

Under section 113 of the Anti-Discrimination Act, Queensland Health can formally request the Tribunal to grant **an exemption** from relevant sections of the Anti-Discrimination Act. This means the Commission is not to accept a complaint of unlawful discrimination that is within the scope of an exemption granted by the Tribunal. This exemption can apply for a maximum of five years.

Alternatively, under section 228 of the Anti-Discrimination Act, Queensland Health can formally request the Queensland Human Rights Commission seek **an opinion** from the Tribunal, as to whether or not the exemptions contained in sections 25, 104 or 105 of the Anti-Discrimination Act are to apply. This means the Commission is not to accept a complaint of unlawful discrimination against Queensland Health if they have acted within the scope of the Tribunal's findings.

If a role or group of roles with the same role description is approved by the appropriate delegate to be designated as identified, a record is to be kept for reference in the case of future vacancies. The approval for a role or group of roles to be designated as identified remains current until the role description is reviewed.

Each financial year, Queensland Health is to keep a record of the number, type and classification level of roles approved as identified in accordance with this policy. These records are to be retained until the role is reviewed.

1.7 Appeals and grievance process

A promotion appeal may be lodged with the PSC in relation to recruitment and selection processes as specified in accordance with part 1 of PSC Directive 08/17 – Appeals.

Each financial year Queensland Health is to keep a record of the number, type and classification level of identified roles that are appealed in accordance with the above PSC directive. These records are to be retained for 12 months from the date the appeal is lodged.

During the selection process, and under section 7 of the Anti-Discrimination Act, an applicant may be able to raise the inclusion of an attribute of an identified role with the Queensland Human Rights Commission. Conditions under which complaints are heard and the process to follow are outlined in the Anti-Discrimination Act. The Queensland Human Rights Commission can provide advice to Queensland Health employees about their complaint rights and processes.

Public Sector Act 2022 applies on 1 March 2023
UNDER REVIEW