

Equal employment opportunity policy

HDKA promotes a commitment to child safety, wellbeing, participation, empowerment, cultural safety and awareness including children with a disability, Aboriginal and Torres Strait Islander children and/or communities and children from cultural and/or linguistically diverse backgrounds.

HDKA has a zero tolerance of child abuse and a duty of care to prevent and manage child abuse risks including physical and online environments.

Purpose

This policy will provide guidelines to:

- Demonstrate organisational commitment to EEO to ensure there is within HDKA and its staff an understanding of EEO principles and awareness of issues relating to EEO management.
- Ensure HDKA complies with all of its obligations under the relevant legislation.

Values

HDKA is committed to:

- Ensuring that all staff receive fair and equitable treatment in the workplace.
- Ensuring that Equal Employment Opportunity is a matter of employment obligation, social justice and legal responsibility.
- Prohibiting discriminatory policies and procedures as sound management practice.

Scope

This policy applies to:

- Members of the Board of Management, Executive Officer, Pedagogical Leader, Nominated Supervisor, Certified Supervisor, educators and staff involved in the programs and activities of services administered by HDKA.
- All aspects of employment, recruitment and selection, conditions and benefits, training and promotion, task allocation, shifts, hours, leave arrangements, workload, equipment and transport.
- On-site, off-site or after hours work, work-related social functions, conferences – wherever and whenever staff may be as a result of their HDKA duties.
- Staff treatment of fellow staff members, of children and families and of other members of the public encountered in the course of their HDKA duties.

Background

HDKA is an equal employment opportunity employer and will provide equality in employment for all people employed or seeking employment. Every person will be given a fair and equitable chance to complete for appointment, promotion or transfer and to pursue their career as effectively as others.

Employment decisions relating to appointment, promotion or career development will be determined according to individual merit and competence.

Consistent with this HDKA does not condone any form of unlawful discrimination or vilification including that which relates to:

- gender;
- pregnancy;
- potential pregnancy;
- marital/domestic status;
- disability;
- race, colour, national extraction, social origin, descent, and ethnic, ethno-religious or national origin;

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- age;
- family responsibilities, family status, status as a parent or carer;
- racial classification;
- sexuality;
- HIV/AIDS vilification;
- religious belief or activity;
- political belief or activity;
- industrial activity;
- employer association activity;
- trade union activity;
- physical features;
- breastfeeding;
- transsexuality;
- transgender;
- profession, trade, occupation or calling;
- medical record; and
- criminal record.

In all cases no factors other than performance and competence are to be used as the basis for performance assessment, training and development opportunities and promotions.

Legislation

- *Equal Opportunity Act 2010* (Vic)
- *Racial and Religious Tolerance Act 2001* (Vic)
- *Occupational Health and Safety Act 2004* (Vic)
- *Sex Discrimination Act 1984* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth).

Definitions

Discrimination - is treating or proposing to treat someone unfavourably because of a personal characteristic protected by the law such as sex, age, race or disability. It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

Bullying – if someone is being bullied because of a personal characteristic protected by equal opportunity law it is a form of discrimination. Bullying can take many forms including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices.

Sexual harassment - is a specific and serious form of harassment. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated requests to go out
- requests for sex

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- sexually explicit emails, text messages or posts on social networking sites.

Just because someone does not object to inappropriate behaviour in the workplace at the time it does not mean that they are consenting to the behaviour.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace or between colleagues outside of work.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Racial and religious vilification - vilification is behaviour that encourages others to hate, disrespect or abuse a person or group of people because of their race or religion. This includes spoken, written, online or physical behaviour towards a particular race or religious group that encourages others to ridicule them, be hateful or violent towards them, damage their property or make false claims against them. It is also against the law to give permission or help someone to vilify others such as by publishing or distributing information about them.

Some behaviour may not be vilification if it is reasonable and done in good faith such as publishing a media report about racist behaviour. Some comments or jokes about a person's race or religion may not be vilification, but they could still be discriminatory if they happen in one of the eight areas of public life covered by the law such as at work.

Victimisation - is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law and it is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Gossip – it is not appropriate for staff to talk with fellow staff, parents or other people about any equal opportunity complaint, whether it is theirs or anyone else's. Gossip is likely to reinforce a problem, create new problems such as victimisation and make it harder to solve the original issue.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role is a serious breach of this policy and may lead to formal discipline.

Procedure

Staff rights and responsibilities

All staff are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics.
- Work free from discrimination, bullying, sexual harassment and racial and religious vilification.
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.
- Reasonable flexibility in working arrangements especially where needed to accommodate their family and carer responsibilities, disability, religion and culture.

All staff must:

- Follow the standards of behaviour outlined in this policy.
- Offer support to people who experience discrimination, sexual harassment or vilification including providing information about how to make a complaint.
- Avoid gossip and respect the confidentiality of complaint resolution procedures.

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- Treat everyone with dignity, courtesy and respect.

Additional responsibilities

Board of Management, Executive Officer, Pedagogical Leader and Teachers in charge must:

- Model appropriate standards of behaviour.
- Take steps to educate and make staff aware of their obligations under this policy and the law.
- Intervene quickly and appropriately when they become aware of inappropriate behaviour.
- Act fairly to resolve issues and enforce workplace behavioural standards making sure relevant parties are heard.
- Help staff resolve complaints informally.
- Refer formal complaints about breaches of this policy to the Executive Officer or Pedagogical Leader for investigation.
- Ensure staff who raise an issue or make a complaint are not victimised.
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made.

Merit at HDKA

All recruitment and job selection decisions at HDKA will be based on merit – the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and may be against the law to ask job candidates questions or to in any other way seek information about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

Wherever possible at least one person on every recruitment selection panel should have had some formal training in equal opportunity.

Resolving issues at HDKA

HDKA strongly encourages any staff member who believes they have been discriminated against, bullied or harassed, sexually harassed, vilified or victimised to take appropriate action, not suffer in silence and report any incident to the Executive Officer.

Employee assistance program

HDKA staff are entitled to a certain amount of free, professional counselling from our employee assistance program. To access the employee assistance program see the *Employee Assistance* procedure.

More information

If you have a query about this policy or need more information please contact

[Victorian Equal Opportunity and Human Rights Commission](#)

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Carlton VIC 3053

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Fax: 1300 891 858

Email: information@veohrc.vic.gov.au

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Service policies

- *Code of conduct*
- *Occupational Health and Safety*
- *Privacy and confidentiality*
- *Employee Assistance Program*