



Queensland  
**Human Rights**  
Commission

# Equity Contact Officer guidelines

May 2020

Approved

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

**Scott McDougall**  
Commissioner  
18 May 2020

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## Purpose

These guidelines aim to assist Equity Contact Officers (ECOs) in fulfilling their role within the Queensland Human Rights Commission. The role of an ECO is to provide information to staff members who are subjected to inappropriate workplace behaviour such as discrimination, and sexual harassment, and to support management in the prevention and elimination of such behaviour in the workplace. Inappropriate behaviour includes bullying, and acting incompatibly with human rights.

## Principles

The Equity Contact Officer role is not defined in law but is a reasonable step to manage and prevent inappropriate workplace behaviours, and to help employees make choices about how to seek resolution if they believe they are experiencing unfair treatment.

It is important for ECOs, and all staff, to recognize the impact that discrimination and harassment can have on a workplace. By providing an opportunity for employees to have their story heard in a confidential, non-judgmental and empathetic manner, ECOs can help a person feel empowered to make constructive decisions about addressing issues of unfair treatment.

The appointment and support of the ECO is an indication of the Commission's commitment to take incidents of discrimination, harassment and other inappropriate behaviour seriously. It also assists management to discharge its responsibilities under the provisions of the *Anti-Discrimination Act 1991*.

Equity Contact Officers should be familiar with the Commission's procedures in handling complaints; their role in the process; and the options available for resolving complaints.

Equity Contact Officers will need to have an understanding of the following Policies and Procedures:

- Discrimination and Sexual Harassment Policy
- Employee Complaints Policy
- Breastfeeding and Work Policy
- Code of Conduct
- Public Interest Disclosure Policy.

These documents are located on Compass/policies and forms/policies/HR.

## The Equity Contact Officer

Equity Contact Officers (ECOs) provide information to staff who may be the subject of discrimination, harassment, or other inappropriate behaviour, and support management in the prevention and elimination of such behaviour in the workplace.

The objective of having ECOs is to:

- Raise staff awareness on discrimination, harassment and other inappropriate behaviour;
- Educate staff on options available;
- Facilitate early resolution of incidents of discrimination, harassment or other inappropriate behaviour;
- Provide a safe environment for staff to express concerns in a confidential manner;
- Make recommendations to management about ways to prevent further incidents;
- Assist in promoting a workplace free from discrimination, harassment and inappropriate behaviour.

The Commission will inform staff about the role and functions of ECOs through the induction process, equity awareness training sessions, and generic training courses.

## Roles and responsibilities of an Equity Contact Officer

The ECO has the following roles and responsibilities to:

- Promote a discrimination and harassment free workplace, including promoting Discrimination and Harassment Prevention and Employee Complaints Policies;
- Encourage the reporting of behaviour which breaches the discrimination and harassment policy, and other inappropriate behaviour;
- Listen to the concerns of staff who believe they are subjected to discrimination, harassment or other inappropriate behaviour;
- Explain internal complaint procedures and resolution mechanisms and support the employee to access applicable policies and procedures;
- Discuss options for resolving a complaint externally including contact details of organisations that staff might choose to consult;
- Allow the employee to choose the option/s most suitable to them;
- Maintain confidentiality where appropriate, and be impartial;
- Give confidential and timely information to management about issues in the workplace that indicate an environment where harassment and discrimination may be occurring, the risk of complaints or potential complaints arising and make recommendations for action;
- Report to management behaviours that are criminal offences, threats to a person, or significant risks to the person's or another's health and safety, and corrupt conduct. 'Significant risks to the person's or another's health and safety includes actual or high probability of risk to physical and/or mental health.
- Provide de-identifying statistical data to management on a quarterly basis;

- Behave as a positive role model of workplace behaviour.

## What is NOT the role of an Equity Contact Officer?

It is not the role of the ECO to:

- Act as an advocate on behalf of a complainant;
- Take sides;
- Conduct an investigation into a complaint, take statements or talk to witnesses;
- Try to resolve the complaint;
- Confront the alleged harasser whose behaviour has been reported as offensive;
- Monitor the work environment for instances of inappropriate behaviour;
- Counsel distressed or anxious staff;
- Provide support to the complainant or the alleged harasser, e.g. attending meetings with them or discussing the progress or details of the case. Such support may be obtained from a union representative or the Employee Assistance Program;
- Take notes of the meeting between the employee and ECO.

## Managers role

Managers should:

- Understand the role of the ECO and how the manager's and the ECO's roles inter-relate;
- Understand their obligations under the law;
- Set and maintain appropriate workplace standards;
- Implement policy & complaints procedures;
- Prevent & resolve complaints;
- Ensure anti-discrimination and harassment training is provided to all staff;
- Treat all complaints seriously;
- Performance manage inappropriate behaviour;
- Respect that the ECO should not reveal any identifying details provided by an employee unless it involves corrupt conduct, criminal offences, threats to a person, or significant risks to the person's or another's health and safety;
- Acknowledge that the time spent in the role of the ECO is part of the officer's duties;
- Monitor and review the effectiveness and performance of ECOs and their role and report to the Deputy Commissioner as required.

## Conflicts of interest or of roles

An Equity Contact Officer should:

- Provide contact details of another contact officer to the employee if they believe they are not neutral or have a bias about a particular employee or issue.
- Be aware of any conflict between the role of ECO and the responsibilities of their normal position e.g. Managers, supervisors, or human resource personnel. If the role of ECO conflicts with the substantive responsibilities of their position, the employee should not continue to act in the ECO role but should revert to the responsibilities of their position. The employee should be given the contact details of another ECO if relevant.
- Seek advice if required about particular cases in a confidential manner from the Deputy Commissioner.

## **Will an Equity Contact Officer always be available?**

To carry out their support role successfully, ECOs need to be available to staff and there should be no obstacles to staff who choose to make contact and/or consult with an ECO. Managers and supervisors must make all possible efforts to allow the ECO to be available.

If an ECO cannot be available for a staff member when first approached, the ECO should make an appointment or refer the staff member to another ECO in the network.

## **Initial meeting with an employee in the role of an Equity Contact Officer**

When first meeting with an employee an ECO should:

- Prepare for the meeting, review your role and responsibilities;
- Find a private environment to ensure confidentiality and avoid interruptions;
- Set aside enough time;
- Use an interpreter if needed;
- Explain confidentiality is maintained unless information is provided about corrupt conduct, criminal offences, threats to a person, or significant risks to the person's or another's health and safety;
- Explain your role clearly at the start;
- Listen actively and carefully;
- Ask questions to clarify information;
- Provide information on policies, the law, appropriate services & other agencies;
- Explain complaint procedures and complaint mechanisms;
- Explain pros and cons of options;
- Ask what they think might resolve the issue;
- Let the person decide on a suitable option.

**Refer to Attachment 2: Contact Officer Interview Checklist**

## **Confidentiality**

Equity contact officers should:

- Safeguard the privacy of the staff by generally maintaining confidentiality. ECOs should not divulge identifying information they receive or information they have given. Exceptions to this rule will be when the matter involves corrupt conduct, criminal offences, threats to a person, or significant risks to the person's or another's health and safety. An ECO has an obligation to report such conduct.
- Information disclosed to an ECO that may constitute corrupt conduct as defined by the *Crime and Corruption Act 2001* should be managed in accordance with the relevant policy:
  - Public interest disclosure policy
  - Complaints about Commissioner s48A of the *Crime and Corruption Act 2001* policy
- If the complainant decides to make a formal complaint and requests that the ECO provides information about their complaint, the ECO should obtain a signed approval from the person prior to divulging any information.
- ECOs should advise complainants that it is the ECO's role to bring to management's attention issues that need to be dealt with in order to stop discrimination, harassment or other inappropriate behaviour. This does not mean that personal information is disclosed. The ECO may simply suggest to management that policies need to be brought to the attention of staff and work groups, to remind them of appropriate and acceptable behaviour.

## Record keeping and reporting

Note: Any record about an incident or complaint may be a document that must be disclosed if litigation occurs. All records are also subject to the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

- The interaction between an ECO and a member of the QHRC staff is essentially a verbal one.
- The only record that ECOs should keep is de-identifying statistical data that will assist them in presenting information to management on the approaches that have been made to them about instances of discrimination, harassment or other inappropriate behaviour. (Attachment 1 - Statistical Data Collection Sheet)
- These data collection sheets should be compiled and sent on a quarterly basis in a confidential envelope to the Deputy Commissioner, Queensland Human Rights Commission, PO Box 15565, City East Qld 4002.

## Privacy and disclosure

- The QHRC is subject to the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld).
- The privacy legislation regulates how personal information is collected, stored, used and disclosed.
- Any records made by an ECO may be subject to subpoena, as well as the *Privacy Act* and any *Right to Information* obligations that may apply to the organisation. If recording personal information (information from which the person can be identified), a 'collection notice' needs to be given to the person.
- QHRC recommends that ECOs do not keep any written records of interviews other than de-identified statistical data.

- There is no legal requirement to take notes, but if taken, notes should be kept under lock & key or password protected, brief, and non-identifying.

## **Promoting the role of Equity Contact Officers**

Management should ensure that:

- Contact details of ECOs are provided to all offices and displayed in a prominent place;
- Changes to ECO positions are communicated and contact details amended according to any changes;
- ECOs are informed of any changes to policy or procedure.

## **What resources are provided to Equity Contact Officers?**

Management will ensure the following resources are available to ECOs:

- Relief from their normal duties on occasion to perform the ECO role
- Access to a private room and telephone where privacy and confidentiality can be accommodated
- Access to policies and procedures on equity and diversity and complaints procedures
- An Equity Contact Officers Network to support ECOs in their role and to ensure that training and development needs of ECOs are identified and addressed
- An opportunity to debrief or seek support in a confidential manner
- Statistical data sheets (attachment 1).

## **What training do Equity Contact Officer's receive?**

ECOs on their appointment will be required to attend or will have recently attended:

- Equity Contact Officer training to gain knowledge and understanding of the role of the ECO, of discrimination, harassment and other inappropriate behaviour and the issues surrounding it in the workplace
- Cultural competency training
- Training bi/annually to review the role of an ECO and ensure currency of knowledge according to individual needs of the ECO.

## **Considerations for the recruitment of Equity Contact Officers**

The following issues are critical for ECOs to carry out their role successfully, and should be considered when selecting ECOs:

- The responsibilities of the ECO will be in addition to those of their normal position and a component of their normal position;
- The role of the ECO will be assigned to the individual rather than to a position within the Commission;
- Selection and designation of ECOs will be on the basis of an individual's skills, abilities and knowledge and will be assessed at an individual level;
- The Executive Leadership Team has the responsibility to recruit ECOs;

- People who are selected as ECOs should be 'credible', i.e. they should be individuals who will be respected by the staff. Not only should the ECOs be able to provide accurate and objective information, but the staff should regard them as being able to do so.

# ATTACHMENT 1 - Equity Contact Officer Statistical Data Collection Sheet

## DISCRIMINATION OR HARASSMENT INCIDENTS

Equity Contact Officer's Name: \_\_\_\_\_

NOTE: No identifying information about the inquirer is to be recorded on this sheet.

Date of initial contact: \_\_\_\_\_

### PLEASE TICK APPROPRIATE BOXES:

- |                             |                     |                          |                |                          |
|-----------------------------|---------------------|--------------------------|----------------|--------------------------|
| <b>Nature of query:</b>     | General information | <input type="checkbox"/> | Specific issue | <input type="checkbox"/> |
| <b>Nature of complaint:</b> | Physical            | <input type="checkbox"/> | Verbal         | <input type="checkbox"/> |
|                             | Other               | <input type="checkbox"/> |                |                          |
| <b>Complaint about</b>      | Staff member        | <input type="checkbox"/> | Non-staff      | <input type="checkbox"/> |

Description of the behaviour complained about:

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Decision made by the employee:

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Level of seriousness – assessment by ECO:

0.....1.....2.....3.....4.....5

(Where 0 is considered less serious and 5 is considered more serious)

Recommendation by ECO for action by management:

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This data is to be collected and provided on a quarterly basis to:

Deputy Commissioner  
Queensland Human Rights Commission  
PO Box15565  
City East Qld 40002

In an envelope or email that is marked "CONFIDENTIAL".

## ATTACHMENT 2 - Contact Officer interview checklist

<b>Things to consider when preparing for the interview</b>	✓
Set aside sufficient time for the interview.	
Review the purpose and duties of my contact officer role.	
Review internal complaint policies (have copies available or easily accessible).	
Ensure I have access to a list of support services to provide during the interview.	
Create an atmosphere that encourages openness to assist the person to willingly share information, feel safe, with no interruptions e.g. phones, knocking on doors, distractions, giving them undivided attention.	
<b>Things to do and consider during the interview</b>	✓
Explain my role as a contact officer.	
Explain confidentiality (confidentiality is a priority unless corrupt conduct, criminal offences, threats to a person, or significant risks to the person's or another's health and safety is disclosed).	
Help the person share all information about the problem or issue: let them tell their story.	
Obtain the facts: what was said, what was done, when it happened, who else was there.	
Give the person time to think and share.	
Ask open questions.	
Share all the options that are available to the individual, and ask them which they prefer.	
Discuss internal complaint process.	
Provide copies of policies stating: who, how, what, when.	
Discuss the potential consequences and outcomes of each option.	
Assist the person to focus on solutions and options, not on people.	
Allow the person time to think through and share the impacts and implications for them.	
Ask them what action they will take and how they are going to go about it.	
Discuss with them any time frames they should consider.	
Discuss with them what response they expect and what the consequences could be.	
Explain the importance of keeping diary notes that detail specific incidents.	
Remind complainants to use appropriate complaint procedures and reporting and to only discuss the issue with those who need to know.	
<b>De-identified Notes:</b>	

