display of offensive materials such as pictures, posters or computer graphics.

Sexual harassment is against the law wherever and whenever it occurs. The RSL will not tolerate sexual harassment within the RSL environment. There is no onus on the person being harassed to say he/she finds the conduct objectionable. Many people find it difficult to speak up. If you think the behaviour may offend, then don't do it.

Sexual harassment has nothing to do with mutual attraction. Such friendships are a private matter.

What is Inciting Hatred?

Inciting Hatred is behaviour that:

- (a) Happens in a public place; and
- (b) Incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity.

The RSL can be considered a place. This means that any conduct which can possibly be observed by the public or any sort of communication either verbal or in writing to the public can be considered to have happened in a public place.

Some examples of Inciting Hatred:

- Placing a poster or sticker somewhere that incites others to hate people because of their race, religion, sexuality or gender identity.
- Hate graffiti written on toilet walls that incite hatred because of race, religion, sexuality or gender identity.
- Wearing of symbols, badges or clothing in the RSL with slogans that incite hatred.
- An employee abusing a person because of their race, religion, sexuality or gender identity in the workplace which encourages others to hate people of that race, religion, sexuality or gender identity.
- A work colleague making a speech in the work tea room that incites hatred of people because of their race, religion, sexuality or gender identity.

Policy to By Law 8

Equity & Discrimination in the Workplace

Policy

RSL TASMANIA is committed to the principles of equity and equal employment opportunity and to the elimination of inappropriate and unlawful discrimination, all forms of harassment (including sexual harassment) and bullying in the workplace. Full details of the types of behaviour covered by this policy can be found in Anti-Discrimination By Law 8 document as part of State/Sub Branch Constitutions.

Responsibilities

Elected Officers, Members, Managers and Supervisors

The Elected Officers, appointed Supervisors have a responsibility under state and federal legislation to:

- Know, understand and implement RSL Tasmania policy on equity and discrimination in the workplace;
- Know and understand obligations under Federal and State Legislation;
- Ensure RSL Tasmania's commitment to equity and to the elimination from the workplace of all forms of harassment, bullying and inappropriate discrimination is effectively communicated to all members and employees;
- Take responsibility and act upon instances of inappropriate discrimination, harassment and bullying that are evident or reported in the workplace;
- Ensure that all issues are treated in a sensitive and confidential manner.

Employees

All employees of RSL Tasmania have a responsibility under this policy and under both state and federal legislation to:

- Treat fellow employees, potential employees, customers and those involved in dealings with the RSL Tasmania fairly and equitably;
- Ensure their behaviour is professional and consistent with relevant legislation;
- To take appropriate action in accordance with this policy and the associated procedures should they be subject to discrimination or harassment;
- Not to aid, abet or participate in any acts of inappropriate discrimination, any form of harassment and bullying, and to discourage other employees from such unacceptable behaviour.