

# Explanation of Attributes Schedule

## 1 Purpose

**PLEASE NOTE: All human resource management policy instruments are currently under review to ensure alignment with the new Enterprise Agreement. Contact the People Portfolio for more information.**

To define the attributes on which Discrimination is prohibited by the *Anti-Discrimination Act 1991*.

## 2 Scope

This schedule must be read in conjunction with the Prevention of Discrimination, Bullying and Harassment Procedure and is subordinate to it.

## 3 Schedule

The *Anti-Discrimination Act 1991* prohibits Discrimination on the basis of the following attributes.

Attribute	Explanation
Sex	A person may be discriminated against because of their sex. Direct Discrimination is treating a person less favourably because of their sex than someone of a different sex, in similar circumstances. Indirect Discrimination happens when there is an unreasonable requirement that people with a certain attribute (or characteristic) have difficulty complying with, compared to others without that attribute.
Relationship status	The ground of relationship status makes it unlawful to discriminate against a person because of their relationship status. Relationship status means whether a person is single; or married; or in a de facto relationship (that is, living together but not married); or in a civil partnership (under the Civil Partnerships Act 2011); or separated or divorced; or widowed.
Pregnancy	It is unlawful to discriminate against someone

	because they are pregnant; or have been pregnant; or are presumed to be pregnant.
Parental status	Discrimination on the basis of parental status happens where a person is treated less favourably because of their parental status than someone without the same parental status in similar circumstances. Parental status means whether or not a person is a parent. It includes the status of not having children.
Breastfeeding needs	It is unlawful to discriminate against a person because they are breastfeeding. As well as breastfeeding itself, the law also protects things closely related to breastfeeding, such as expressing milk.
Age	Age means a person's chronological age. The prohibition on age Discrimination covers all ages, which means people can be discriminated against for being 'too young' or 'too old'.
Race	<p>Racist attitudes and prejudices may exist in any community. Race has a broad meaning, and includes colour, descent or nationality or ethnic origin. Racism is the expression of attitudes or behaviour, based on an assumption of the superiority of one race or group of persons of one colour, ethnic origin or culture over another.</p> <p>Discrimination may occur if a person or a group of people are treated less favourably than someone else because of their colour, descent or nationality or ethnic origin. This includes Discrimination on the basis of racial or cultural practices (including learning practices) or stereotypes and the exclusion of the knowledge or experience of Aboriginal peoples from discipline areas to which these are particularly relevant.</p>
Impairment	The law takes a very broad view of what impairment means and includes many types of disability. It includes but is not limited to, a sight, speech or hearing condition, mental illnesses, the loss of a limb or if an aid is needed to help. It also covers conditions such

	as diabetes, a learning disability or any other condition. The Act provides protection whether a person was born with the impairment, whether it developed later or if someone assumes that it is there.
Religious belief or activity	<p>Religious belief means having or not having a religious belief.</p> <p>Religious activity means engaging in, not engaging in, or refusing to engage in lawful religious activity.</p>
Political belief or activity	Discrimination can occur on the basis of political beliefs or activities relating to the policies, structure, composition, roles, obligations, purposes or activities of government. Government includes the Commonwealth, State and local governments.
Trade Union activity	The law protects the rights of workers to belong to a trade union and participate in union activities. Trade union activity includes things like being a union delegate, attending union meetings in a person's own time, and participating in Labour Day marches. It does not include unprotected industrial action.
Lawful sexual activity	Discrimination on the basis of lawful sexual activity is treating a person less favourably because they are a lawful sex worker, than someone who is not a lawful sex worker, in similar circumstances.
Gender identity	<p>Under the Act, gender identity means that a person identifies as a different gender (or no gender) relative to the gender they were assigned at birth. It can also mean an intersex person who seeks to live as a member of a particular gender.</p> <p>A person does not have to have undergone gender affirmation surgery, hormone therapy, or other medical treatment.</p>
Sexuality	The ground of sexuality covers those who are heterosexual, lesbian, gay or bi-sexual. While in the past, people had to rely on the ground of lawful sexual activity to lodge a Complaint, the new ground more accurately reflects sexual

	preference rather than sexual activity. This change provides much clearer protection for the lesbian and gay community.
Family responsibilities	The ground of family responsibilities applies when a person needs to care for or support members of their immediate family. This ground will go beyond what's covered by the existing attributes of parental status and pregnancy. For example, it will be unlawful for an employer to treat someone less favourably because they need to look after their aged parents.

## 4 References

Nil.

## 5 Schedule Information

<b>Accountable Officer</b>	Vice-Chancellor
<b>Responsible Officer</b>	Chief People Officer
<b>Policy Type</b>	University Procedure
<b>Policy Suite</b>	<a href="#">Prevention of Discrimination, Bullying, Harassment and Sexual Misconduct Policy</a>
<b>Approved Date</b>	13/7/2021
<b>Effective Date</b>	13/7/2021
<b>Review Date</b>	1/1/2021
<b>Relevant Legislation</b>	<a href="#">Anti-Discrimination Act 1991</a> <a href="#">Human Rights Act 2019</a>
<b>Policy Exceptions</b>	<a href="#">Policy Exceptions Register</a>
<b>Related Policies</b>	<a href="#">Code of Conduct Policy</a> <a href="#">Employee Complaints and Grievances Policy</a> <a href="#">Employee Diversity and Inclusion Policy</a> <a href="#">Harassment and Discrimination Complaint Resolution for Students</a>

	<a href="#">Policy and Procedure</a>  <a href="#">Student General Conduct Policy</a>
<b>Related Procedures</b>	<a href="#">Disciplinary Action for Misconduct or Serious Misconduct Procedure</a>  <a href="#">Discrimination, Bullying and Harassment Complaints against Employees Procedure</a>  <a href="#">Prevention of Discrimination, Bullying and Harassment Procedure</a>  <a href="#">Student General Misconduct Procedure</a>  <a href="#">Student Grievance Resolution Procedure</a>  <a href="#">Termination of Employment Procedure</a>
<b>Related forms, publications and websites</b>	<a href="#">Feedback, Complaints and Appeals</a>  <a href="#">People Portfolio Website</a>  <a href="#">Student Equity Website</a>  <a href="#">Student General Misconduct Procedure Penalty Schedule</a>
<b>Definitions</b>	<b>Terms defined in the Definitions Dictionary</b>  <a href="#">Bullying</a>  <p>Bullying occurs when a person or group of people repeatedly behaves unreasonably towards a person or group of persons, and that behaviour creates a risk to health and safety.</p> <a href="#">Complaint</a>  <p>A Complaint is an “expression of dissatisfaction made to or about the University, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”.</p> <a href="#">Discrimination</a>  <p>Occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being</p>

denied entry to public places and other facilities.

### [Employee](#)

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

### [Formal Complaint](#)

A Formal Complaint is a written Complaint lodged with the relevant delegate, which is dealt with through a formal process of the University. It may lead to a formal investigation of allegations.

### [Harassment](#)

Harassment includes, but is not limited to, treating a person less favourably because of a person's characteristic such as their sex, race, age, disability, sexuality, religious or political belief or activity, or some other characteristic protected under anti-discrimination laws. Harassment may include Bullying a person and may also breach human rights legislation.

### [Informal Complaint](#)

A Complaint expressed either verbally or in writing to a relevant delegate, which is not dealt with through a formal process of the University. It may involve a discussion with relevant parties in order to receive information and explore options on resolving the matter. It does not involve a formal investigation or the determination of evidence.

### [Sexual Harassment](#)

Sexual Harassment is any unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated, or occurs in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct. Sexual Harassment can take many different forms. It can be obvious or indirect, physical or verbal, repeated or one-off, and perpetrated by a person of any gender against people of the same or another gender. Sexual Harassment may include: staring or leering; unnecessary familiarity, such as deliberately brushing up against a person, or unwelcome touching; suggestive comments or jokes; insults or taunts of a sexual nature;

intrusive questions or statements about a person's private life; displaying posters, magazines or screen-savers of a sexual nature; sending sexually explicit emails or text messages; inappropriate advances on social networking sites; accessing sexually explicit internet sites; requests for sex or repeated unwanted requests to go out on dates; 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. Sexual Harassment is not interaction, flirtation or friendship which is mutual or consensual.

### Student

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

### University

The term 'University' or 'UniSQ' means the University of Southern Queensland.

### Workplace Bullying and Harassment

Workplace Bullying and Harassment, under the Fair Work Act 2009, occurs where an individual or group of individuals repeatedly behaves unreasonably towards an Employee or group of Employees at work, and that behaviour creates a risk to health and safety. Within this definition: Repeated Behaviour refers to the persistent nature of the behaviour and can range in behaviours over time. Unreasonable Behaviour is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable. This may include but is not limited to behaviour that is victimising, humiliating, intimidating or threatening. A Risk to Health and Safety means the possibility of danger to health and safety, and is not confined to actual danger to health and safety

### **Definitions that relate to this schedule only**

#### **Harassment under the Disability Discrimination Act**

The *Disability Discrimination Act 1992* prohibits Harassment and victimisation of Students and Employees with disabilities, on the basis of disability, including;

- (a) The need for individual strategies and adjustments for a Student;
- and (b) The need to use such supports as a wheelchair, hearing aid,

	<p>breathing support, an interpreter, a reader, an assistant or carer or a guide or hearing dog, or other appropriately trained animal.</p> <p>The Act also prohibits Harassment and victimisation of the associates of Students and Employees with disabilities, on the basis of disability.</p>
<b>Keywords</b>	Equal opportunity, Discrimination, Harassment, prevention, attributes
<b>Record No</b>	15/2953PL