

Preventing work bullying, harassment, or discrimination at RMIT on the basis of sexual orientation, gender identity and intersex status

Introduction

RMIT is committed to maintaining a positive working environment that is safe, healthy, and free from all forms of work bullying, discrimination, and harassment. A key way in which we can embed this environment is by supporting the development of actively inclusive policies, procedures, and interactions with one another.

As with other forms of inappropriate behaviour or misconduct, RMIT has a zero-tolerance approach to homophobic, biphobic or transphobic behaviour. These behaviours will be managed and resolved in accordance with our student and complaint policies and misconduct. It is unlawful to discriminate against a person on the basis of their sex, sexual orientation, gender identity or intersex status. Same sex couples are protected from discrimination.

Please review RMIT's [Diversity, Inclusion and Equal Opportunity Policy](#).

What does discrimination on the basis of sexual orientation, gender identity and intersex status look like?

Direct discrimination means treating a person less favourably on the basis of their sexual orientation, gender identity or intersex status than a different person without that attribute would be treated in similar circumstances. It may be direct discrimination if:

- *An employer refuses a promotion to an employee after learning that the employee is bisexual (discrimination based upon sexual orientation).*
- *A hiring manager refuses to progress an application of a person who identifies and presents as a woman but has a deep masculine sounding voice, because the hiring manager felt uncomfortable about that person's gender identity (discrimination based upon gender identity).*
- *A training physiotherapist refuses to treat an intersex person because the person's biological characteristics made the physiotherapist uncomfortable (discrimination based upon intersex status).*

Indirect discrimination means imposing, or proposing to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging people with a particular sexual orientation, gender identity or intersex status, and which is not reasonable in the circumstances.

Discrimination may be unlawful when it occurs in protected areas of public life such as employment, education, or the provision of goods, services, and facilities. It may be indirect discrimination if:

- *An employer's benefits policy, which provides spousal benefits to an employee's husband or wife (e.g., discounted travel or gym membership), does not provide those same benefits for a lesbian employee with a same-sex partner (discrimination based upon sexual orientation).*
- *An organisation's human resource policies do not permit changes to an employee's records – such a policy may require a transgender person to continually disclose information about their gender identity in order to explain discrepancies in personal details (discrimination based upon gender identity).*
- *A policy which deems that certain medical treatment, such as for ovarian cancer, is only appropriate for women, might disadvantage an intersex man who has both male and female sex characteristics (discrimination based upon intersex status).*

What does bullying and harassment on the basis of sexual orientation, gender identity and intersex status look like?

The prevalence of violence, harassment and bullying in the LGBTIQ+ community is irrefutably proportionally higher than that experienced in the general community.

People in the LGBTIQ+ communities experience violence, harassment and bullying in a number of ways:

- *Bullying can include a range of things, such as verbal abuse, hate mail, obscene telephone calls, physical attacks, or threatening behavior.*
- *It can be both direct (such as hitting or teasing) or indirect (such as spreading gossip or enforcing social isolation). A large percentage of intersex and transgender people have experienced some form of bullying, including having rumours spread about them, receiving lesser treatment or being refused service because of their name or sex on documents.*
- *Harassment includes such things as spitting, offensive gestures and threatened or attempted physical attack. LGBTIQ+ communities report high levels of harassment, both in the physical and digital world (social media).*
- *Rates of assault and abuse against people in the LGBTIQ+ communities are high. The type of abuse most commonly experienced is verbal abuse, which includes name calling, insults, threats and rumour spreading.*

What is an example of bullying and harassment at work?

- *A colleague of a staff member who is affirming their gender, is becoming uncomfortable with a student that continues to make jokes that are directed at them, and repeatedly raises inappropriate comments on transitioning gender. The colleague is obliged to act and escalate as a conduct matter.*

- *A team member does not believe in same sex marriage which is directed to a staff member who has recently got married as a same sex couple. Although they have continued to talk through the issues, it is continually raised during work time, in open office areas and is causing increasing stress, due to its repetitive questioning which is directed to the DGSS staff member.*

How can I resolve workplace issues relating to sexual orientation, gender identity and intersex status?

RMIT has comprehensive procedures in place to ensure that any type of workplace issue, including those that relate to bullying, harassment, or discrimination, are managed, and resolved efficiently and effectively.

Employees can seek advice on these processes from their supervisor, manager, relevant executive, local HR team or People Connect.

¹ This resource has been developed using material from the "Sexual orientation, gender identity and intersex status discrimination: Information Sheet" (Australian Human Rights Commission) Reference bullying.humanrights.gov.au/lesbian-gay-bisexual-trans-and-intersex-equality-1