

EQUAL EMPLOYMENT OPPORTUNITY POLICY

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1. Purpose

To define and describe Concern Australia's commitment to being an Equal Opportunity Employer.

Concern Australia's Equal Employment Opportunity Policy aims to achieve a harmonious workplace and recognises the right of all people who interact with us to be treated with dignity and respect.

The purpose of this policy is to make Concern Australia workers aware of what constitutes harassment, discrimination, victimisation and vilification and their responsibilities in preventing and managing such incidents.

2. Scope

This policy and its related procedures and forms are applicable to all workers, contractors, volunteers and organisational representatives under the management and control of Concern.

3. External related standards / legislation

Relevant EEO Legislation including:

- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Racial and Religious Tolerance Act 2001
- Sex Discrimination Act 1984
- Equal Opportunity Act 2010
- Equal Opportunity Act 1995 (Personal Characteristics)
- Equal Opportunity Amendment Act 2011
- Human Rights and Responsibilities Act 2006
- Occupational Health and Safety Act 2004 (Vic)
- Work Health and Safety Act 2011
- Workplace Gender Equality Act 2012
- Fair Work Act 2009

4. Related Policies and Procedures

- Concern Australia Core Values
- Code of Conduct Policy
- Grievance Policy and Procedure
- Performance Development Policy and Procedure
- Supervision Policy and Procedure
- Employment Agreement Contracts
- Management Policy
- Quality Improvement & Incident Record Procedure
- Performance Improvement Procedure

5. Definitions

Equal Employment Opportunity (EEO) means that employment policies and practices are based on, and operate according to, the principle of merit.

This means that workers are treated fairly and equitably when making employment decisions and that unlawful discrimination does not take place. It is against the law to discriminate against someone because of a range of grounds including their actual or assumed attributes of:

- age
- carer status, family responsibilities, potential status
- disability / impairment
- employment activity
- gender identify, lawful sexual activity, sexual orientation
- industry activity
- marital status
- physical features
- political belief or activity
- pregnancy, breast-feeding
- race (incl. colour, nationality, ethnicity or ethnic origin)
- religious belief or activity
- sex

Direct discrimination	occurs when a person with a protected attribute is treated less favourably than another of that attribute.
Indirect Discrimination	occurs when a policy or requirement is imposed or proposed and someone with a particular attribute does not it cannot comply with the requirement and it is unreasonable in the circumstances.
Harassment	any form of harassment based on prohibited attribute (above) which a reasonable person would cause offence, humiliation or intimidation to the person harassed.
Bullying	Repeated, unreasonable behaviour, can be physical or verbal, directed towards a person or group of people creating a risk to their health and safety psychological or physical.
What is NOT bullying?	<p>It is important to differentiate between bullying and legitimate work instructions and direction.</p> <p>All employers have fundamental rights to direct and control how work is done and it is reasonable for Managers, Coordinators and Team Leaders to allocate work and provide reasonable feedback, be it positive or negative, on a worker's performance.</p> <p>Reasonable management actions carried out in a fair way are not bullying. For example:</p> <ul style="list-style-type: none">• Setting performance goals, standards and deadlines• Deciding not to select a worker for promotion• Deciding not to approve a salary increase• Informing a worker about unsatisfactory work performance• Informing a worker about inappropriate behaviour• Implementing organisational changes• Allocating work to worker• Rostering and allocating work hours.• Performance management processes.• Constructive feedback.• Downsizing.
Sexual harassment	a specific type of harassment; which is prohibited under state and federal laws.

6. Policy Statement

Concern Australia acknowledges the right of all workers to be treated equitably and commits to providing consistent, merit based employment practices that follow the Equal Opportunity and encourage individuals to achieve their full potential.

All workers of Concern Australia are expected to carry out their duties in a professional and ethical manner that ensures that business decisions are made without bias or prejudice and unlawful behaviours such as discrimination, harassment, sexual harassment, victimisation and vilification are not tolerated.

This policy applies to all people referred to in the scope of this policy.

7. Responsibility

Concern Australia's Role

Concern Australia has a responsibility to take reasonable steps to prevent discrimination, harassment, sexual harassment, victimisation and vilification from occurring in the workplace.

Concern Australia will meet this responsibility by putting this policy in place, educating workers about inappropriate behaviour, implementing grievance procedures and ensuring compliance by all in the workplace.

Any worker complaint regarding any of the behaviours set out in this policy will be taken very seriously.

All complaints will be dealt with in a sensitive and confidential manner. Each formal complaint will be investigated and, if substantiated, appropriate disciplinary action will be taken.

Worker's Role

Each worker has a responsibility to ensure that he or she does not discriminate against, harass, bully, victimise or vilify any another worker, prospective worker, contractor, young person, or any other person at the workplace.

Workers should be aware that they can be held legally responsible for their unlawful acts or the acts of persons on their behalf and workers may also be subject to disciplinary action.

This also applies to workers who assist or encourage other workers in inappropriate behaviour such as bullying or harassment.

Workers must ensure that the principles of Equal Employment Opportunity are also applied to guests, partners, suppliers, young people and any other person or organisation that deals with Concern Australia.

Workers must report any incidents or suspected incidents to their immediate manager.

Managers Role

Managers include all team leaders, coordinators, supervisors, and executive staff. Managers have an important role in the prevention of inappropriate workplace behaviour.

Firstly, managers must ensure that they do not discriminate against, harass, bully, victimise or vilify workers or any other person.

Secondly, managers must ensure that all workers understand and implement this policy and ensure that an appropriate work culture is maintained.

If a manager observes inappropriate behaviour or a person approaches with a complaint about inappropriate behaviour, must follow the procedure.

8. Procedure

8.1 Complaint resolution

If a Concern Australia worker believes that they are being bullied, harassed or discriminated, and if that person feels able to do so, they should speak with the discriminator, bully or harasser regarding the unwanted, unwelcome or inappropriate behaviour.

Try to resolve the matter directly with the other person, by telling them that their behaviour upsets you, and that you want it to stop.

If that person feels unable to communicate directly with the bully, discriminator or harasser, the matter should be referred to either their manager or the Business Operations Manager.

8.2 Lodge a complaint

- If the behaviour does not stop, seek advice from the line manager. If the alleged perpetrator is the line manager, report the matter to a more senior manager or the Business Operations Manager or CEO.
- If a worker believes a colleague is being exposed to discrimination bullying or harassment, that person has a duty to assist the colleague and bring the matter to Concern Australia' attention.
- The complaint must be confidential. This will minimise any upset and assist in resolving the dispute as quickly and sensitively as possible.

If the complaint has been about bullying, the worker has the responsible for ensuring:

- Make the complaint honestly and in good faith
- Provide all the facts relevant to the complaint
- Co-operate with the investigation and resolution processes

Concern Australia may not assist you to deal with a complaint of bullying where:

- The complaint has been satisfactorily dealt with or resolved previously (unless another bullying incident has occurred since)
- The complaint is made anonymously without sufficient detail being provided so as to allow investigation or resolution of the matter
- The complaint is frivolous, vexatious or malicious
- The complaint does not constitute bullying as defined by the policy and relevant laws.

Contact Person

If a workforce member needs to ask any questions about any aspect of unacceptable conduct they may contact their line manager, the Business Operations Manager.

The contact person is available to provide information about Concern Australia equal opportunity, harassment, bullying and victimisation policies and to discuss options available to workforce members who may have a complaint.

8.3 Action by Concern Australia

Through the Business Operations Manager, Concern Australia will consider a range of steps in response to a complaint even though the complainant may not want this to occur.

If Concern Australia considers this is necessary, this will be discussed with the complainant who will be advised as to the further steps considered necessary.

Concern Australia may also decide to stand aside a workforce member on pay or relocate an individual to another location or to different duties whilst a complaint is being investigated.

Investigation of complaints

Concern Australia will investigate all alleged breaches of this policy promptly, and handle the grievance with confidentiality, impartiality, and sensitivity.

The purpose of the investigation is to determine, using the principles of natural justice, whether any unacceptable conduct has occurred.

Investigations may be conducted internally, or Concern Australia may appoint an external investigator, or arrange for an investigation by a panel of both internal and external investigators, if required.

Intention

In relation to cases of discrimination, bullying or harassment, the fact that the alleged perpetrator may not have intended to discriminate against the other person or bully or harass them, is irrelevant.

Principles of natural justice

- Any allegations of unacceptable conduct should be investigated promptly.
- The person who is alleged to have committed acts constituting unacceptable conduct should be treated as innocent until such time as findings are made that any of the allegations are substantiated and that unacceptable conduct has occurred
- The person alleged to have committed the unlawful conduct must be given the opportunity to provide his or her response or comment on the allegations.

8.4 No victimisation or detrimental action

A complainant will not be disadvantaged in their role at Concern Australia for making a complaint, being a witness or being an informant to an investigation of a complaint.

Some examples of unlawful victimisation include ostracising, demoting or dismissing the person because they are a complainant, where the complaint has been made in good faith. Concern Australia regards such victimisation as serious misconduct which will be treated in line with the Disciplinary Action Policy referred in Concern Australia Code of Conduct.

8.5 Vexatious complaints

Concern Australia will not tolerate vexatious complaints. If a claim is not initiated in good faith (for example; is initiated without reasonable grounds to do so), disciplinary action may be taken in accordance with the Disciplinary Action Policy referred in Concern Australia Code of Conduct.

8.6 Consequences for breach of this policy

If a complaint against a Concern Australia worker is substantiated, he or she will face appropriate disciplinary action by Concern Australia, commensurate with the seriousness of the matter.

Appropriate disciplinary action may include provision of an apology, a transfer, warning, formal counselling and / or termination of engagement (including termination without notice). 'One-off' or non-intentional breaches may result in the full range of disciplinary action.

The person may also be subject to complaints under applicable state or federal legislation.

Document History

Revision History

Issue date	Version	Modify by	Approved by	Summary of Changes
15/05/2012	1.0	Nerida Jermy		Draft 1
22/01/2013	1.1	Paul Romano		Review and Update
23/05/2013	1.2	Paul Romano		Page numbering, footer and formatting
07/08/2013	1.3	Nerida Jermy	Bruce Tucker, Chief Executive Officer	Final Review
31/05/2016	2	Beyanid Caicedo	Georgette Wardan	Updated <ul style="list-style-type: none"> • Purpose • External related standards / legislation • Related Policies and Procedures • Definitions Included: <ul style="list-style-type: none"> • Responsibilities • Policy Statement • Procedure

9. Signed Acceptance by incoming worker members

Please sign and date the following Acceptance to confirm that you have received a copy of the Equal Employment Opportunity Policy and agree to abide by the conditions contained within.

Acceptance

I, have read and understood the Concern Australia Equal Employment Opportunity Policy and agree to abide by its provisions.

I understand that any breach of its provisions will render me liable to appropriate disciplinary action which may result in dismissal, and improper use and disclosure of such information obtained directly or indirectly by virtue of my employment/engagement by or association with Concern Australia may also lead to prosecution.

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Signature of the Worker

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Full Name of the Worker

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Position

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Date