

# Good practice, good business



Australian  
Human Rights  
Commission

*everyone, everywhere, everyday*

Eliminating discrimination and harassment from your workplace

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## WRITING AN EFFECTIVE ANTI-DISCRIMINATION AND HARASSMENT POLICY

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A key aspect of prevention of discrimination and harassment in the workplace is the development and promotion of a written policy which makes it clear that these actions will not be tolerated under any circumstances.

### ***What type of policy?***

Some employers have a general workplace policy which covers all forms of unlawful discrimination and harassment (such as discrimination and harassment on the grounds of race, disability, sexual preference, age, etc). Others decide there is a need for a stand alone sexual harassment policy, particularly if sexual harassment is a common or recurring problem within the workplace.

Both options are valid and it is up to employers to decide what is most appropriate for them. If a general policy is adopted, however, it is important that the different types of discrimination and harassment are well-defined and addressed comprehensively. If the policy is too broad or generic its impact and clarity may be compromised. A *written policy checklist* to use as a guide is included in this fact sheet.

### ***Promotion of the policy***

It is recommended that an organisation officially launches its policy at a meeting with all staff. If this is not possible, the endorsement of the chief executive officer or a senior management representative should be disseminated, emphasising that all staff are required to comply with the policy.

An effective means of ensuring that the policy is promoted on an ongoing basis is to periodically put a copy in pay slips. Policies can also be promoted by e-mailing copies to employees

and putting a copy on the company Intranet. The policy should also be displayed on notice boards, included in personnel manuals, made accessible on computer networks and promoted at staff briefings and meetings where relevant.

Employers should provide the policy to new staff as a standard part of induction. Employers may want employees to sign a copy of the policy acknowledging that they received and understood it.

To ensure that the policy is widely promoted and regularly updated, responsibility for circulation and review should be allocated to a specific position or area.

### ***What to include in a policy***

A policy should include:

#### ***A strong opening statement on the organisation's attitude to discrimination and harassment***

The statement should say:

- that the organisation is committed to ensuring that the working environment is free from discrimination and harassment
- that discrimination and harassment will not be tolerated under any circumstances
- that disciplinary action will be taken against any employee (or agent) who breaches the policy.

To give the policy credibility and maximum impact, the opening statement should appear above the signature of the chief executive officer. Where possible and relevant, the policy should be translated for people from culturally and linguistically diverse backgrounds.

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## FACT SHEET:

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#### **An outline of the organisation's objectives regarding discrimination and harassment**

This demonstrates that the organisation is committed to a comprehensive strategy for eliminating discrimination and harassment. Employers may wish to say that their organisation 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
- implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities
- provide an effective procedure for complaints based on the principles of natural justice
- treat all complaints in a sensitive, fair, timely and confidential manner
- guarantee protection from any victimisation or reprisals
- encourage the reporting of behaviour which breaches the discrimination and harassment policy
- promote appropriate standards of conduct at all times.

#### **A clearly worded definition of discrimination and harassment**

A definition of discrimination and harassment could say:

Discrimination and harassment occur when a person is discriminated against or harassed in the workplace and in certain areas of public life:

- because of their race, colour, descent or national or ethnic origin, as defined under the *Racial Discrimination Act 1975*
- or because of their sex, marital status, pregnancy as defined under the *Sex Discrimination Act 1984*
- or because of a disability as defined under the *Disability Discrimination Act 1992*
- or because of age as defined under the *Age Discrimination Act 2004*

- and some grounds under the *Australian Human Rights Commission Act 1986*.

All states have their own anti-discrimination legislation and it may be appropriate to list the legislation for your state at the end of this definition.

See the following fact sheets for definitions: *What is discrimination and harassment?; Age discrimination; Disability discrimination and harassment; Race discrimination and racial hatred; Sex discrimination and sexual harassment*.

#### **Circumstances where harassment/discrimination can occur**

Print out a copy of the summary of federal/state anti-discrimination legislation at [www.humanrights.gov.au/employers/](http://www.humanrights.gov.au/employers/) and circulate this to staff and display this in areas accessible to all staff.

#### **Who has responsibility for ensuring workplace harassment and discrimination does not occur**

Emphasise the primary role of the managers and supervisors in ensuring staff and clients are not harassed or discriminated against within the workplace or "in connection with" the person's employment. Emphasise the responsibility of every employee not to participate in discriminatory or harassing behaviour within the workplace.

#### **Likely consequences of unlawful discrimination or harassment**

Ensure staff are aware of the consequences of engaging in unlawful discrimination or harassment. Establish a range of outcomes, such as an apology, transfer or dismissal.

#### **Where to get help if discrimination or harassment occurs**

Ensure staff are provided with the names and contact numbers of nominated person(s) who have been trained to assist in the formal or informal resolution of complaints within the workplace.

#### **How the complaints procedure operates**

Ensure staff understand how complaints procedures operate within your organisation.

## CHECKLIST



A written policy should include:

- ✓ *a strong statement of the organisation's attitude to discrimination and harassment*
- ✓ *a clearly worded definition of discrimination and harassment*
- ✓ *a statement that discrimination and harassment on any of the grounds listed in the legislation is against the law*
- ✓ *circumstances where discrimination and harassment can occur*
- ✓ *a statement that everyone has a responsibility to prevent workplace harassment and discrimination*
- ✓ *information on how and where to seek help if discrimination or harassment occurs, and*
- ✓ *the likely consequences of unlawful discrimination or harassment.*

