3.3 EQUAL EMPLOYMENT OPPORTUNITY POLICY

Scope

This policy applies to all persons, paid or voluntary, who attend the service. All persons, paid and voluntary are to act in accordance with the principles set down in this policy. The employer can be held responsible for the behaviour of all employees.

Relevant Legislation

• Equal Opportunity Act 2010 (Vic.), as amended September 2015
• Racial and Religious Tolerance Act 2001 (Vic.), as amended August 2011
• Sex Discrimination Act 1984 (Commonwealth)
• Racial Discrimination Act 1975, as amended 2015 (Commonwealth)
• Disability Discrimination Act 1992 (Commonwealth), amended 2015
• Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
• Fair Work Act 2009 (Commonwealth)

Related Policy

• Staff Grievance Policy
• Code of Conduct

Definitions

Equal Employment Opportunity (EEO): requires that all employees and volunteers are treated fairly and on merit without regard to criteria unrelated to performance, such as race, sex, age, marital status or other attributes covered by the Equal Opportunity Act 2010 (Vic.), as amended September 2015. A discrimination free workplace allows for diversity in the workforce, ensures fair treatment of individuals and eliminates direct, indirect or systematic discrimination.

Policy Statement

TRY Children’s Services is committed to ensuring that all aspects of the workplace are free from unlawful discrimination and that:

• The selection and appointment of employees and volunteers for employment, promotion or advancement, training and development will be merit based.

• Review of employment will be considered without unlawful discrimination and in accordance with requirements set out in relevant legislation, industrial awards or agreements.

• No employee will be subjected to any form of detriment on the basis of a personal attribute.

Discrimination is unlawful and is not acceptable in any form by the employer. This policy will be displayed prominently in the workplace, form part of information given to all employees (including students on placement) and committee members and made available to all parents of kindergarten students attending the service.

Employment of Employees

• The service is committed to and will apply the principles of equal employment opportunity in the selection of all employees, promotion or advancement, training and development opportunities. Child Safe Standards will be implemented into the recruitment process.

• TRY will ensure that the selection criteria do not exclude disadvantaged groups from equitable consideration for positions.

• Selection panels will be sensitive to the needs of applicants from disadvantaged groups, particularly language difficulties and cultural differences.
• Applicants who have a disability will be assessed against the selection criteria. The panel will apply the principle of reasonable adjustment to any impact the applicant's disability may have on the operations of the service.

**Access to Training and Development**

TRY Australia will provide equitable access to training and development opportunities for all employees.

**Equal Employment Opportunity Complaints Procedure**

The service will ensure that all complaints/grievances in relation to discrimination, regardless of whether they are of a major or minor nature, will be treated seriously and an investigation carried out fairly, efficiently and expeditiously.

All parties to a grievance have the right to:

• have grievances conducted in a fair, objective and unbiased manner
• be treated with respect
• be kept informed about the progress of the grievance
• only have relevant factors taken into account in addressing the matter
• not be subjected to any form of retribution, either stated or implied
• have a support person present at all stages of the process, but not a legal representative. A support person may be a work colleague or union representative who may offer support but not act as an advocate
• be informed, orally and in writing, of the outcome of the grievance including reasons
• confidentiality.

All parties to the grievance are expected to:

• respect and consider alternative opinions
• fully participate in the grievance process
• not personalise issues.

**Step 1: Opportunity for resolution (informal process)**

Any employee, volunteer, student on placement, parent, or parent on behalf of a student who considers they have been discriminated against should raise their concern/s directly with the party or parties involved to resolve their concerns without recourse to the formal complaints procedure. The employee may approach TRY senior management (Operations Manager, and General Manager) to notify the employer of their concern and to clarify possible strategies for resolving their concerns without recourse to the formal complaints procedure.

**Step 2: Lodgements of a complaint (formal process)**

If the problem is not, or cannot, be resolved to the satisfaction of the aggrieved person through informal means, the following should be implemented:

• The aggrieved person should place their complaint in writing with the employer, marked for the attention of the president or, in his/her absence, the vice-president. The complaint should set out the nature and details of the matter, as well as any suggestions they may have to resolve the complaint.
• Once the complaint has been lodged, care will be taken not to discriminate against or victimise the complainant or any other party.

**Step 3: Consultation about a complaint (consultation phase)**

TRY senior management have the authority to deal with the formal complaint lodged and to consult with the complainant and respondent and investigate and resolve the complaint as appropriate. Attempts will be made in all cases to resolve the complaint to the mutual satisfaction of those involved. This should occur as soon as is reasonably practicable.
Step 4: Complaint investigation phase

If it is not possible to resolve the complaint through discussions with relevant parties expeditiously, TRY senior management will conduct a formal investigation into the complaint. This investigation should be completed within 10 working days of the conclusion of the consultation phase.

All documents related to the complaint will be kept confidential and shall not be produced or made available for inspection, except on instruction from a relevant authority consistent with the service’s privacy policy.

Step 5: Resolution of complaint following investigation

If, following investigation, a complaint is found to have substance, TRY senior management will determine an appropriate plan of action to resolve or further advance resolution of the grievance. This may include the use of an external mediator – for example, from the Department of Justice Victoria, Dispute Settlement Service of Victoria – to mediate on the grievance between the parties, but only if both parties are agreeable to participate in the mediation.

If, following investigation, the complaint has not been substantiated, the complainant may be counselled.

Application to an external organisation

Where resolution is not achieved through the service’s internal procedures (or at any stage during the process), the complainant may lodge a complaint with an appropriate court of competent jurisdiction (for example the Equal Opportunity Commission).

Note: TRY is responsible for:

- implementing this policy
- ensuring confidentiality is maintained
- authorising changes to this policy.
- responding to any complaints to the service that are covered by this policy, in accordance with this policy
- seeking assistance and advice from relevant organisations or persons in dealing with the complaint.

The employees are responsible for complying with this policy.

Resources and Support

The Department of Justice Victoria, Dispute Settlement Service of Victoria: (03) 9603 8370 or 1800 658 528

Equal Opportunity Commission of Victoria: (03) 9281 7111 or 1800 134 142

Human Rights and Equal Opportunity Commission: (02) 9284 9600 or 1300 656 419

Evaluation

To assess whether this policy has achieved its purposes TRY Children’s Services will:

- monitor complaints received in relation to equal employment opportunity and assess the success of the processes used in addressing the complaint
- take into consideration feedback on this policy from employees, students, volunteers, and parents.

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