



NEW SOUTH WALES NURSES AND MIDWIVES' ASSOCIATION
AUSTRALIAN NURSING AND MIDWIFERY FEDERATION NEW SOUTH WALES BRANCH



POLICY ON DISCRIMINATION IN EMPLOYMENT

Re-Endorsed by Annual Conference 2022

NSW Nurses and Midwives' Association
50 O'Dea Avenue Waterloo NSW 2017

P 02 8595 1234 (metro) • 1300 367 962 (regional)

www.nswnma.asn.au

Policy on Discrimination in Employment

THE NSW NURSES AND MIDWIVES ASSOCIATION RECOGNISES THAT:

- All individuals have the right to participate in the workforce irrespective of their age, race/ethnicity, gender (including pregnancy), sexual orientation, marital or domestic status, religion and/or disability. This right is protected by legislation.
- All employers are required to create a workplace that is free from direct and indirect discrimination and harassment. These responsibilities are set out in a range of state and federal laws which help protect people from unlawful behaviour, including the requirement for employers to implement fair processes for dealing with complaints of discrimination.
- Anti-discrimination legislation is supported and applied by agencies with the authority to investigate and resolve matters of alleged discrimination. As not all complaints of discrimination are able to be resolved through internal workplace processes, complainants have the right to lodge complaints directly with the appropriate agencies, including the NSW Anti-Discrimination Board and/or the Australian Human Rights Commission.
- Disadvantage and bias can have a cumulative effect over time and become incorporated in the structures and processes of an agency or organisation in the form of organisational/institutional discrimination.

THE NSW NURSES AND MIDWIVES ASSOCIATION ADOPTS THE POLICY THAT:

1. Legislation must protect workers from direct or indirect discrimination based on protected attributes in the course of their employment. Recognising a person has a right to belong or not belong to a trade union, legislation must support the right of employees to belong to and participate in trade union activities should the employee choose to do so.
2. Legislation must be supported by educational activities which aim to eliminate discrimination through education about the different forms of discrimination, the requirement to avoid discriminatory acts or practices and avenues for redress from discriminatory acts or practices.
3. The union movement must play an active part on all levels to eliminate direct or indirect discrimination in employment and to support and promote anti-discrimination legislation.
4. Legislative, procedural and policy change which compromises the rights of employees to freedom from discrimination and harassment in the workplace should be opposed.



5. In order to minimise the prevalence of structural/institutional discrimination, organisations and agencies should facilitate employment and appointment of individuals from a broad range of experiences to ensure diverse representation in decision making.

NOTE

This policy should be read with reference to the following legislation:

Anti-Discrimination Act (NSW) 1977

Age Discrimination Act 2004

Australian Human Rights Commission Act 1986

Australian Human Rights Regulations 1989

Disability Discrimination Act 1992

Fair Work Act 2009

Racial Discrimination Act 1975

Sex Discrimination Act 1984