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| **POLICY NO & NAME:** | **006 - FAIRNESS, EQUITY &**  **NON-DISCRIMINATION** |
| **APPROVED BY:** | **Bec Symes, CEO** |
| **DATE CURRENT POLICY APPROVED:** | 22/01/2019 |
| **DATE CREATED** | 22/01/2019 |
| **REVISION DATE/S:** | 22/01/2019 |

**POLICY STATEMENT**

Greendale Community seeks to promote gender equality, a working environment that is free of discrimination, and one that ensures every employee or potential employee has equal employment opportunities.

**SCOPE & PURPOSE**

This policy has been developed to communicate Greendale Community’ commitment to achieving equal employment opportunities for all employees and potential employees, and also recognising the true potential of each employee as a means of increasing the effectiveness of the organisation.

**DEFINITIONS**

##### Discrimination

Discrimination in employment and in the supply of goods and services is unlawful under Commonwealth and Victorian legislation. Assumptions based on prejudice will have no place at Greendale Community.

Discrimination can occur:

**Directly,** when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law.

**Indirectly,** when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law.

There shall be no discrimination on the grounds of:

* age
* disability, disease or injury, including a work-related injury
* industrial activity / inactivity
* sexual orientation, intersex status or general identity
* marital status, including de facto relationships or same sex relationship
* physical features
* political opinion
* social origin
* pregnancy and breastfeeding
* race, colour, descent, national origin or ethnic background
* religious belief or activity
* sex
* status as a parent or carer
* medical record
* personal association with someone of the above attributes

It is also unlawful to request information, either verbally or in writing that may be used for discriminatory purposes and this requirement will be observed throughout Greendale Community.

**Workplace Violence, Bullying and Harassment**

Under Victoria’s Occupational, Health and Safety Act 2004, everyone in the workplace must take reasonable care of his or her own health and safety, and for the health and safety of anyone else who may be affected by his or her acts or omissions in the workplace.

Greendale Community will not tolerate any form of unlawful discrimination such as racial abuse, violence, or any form of bullying or harassment, in the workplace.

This includes any unwelcome conduct, meaning uninvited conduct or behaviour, and, or any behaviour that offends, humiliates, intimidates or undermines another person.

Workplace violence is any incident where an employee is physically attacked, harassed or threatened in the workplace.

Some other examples of inappropriate and unacceptable are:

* verbal threats, and, or any form of threatening behaviour
* unwelcome sexual comments
* unwelcome physical contact
* insulting someone because of their ethnic or racial origin
* insults and or name calling
* spreading rumours
* consistent talk about sex
* crude jokes and conversation
* sexual innuendo
* following, phoning, sending emails and or other electronic messages
* acting in any way that could reasonably be expected to arouse apprehension or fear.

**Workplace Gender Equality Agency**

The Equal Opportunity for Woman in the Workplace Act 1999 has been renamed to theWorkplace Gender Equality Act 2012. The Act aims to promote and improve gender equality for both men and woman. Similarly, the Equal Opportunity for Women in the Workplace has been renamed the Workplace Gender Equality Agency.

**Breastfeeding Friendly Workplace**

Greendale Community recognises the importance of breastfeeding for both mother and baby and as such, will endeavour to provide the support necessary to enable mothers to balance a continuation of breastfeeding with their return to work.

**Equal Employment Opportunity for People with Disabilities**

Greendale Community is committed to providing an open and fair selection process for employment opportunities that is non-discriminatory and will enable people with disabilities to apply for vacant positions.

**RESPONSIBILITIES**

Greendale Community recognises its responsibilities for working within the Victorian Equal Opportunity Act 2010, the Age Discrimination Act 2004, the Disability Discrimination Act 1992, Sex Discrimination Act 1984, Racial Discrimination Act 1975, Australian Human Rights Commission Act 1986 and the Workplace Gender Equality Act 2012.

Greendale Community believes that all employees are entitled to be treated on the basis of their true abilities and merit and not affected by irrelevant personal characteristics. Employees are entitled to work in an environment which is free of discrimination, bullying and sexual harassment. Employees have the right to raise issues or make an enquiry or complaint in a reasonable and respectful manner without being victimised.

Greendale Community employees are entitled to access employment, promotion, training, transfers and the benefits of employment on the basis of merit, and are assessed on the basis of their skills, qualifications, abilities, prior work performance and aptitudes.

All Greendale Community human resource policies and procedures are based on the merit principle. This means selecting and/or rewarding the best person in each situation; and favouritism or quotas will not be tolerated.

Greendale Community employees, volunteers or students engaged in Greendale Community business have a legal and moral responsibility to treat each other with dignity, courtesy and respect and are expected to fulfil these responsibilities as a condition of their employment.

Managers and supervisors 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 standards, ensuring relevant parties are heard, and refer formal complaints to the People, Culture & Resources Manager and the CEO.

**PROCEDURES**

**Workplace Gender Equality (WGE)**

In line with the WGE Act, Greendale Community completes an annual report and ensures it is lodged by the required time.

Greendale Community identifies several employment matters for consideration in the report.

They include, but are not limited to:

* Recruitment and Selection
* Promotion, Transfer and Termination of Employment
* Work Organisation
* Training and Development
* Conditions of Service
* Arrangements for dealing with Sex Based Harassment
* Arrangements for dealing with Pregnancy, Potential Pregnancy and Breastfeeding

Other information Greendale Community includes in the report consists of:

* a profile of the workplace
* possible future actions to take to implement the plan

The completed report is published on the WGE website.

**Complaint Procedure in Relation to Discrimination, Bullying and Harassment, Sexual Harassment or Other Concerns**

Any Greendale Community employee, volunteer or student who believes they may have been discriminated against, on any of the grounds listed, are encouraged to raise the matter with their Team Leader, Coordinator, Manager or another Manager.

The process for lodging a formal complaint is outlined in the Greendale Community Employee and Volunteer Grievance Procedures. The complaint will be addressed with speed, sensitivity, confidentiality, professionalism and consistency.

Managers, Team Leaders and Coordinators must act fairly and impartially in relation to current and potential employees, volunteers and students. They must treat reports of possible discrimination seriously and sympathetically and to investigate reports thoroughly. They also must ensure that no one is disadvantaged or victimised as a result of a discrimination complaint being made or investigated. Managers must refer formal complaints to the People, Culture & Resources Manager and the CEO prior to action being taken.

Once all information has been gathered and all parties have been consulted, the relevant Program Manager will make a collective decision on whether, on the balance of probabilities, the complaint is sustained.

Irrespective of the findings of the investigation, the decision will be communicated to all relevant parties, together with an appropriate explanation.

**Breaches of the Greendale Community Fairness, Equity and No- Discrimination Policy**

If there is a breach of the Greendale Community Fairness, Equity and Non-DiscriminationPolicy, disciplinary action will be taken, and serious breaches may result in dismissal.

**Breast Feeding Procedures**

The support Greendale Community is able to provide to mothers may depend on the practicability of an employee being released from duties, for example, if an employee works one to one with a service user. Employees should first speak to their Program Manager to discuss how breastfeeding might be accommodated within their position.

Support may include:

* Lactation breaks to breastfeed or express milk can be organised in consultation with the employee’s supervisor. Breaks must be taken at a time that will not inconvenience or pose a danger to other staff and service users.
* Where possible, access to a private room with a comfortable chair to breastfeed and a refrigerator to store expressed milk. Employees should clearly label the milk as expressed milk.
* Access to information. Employees who are pregnant or considering pregnancy will be provided with this policy and are encouraged to discuss how to balance breastfeeding and work commitments with their supervisor.
* Flexible work options. A mother can negotiate flexible work options with her supervisor, such as job-sharing, permanent part-time and flexible starting and finishing times around core working hours.

All employees will be made aware of this policy. Co-workers must treat breastfeeding mothers with respect and dignity.

**Equal Employment Opportunity for People with Disabilities**

Selection decisions for Greendale Community vacant positions are weighted between the written application, the applicant’s ability to meet the key selection criteria, the interview and the reference checks.

Greendale Community is committed to facilitating appropriate support to enable people with disabilities to undertake employment and volunteering. This can include providing appropriate physical facilities, and access to technology and relevant health and safety planning and training.

Greendale Community will keep annual data on the numbers of employees and volunteers who have required tailored employment support.

**REFERENCES**

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|  | Reference: | Age Discrimination Act 2004 (Commonwealth)  Disability Discrimination Act 1992 (Commonwealth)  Human Right and Equal Opportunity Commission Act 1986 (Commonwealth)  Racial Discrimination Act 1975 Commonwealth)  Sex Discrimination Act 1984  Victorian Equal Opportunity Act 2010  OH&S Act 2004  Victorian Charter of Human Rights and Responsibilities 2006  Workplace Gender Equality Act 2012 (WGE Act) |
|  | Industry Standard Reference: | DHS Standards  National Quality Framework  Community Care Common Standards  The Victorian Human Rights Commission ([www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)) has some excellent guidelines for dealing with pregnancy and breastfeeding, and avoiding discrimination associated with this  [www.workplace.gov.au](http://www.workplace.gov.au) Breastfeeding in the Workplace  [www.breastfeeding.asn.au](http://www.breastfeeding.asn.au) which includes a Breastfeeding Friendly Workplace Accreditation  [www.actu.org.au](http://www.actu.org.au) have a useful publication ‘Achieving mother friendly workplaces’ |