



Queensland
**Human Rights
Commission**

Vicarious liability

November 2020

Approved

A handwritten signature in black ink, appearing to read "Scott McDougall".

Scott McDougall
Commissioner
5 November 2020

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Introduction

The Queensland Human Rights Commission (QHRC) is committed to ensuring its workplaces are free of unlawful harassment and discrimination.

QHRC can be vicariously liable for acts of discrimination, sexual harassment, vilification or victimisation by its employees (section 133 (1) of the *Anti-Discrimination Act 1991*). However, if the QHRC can prove it took reasonable steps to prevent the employee's inappropriate behaviour, then it has a defence to proceedings.

To manage its responsibilities under the Act, QHRC has endorsed a suite of policies; instituted a mandatory employee induction procedure; established, appointed and supports a number of staff members from across the Commission to fulfil the role of Equity Contact Officer; and expects managers to ensure their team members have undertaken mandatory training requirements.

This document summarises a number of the responsibilities of QHRC managers in preventing and managing inappropriate harassment and discrimination by Commission employees during the course of their work.

Policies

QHRC has adopted the following:

- Code of Conduct for the Queensland public service
- Discrimination and sexual harassment in the workplace: prevention and resolution of complaints
- Equity Contact Officer guidelines
- Guide for preventing and responding to workplace bullying
- Employee complaints policy
- Workplace behaviour policy

Managers must be familiar with and adhere to the requirements of these policies.

Induction process

Managers have responsibility for inducting new team members into the QHRC workplace. The induction kit for new employees contains the following policies:

- Code of Conduct for Queensland public service
- Workplace behaviour policy
- Employee complaint policy
- Discrimination and sexual harassment in the workplace: prevention and resolution of complaints
- Internet and email policy

Managers are required to give these documents to new employees to read, to familiarise them with the concepts in the documents, and to emphasise their importance in the QHRC workplace.

Managers will record that they have completed this induction requirement on the induction checklist, and will obtain the signature of the inductee confirming that they have received, read and agreed to comply with the Code of Conduct and that they have read and understood the policies.

The manager will return the completed induction checklist to the Senior Administration Officer, Engagement & Corporate Services, as soon as possible after induction has occurred. The induction checklist will be kept on the employee's personnel file.

Mandatory training

All QHRC employees are expected to have completed the following mandatory training:

- Introduction to the Anti-Discrimination Act
- Introduction to the Human Rights Act
- Cultural competence

Managers will aim to ensure new employees have attended this training within the first twelve months of their employment. This requirement is set out in the QHRC Performance Development Plan which is to be completed when a new employee commences work. The PDP is then reviewed bi-annually. Managers should ensure all staff training attendance is entered in the MyCareer learning and development records for each team member.

Equity Contact Officers

Managers are expected to support and assist the role of the Equity Contact Officers (ECO). This includes allowing time for new employees to meet with the Equity Contact Officer to be informed of their role.

It also includes responding to suggestions from the ECO in preventing and managing inappropriate behaviour in the workplace.

Dealing with complaints

If a manager becomes aware of any inappropriate behaviour, or receives a complaint, then they will take immediate steps to comply with the policies adopted by QHRC as outlined in the policies section of this document.

Further information

For further information or to clarify any information in this document, contact the Deputy Commissioner or Director, Engagement & Corporate Services.

Review

This policy will be reviewed two years from the date of approval by the Human Rights Commissioner.

Policy administration

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