

Centenary Anti-Discrimination, Harassment, Sexual Harassment Policy & Procedure

1. Purpose	2
2. Scope	2
3. Standards of Behaviour	3
4. Principles	4
5. Discrimination	4
5.1 Direct discrimination.....	4
5.2 Indirect discrimination.....	5
6. Harassment	5
7. Sexual Harassment	6
7.1 Conduct must be 'unwelcome'.....	7
7.2 Intention is irrelevant.....	7
7.3 Workers.....	8
7.4 Support and Counselling.....	8
8. Workplace Bullying	9
9. Victimization	9
10. Vilification	9
11. Complaint Handling Procedure	9
11.1 Maintaining confidentiality.....	10
11.2 Right of Centenary.....	10
11.3 Right of the Complainant.....	10
12. Breach of this Policy.....	10
13. Roles and responsibilities	11
13.1 Centenary Senior Leadership.....	11
13.2 Supervisors/ Managers.....	11
13.3 Centenary Workers.....	12
13.4 Head of People and Culture.....	12
14. Definitions	13
15. Centenary Contacts	14
16. Related policies and documents.....	14
16.1 Centenary resources:.....	14
16.2 Relevant Federal regulatory bodies and legislation:.....	15
16.3 Relevant NSW regulatory bodies and legislation:.....	15

1. Purpose

Centenary Institute of Cancer Medicine and Cell Biology (**Centenary**) aims to provide an environment where **Centenary Workers** and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, bullying, harassment, sexual harassment and vilification.

This policy and procedure is designed to ensure that all workers understand what will be regarded as discrimination, bullying and harassment, how complaints can be made and how claims will be treated by Centenary.

This Policy and Procedure is to be used in conjunction with the *Workplace Bullying Policy*, *Performance and Misconduct* and *Grievance Policy*.

2. Scope

This Policy applies to all Centenary Workers, including any employees, visiting researchers, consultants, contractors (temporary or otherwise), students or other persons working for Centenary, and operates in conjunction with the contract of appointment.

This Policy is not limited to the workplace or work hours and covers all work related events which includes but is not limited to functions, meetings and places that are work related, for example, work lunches, conferences, Christmas parties and client functions.

This policy also relates to but is not limited by the following types of communication:

- Verbal communication either over the telephone or in person in and outside the workplace,
- Written communication including letters, notes, minutes of meetings and all other physical communication,

Internal and external electronic communication including:

- Email
- Instant messaging services
- Internal intranet
- Communication via Google Meet, Zoom, Face-Time and other platforms
- Social media and networking forums including Facebook, LinkedIn, Twitter and other forms of social media
- Communications via text message.

This Policy does not form part of a Centenary Workers contract of employment or contract of appointment.

If the matter involves a worker who is not directly employed by Centenary ie consultants, or other persons seconded to work at Centenary, the person will also be referred to their employer ie University of Sydney, UTS, Local Health District etc to ensure that the process also complies with their employer organisation's policies and procedures.

If the matter involves a student the person would also be referred to their enrolling university.

If the matter involves both Centenary and non Centenary workers, Centenary will work together with the other organisations to manage the grievance process.

3. Standards of Behaviour

In line with Centenary's commitment to creating a workplace which is free from workplace health and safety risks and one which strives to create positive working relationships, all those covered by this policy and procedure are expected to observe the following minimum standards of behaviour:

- Being polite and courteous to others;
- Being respectful of the differences between people and their circumstances;
- Ensuring they do not engage in any discriminatory or bullying behaviour(s) towards others in, or connected with, the workplace which includes customer, clients, suppliers, supervisors, managers and other visitors;
- Ensuring they do not assist, or encourage, others in the workplace, or anyone who has a connection with the workplace to engage in discriminatory or bullying behaviour(s) of any type;
- Adhering to the complaint procedure in this policy if they experience any discriminatory or bullying behaviour(s) personally;
- Reporting any discriminatory or bullying behaviour(s) they see happening to others in the workplace, or connected with the workplace, in line with the complaint procedure outlined in this policy;
- Keeping information confidential if involved in any investigation of discrimination, bullying or harassment.

Centenary will take all complaints of discrimination, bullying, harassment and sexual harassment seriously, and respond with impartiality and confidentially.

4. Principles

According to the *Fair Work Act 2009*, discrimination occurs in the workplace when an employer takes **Adverse Action** against a worker or prospective worker because of a **Protected Attribute**.

Under Federal and NSW legislation, discrimination, vilification, sexual harassment, bullying and victimisation are unlawful and strictly prohibited.

In accordance with the Sex Discrimination Act 1984- Centenary will take all reasonable and proportionate measures to eliminate, as far as possible, conduct that includes:

- Sexual Harassment,
- Harassment on the grounds of sex,
- Discrimination on the ground of a person's sex,
- Conduct that subjects a person to a hostile work environment on the ground of sex, sexual orientation and gender identity,
- Acts of victimisation that relate to complaints, proceedings, assertions or allegation in relation to conduct in points above

All Centenary Workers should be aware that engaging in unacceptable behaviour may result in them being personally liable to prosecution and penalties imposed by the courts for breaches of legislation.

All Centenary workers have a responsibility to contribute to the achievement of a harmonious workplace by not engaging in any form of unwelcome behaviour.

5. Discrimination

5.1 Direct discrimination

Direct discrimination in employment or appointment occurs when a person is treated less favourably than another in their work environment because of a reason or Protected Attribute which is prohibited by law. Unlawful discrimination is any practice which makes a distinction between individuals that disadvantages some people or advantages others, whether it be intentional or unintentional. Protected Attributes may include, but are not limited to the following grounds of discrimination or vilification:

- sex
- race, colour, descent, national or ethnic origin

- age
- disability or health status (physical, mental or intellectual)
- sexual orientation, intersex status or gender identity
- marital or domestic status
- pregnancy or potential pregnancy
- breastfeeding
- family responsibilities and/or parental/carer's status, being childless
- religious beliefs
- political opinion
- trade union activity or employer association
- HIV/AIDS status
- defence service
- discriminating against or harassing someone because of any of the above grounds of their relative or associate.

5.2 Indirect discrimination

Indirect discrimination may occur when an organisation imposes a policy, requirement or condition which applies to everyone equally, but it in fact operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (i.e. a prohibited ground of discrimination).

Discrimination also includes the situation where a workplace participant harasses another person based on a ground of discrimination.

6. Harassment

Harassment is conduct that a reasonable person would expect to offend, humiliate or intimidate another person. Harassment is a breach of this policy.

Prohibited harassment can take many forms, such as sexual harassment, bullying, disability harassment or racial or religious vilification. It is not limited to these forms of harassment.

Harassment prohibited under this policy may occur by way of:

- an ongoing pattern of behaviour
- a series of incidents
- an isolated incident of harassment.

Harassment can be physical, verbal or written. It can include words, pictures or statements. It may be transmitted by post, phone, fax, video, e-mail, messaging apps, mobile phone text messages, posters or photographs, computer servers or screensavers.

7. Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person. However, conduct will not be sexual harassment if a reasonable person, having regard to all the circumstances, would not have anticipated that the conduct would offend, humiliate or intimidate the other person. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile working environment for other workplace participants can also be unlawful.

Centenary **will not** tolerate sexual harassment or victimisation and is committed to taking all reasonable steps to prevent an employee from engaging in acts of sexual harassment or victimisation in connection with their appointment .

This Policy is a proactive step in preventing sexual harassment in the workplace. Each Worker will be notified of this policy upon commencement of appointment and can access it for the duration of their appointment .

Centenary will educate Workers and its managers on sexual harassment and will undertake periodic reviews to ensure that this policy is complied with.

Depending on the circumstances the following kinds of behaviour may be deemed sexual harassment and may be unlawful

- physical contact such as pinching, touching, grabbing, kissing or hugging
- staring or leering at a person or at parts of their body
- sexual banter or innuendo and offensive jokes or comments
- requests for sexual favours
- persistent requests to go out, where they are refused
- sexually explicit conversations
- intrusive questions or remarks about a person's sexual activities or private life
- displays of offensive material such as posters, screensavers, internet material etc
- accessing or downloading sexually explicit material from the internet
- suggestive comments about a person's body or appearance
- sending rude or offensive emails, attachments or text messages.

Please note the above list is not exhaustive

It is unlawful for a person to subject another person to a workplace environment that is hostile on the grounds of sex which results in an offensive, intimidating and humiliating environment for people of one sex although it does not necessarily need to be directed at a specific person.

In determining whether a person has been subjected to a hostile work environment on the grounds of sex, it is necessary to consider the seriousness of the conduct, whether the conduct was continuous or repetitive and the role, influence or authority of the person engaging in the conduct.

Acts of sexual harassment may also constitute criminal offences, such as:

- physical molestation or assault;
- indecent exposure;
- sexual assault and rape;
- stalking; or
- obscene communications (telephone calls, faxes, letters, emails etc.).

Acts of sexual harassment or victimisation occurring after work or outside of the specific workplace may still be considered 'in connection' with a Workers appointment . Therefore, this policy is applicable to any conduct occurring after office hours or outside of the workplace (including but not limited to social engagements that may be in connection with the Company). Further, being under the influence of drugs or alcohol is not considered an excuse for engaging in sexual harassment or victimisation.

Sexual harassment doesn't have to be repeated or continuous. It can be a one-off incident. Sexual harassment in connection to employment can be considered serious misconduct and can be a valid reason for dismissal.

7.1 Conduct must be 'unwelcome'

Conduct will only be deemed sexual harassment if it is 'unwelcome'. Consensual conduct will not be 'unwelcome'. Unwelcome conduct is conduct that was not solicited or invited by the person, and the person regarded the conduct as undesirable or offensive. It is a subjective test and relies on how the action was perceived and experienced by the recipient rather than the intention behind it.

7.2 Intention is irrelevant.

Workers do not need to intend to offend, humiliate or intimidate, or even to know that this was the effect of their own behaviour for this conduct to be sexual harassment. For example, a practical joke that 'everyone else thinks you are funny' can amount to sexual

harassment as long as somebody else finds it offensive and regardless of the intentions of the person saying this.

7.3 Workers

All workers have a responsibility to address observed incidents of sexual harassment or if they hear it has occurred. This can occur in the workplace or during any work related activity. They must cooperate with any reasonable policy or procedure which relates to the prevention of sexual harassment in the workplace or during a work related activity.

Appropriate ways to address and respond to an incident may be

- **Report-** say something about the behaviour to a manager
- **Respond-** if you feel safe and comfortable to do so, address the behaviour in the moment in a professional and calm manner. This can be an excellent opportunity to educate the person on the correct behaviour if appropriate. This is not an expectation to intervene physically.
- **Support-** check in on the person who the behaviour was directed at and make sure they are ok and educate them on options to report or respond.

Responding and addressing incidents of sexual harassment is an important step to the prevention and management of sexual harassment in the workplace

7.4 Support and Counselling

Workers are strongly encouraged to follow the Complaint Handling Procedure contained within this Policy. Furthermore Centenary encourages individuals to contact any of the following providers for mental health support

Lifeline

Ph 13 11 14

Website www.lifeline.org.au

BeyondBlue

Ph 1300 224 636

www.beyondblue.org.au

1800 RESPECT

Ph 1800 737 732

www.respect.gov.au

Employees can also contact the Employee Assistance Program which for Centenary is AccessEAP. They can be contacted on 1800 818 728 or www.accessseap.com.au for immediate counselling and support for a confidential discussion.

8. Workplace Bullying

Bullying is repeated, unreasonable and inappropriate behaviour directed towards an individual or group, which creates a risk to health and safety.

Fair and reasonable management action taken in order to counsel an employee for instances of underperformance, investigating complaints made against employees, discipline for misconduct and other work directions in line with business needs does not amount to bullying.

Please refer to the *Workplace Bullying Policy* for more information in relation to workplace bullying.

9. Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint or they are involved in a complaint of unlawful conduct. Centenary Workers must not retaliate against a person who raises a complaint or subject them to any detriment.

10. Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, religious conviction, sex, sexuality, gender identity, or HIV/AIDS status. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

11. Complaint Handling Procedure

All individuals covered by this policy who believe that they have been subject to or observed discrimination, bullying or harassment should follow the Centenary Grievance Policy. Any action will be taken in line with the *Grievance Policy and or Performance and Misconduct policy*.

The avenues available are:

- Attempting to resolve the matter directly with the other person involved,
- Seeking the assistance of the direct supervisor/ manager and or People and Culture,

- Lodging a formal grievance.

Preferably matters will be resolved satisfactorily internally. However, all persons have the right to lodge a complaint externally with the relevant anti-discrimination body which includes Australian Human Rights Commission, Anti discrimination Board NSW etc.

If a Centenary Worker feels that they have been subjected to any form of unlawful conduct contrary to legislation or this P&P, they should not ignore it.

11.1 Maintaining confidentiality

Supervisors must take all 'reasonable steps' to maintain the confidentiality and privacy of all individuals concerned to prevent:

- the possibility of victimisation of complainants, and
- legal action for defamation.

11.2 Right of Centenary

Regardless of the action taken, a confidential record of any reported incident will be kept. This will include relevant details of what happened, dates, times and places, and witnesses. Any such reports will be handled according to the *Records Policy*.

11.3 Right of the Complainant

Individuals should be aware that it is possible under federal and state anti-discrimination laws for an individual to be sued by a complainant as a separate matter in relation to complaints of harassment or anti-discrimination in the workplace.

The victimisation of any person who has complained of harassment or who has been asked to assist in any investigation of a complaint is unlawful. A Centenary Worker who victimises another will be subject to disciplinary action.

12. Breach of this Policy

All Centenary Workers are required to comply with this Policy at all times.

Any breach of this Policy will result in disciplinary action being taken according to the *Centenary's Performance and Misconduct Policy*.

Non compliance or a breach of standards by contractors or visitors is the responsibility of the Senior Leadership team.

If a person makes an unfounded complaint or a false complaint in bad faith (eg. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined in accordance with the Centenary's Performance and Misconduct Policy and may be exposed to a defamation claim.

13. Roles and responsibilities

13.1 Centenary Senior Leadership

The Leadership group has the primary responsibility for monitoring the effectiveness of this Policy.

13.2 Supervisors/ Managers

Promoting the principles of anti-discrimination and EEO in the workplace is the responsibility of Supervisors.

This can be achieved by:

- providing Centenary Workers with a positive role model,
- making fair, non-discriminatory decisions,
- being familiar with this Policy, in order to respond effectively to any questions or concerns raised by the people they supervise,
- making it clear that any discriminatory behaviour or practices from any students or colleagues will not be tolerated,
- ensuring Centenary Workers are aware of, understand and comply with Centenary policies,
- ensuring Centenary Workers attend appropriate training/learning sessions when required,
- acting immediately if they witness or are told about any unfair treatment, discrimination or harassment — by following the information in the *Personal Grievance Policy*,
- when introducing a new person into their work environment who is of a different age gender, ethnic background etc, to others in the work environment, actively monitor the environment to ensure they are not harassed,

- being prepared to change their decision if a Centenary Worker or group of Centenary Workers raise reasonable objections about its fairness, and it is possible to make a decision that is both practical and fairer for everyone involved,
- acknowledging that diversity makes good business sense,
- responding to complaints about discrimination and harassment quickly, confidentially and effectively,
- seeking assistance from the Head of People and Culture as necessary.

13.3 Centenary Workers

It is the responsibility of all Centenary Workers to respect the rights of others and ensure that they do not become involved in or encourage discrimination, harassment, bullying behaviour.

Centenary Workers are responsible for:

- adhering to this Policy
- respecting the rights of others and never engaging in unwelcome behaviour
- treating fellow Centenary Workers and visitors fairly and equitably
- Stop any behaviour that is unwelcome, offends, intimates or embarrasses another person, or creates a hostile work environment
- Tell someone to stop their behaviour if you feel that you are or anybody else are uncomfortable as a result and or being harassed or discriminated against
- advising their Supervisor and/or the Head of People and Culture if they consider they have been discriminated against to allow prompt resolution
- being aware of their individual responsibilities under anti-discrimination and harassment legislation.

13.4 Head of People and Culture

The Head of People and Culture is responsible for ensuring that:

- all staff are aware of their obligations, responsibilities and rights in relation to this Policy
- any matter which does not comply is identified and addressed as promptly and sensitively as possible
- ongoing support and guidance is provided to all Centenary Workers

14. Definitions

Adverse Action under the Fair Work Act include doing, threatening or organising discriminatory activities such as firing an employee, injuring the employee in their employment, eg. not giving an employee legal entitlements such as pay or leave, changing an employee's job to their disadvantage, treating an employee differently than others, not hiring someone or offering a potential employee different and unfair terms and conditions for a job compared to other employees.

Centenary means the Centenary Institute of Cancer Medicine and Cell Biology.

Centenary Worker means a Centenary employee (full-time, part-time, or casual), consultant, contractor, student, affiliate, visiting researcher, Governor, Trustee or volunteer.

Supervisor means the supervisor of a Worker as specified on their contract of appointment.

Senior Leadership team means the Executive Director and those appointed to the SLT

EEO means Equal Employment Opportunity

Discrimination occurs when a person is treated less favourably or harassed in certain areas of public life including their employment because of a personal characteristic or prescribed attribute that is protected under law.

Direct Discrimination occurs when a person is denied a benefit or an opportunity on the grounds of any of the prescribed attributes.

Indirect Discrimination occurs when a policy, rule or practice has a discriminatory effect against a person or group of people in relation to any of the prescribed attributes.

Protected Attributes under the Fair Work Act include race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin, personal association with a person or persons identified by reference to any of these attributes.

Workplace Bullying Bullying is repeated, unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety and is unlawful. Bullying can occur by direct or indirect means.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Direct bullying occurs between the specific people involved.

Indirect bullying involves third parties participating in bullying behaviours, for example passing on insults or spreading rumours. Indirect bullying mostly inflicts harm by damaging another's social reputation, peer relationships and self-esteem.

Harassment occurs where a person engages in uninvited or unwelcome behaviour which a reasonable person would expect would cause another person to be offended, humiliated or intimidated. It does not matter if the person who committed the act intended, or did not intend, to upset or cause offence to the other person.

Sexual harassment is defined in the Sex Discrimination Act 1984 (Cth) (SD Act) as: 'any unwelcome conduct of a sexual nature that a reasonable person, having regard to all the circumstances would have anticipated would offend, humiliate or intimidate the other person.' Similar definitions are found in State and Territory anti-discrimination and equal opportunity legislation.

Victimisation means any retaliatory action towards a complainant, witness or any other person involved in the resolution of a complaint or grievance.

15. Centenary Contacts

Deputy Director, Operations

Dr Nick Pearce

n.pearce@centenary.org.au

Head of People and Culture

Alison Kent

a.kent@centenary.org.au

16. Related policies and documents

16.1 Centenary resources:

- [Performance and Misconduct Policy](#)
- [Workplace Bullying Policy](#)
- Grievance Policy and Procedure
- [Work Health and Safety Policy](#)
- [Information Technology Usage Policy](#)
- [Records Policy](#)
- Recruitment and Selection P&P

- [Complaint and Grievance Form](#)
- [Centenary Inclusion and Gender Equity Program](#)

16.2 Relevant Federal regulatory bodies and legislation:

- [The Fair Work Australian Commission](#)
- [The Australian Human Rights Commission](#)
- [Anti- Discrimination and Human Rights Legislation Amendment \(Respect at Work\) Bill 2022](#)
- [Fair Work Act 2009 \(Cth\)](#)
- [Workplace Gender Equality Act 2012](#)
- [The Australian Human Rights Commission Act 1986](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)
- [Disability Discrimination Act 1992](#)
- [Age Discrimination Act 2004](#)

16.3 Relevant NSW regulatory bodies and legislation:

- [Anti-Discrimination New South Wales](#)
- [Anti-Discrimination Act 1977 \(NSW\)](#)
- [Work Health and Safety Act 2011 \(NSW\)](#)

Centenary Anti-Discrimination, Harassment, Sexual Harassment P&P				
Version	Approval Date	Amendment	Update by	Review date
1	20060530	New policy	Judith Barry	2011
2	20100302	Revisions	Judith Barry	2015
3	20121127	Minor updates	Nick Pearce Anna Slowiaczek	2017
4	20211124	Reformatted to Centenary policy template, updated for consistency with Fair Work Australia guidelines and title change	Lois Cavanagh	2026
5		Amendments in line with the Respect at Work Bill and remove EEO to another Policy. Procedure included in process	Alison Kent	2026