

	EQUAL EMPLOYMENT OPPORTUNITY, INCLUSION AND DIVERSITY	Document No:	HR-PRO-014
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1. Purpose

The Australian Catholic Bishops Conference (ACBC) appreciates the value inherent in a diverse workforce. Diversity may result from a range of factors: origin, age, gender, race, cultural heritage, lifestyle, education, disability, appearance, language and other factors. The ACBC values the differences between people and the contribution these differences make to the work carried out by our Agencies.

The ACBC will actively manage diversity, finding ways of utilising the differences that exist, in order to improve the work we do. This requires that we actively and flexibly seek to accommodate the unique needs of our workers.

Above all, the ACBC is committed to ensuring that all workers are treated with respect and dignity.

2. Scope

This procedure applies to all workers including job applicants, student placements, apprentices, volunteers and contractors at ACBC agencies.

This document gives guidelines and the ACBC may amend, remove or replace it. These guidelines are not intended to be contractually binding and the ACBC and its Agencies may depart from these guidelines in individual instances.

3. Related Documents

Age Discrimination Act 2004
 Australian Human Rights Commission Act 1986
 Disability Discrimination Act 1992
 Racial Discrimination Act 1975
 Sex Discrimination Act 1984
 Fair Work Act 2009
 Australian Capital Territory : Discrimination Act 1991
 New South Wales : Anti-Discrimination Act 1977
 Northern Territory : Anti-Discrimination Act 1996
 Queensland : Anti-Discrimination Act 1991
 South Australia : Equal Opportunity Act 1984
 Tasmania : Anti-Discrimination Act 1998
 Victoria : Equal Opportunity Act 2010
 Western Australia : Equal Opportunity Act 1984
[ACBC Antidiscrimination Policy](#)
[HR-PRO-011 Grievances](#)

4. Definitions

Unlawful Discrimination

Unlawful discrimination occurs when someone, or a group of people, is treated less favourably because of their age, sex, pregnancy, marital status, family responsibilities, sexual orientation, gender identity, intersex status and relationship status, race, nationality, ethnicity, descent, disability, sexual preference, a criminal record, trade union activity, political opinion, religion or social origin.

Federal (Commonwealth) and state and territory legislation prohibits discrimination in employment.

Exceptions to the prohibition of discrimination:

Discrimination is not always unlawful. Anti-discrimination legislation provides exceptions to the prohibition of discrimination in some instances which include but are not limited to:

- **Genuine occupational requirements**
An employer may limit employment to people of one sex where there is a genuine occupational requirement for doing so. For example, where female attendants are required to staff female change rooms in order to preserve privacy and decency
- **Religious bodies and religious schools**
Religious bodies and schools may lawfully discriminate on the basis of a person’s religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity when that discrimination conforms with the *doctrines*, beliefs or principles of the doctrine, or it is reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion.
- **Protection of health and safety**
Discrimination on the basis of disability or physical features may not be unlawful if it is reasonably necessary to protect the health or safety or property of any person, including the person discriminated against.

Direct discrimination

Direct discrimination occurs when a person with a particular attribute is treated (or proposed to be treated) unfavourably because of that attribute. For example, a person is informed that even though they were the best applicant for a job, they have been unsuccessful because they are too young.

Indirect discrimination

Indirect discrimination can be more subtle, and happens when an unreasonable requirement, condition or practice – that may appear to treat people equally – is imposed in a particular situation (such as seeking a job) and has, or is likely to have, the effect of disadvantaging a person with an attribute.

For example, a requirement that a person be at least 175 cm tall in order to work in a particular job may be indirectly discriminatory against women and/or people of certain ethnic backgrounds, unless being that height is crucial to perform the duties of the job.

Supervisor

The Supervisor is a Bishop, an Agency Head, Director, Manager, Coordinator or Team Leader, who is responsible for the day-to-day supervision of workers.

Designated Person

A Designated Person is the worker who has been given the responsibility for receiving and investigating discrimination complaints. At ACBC the designated person is as follows:

Agency	Designated Person
Caritas Australia	Senior Manager, People and Culture
Catholic Social Services Australia	Director, Corporate Services
NCEC	Manager Governance and Corporate Services
All other ACBC Agencies	Employment Relations Advisor, Office for Employment Relations

Contact Officer

A Contact Officer is a person who has been nominated as the first point of contact for the internal complaints process for bullying, harassment or discrimination. The role of a contact officer is to raise workplace awareness on harassment, educate workers on options available, provide a safe environment for workers to express concerns in a confidential manner and assist in promoting a workplace that is free from discrimination and harassment.

Formal Resolution

A formal resolution is one which is affected through formal resolution procedures as described in this document.

Informal Resolution

An informal resolution is one that will achieve a remedy which is agreeable to complainants, but does not invoke formal resolution procedures. These remedies are achieved by involving the relevant

parties and by using methods which may include coaching, counselling, supporting, mediating, or otherwise facilitating the resolution of the complaint.

5. Responsibilities

Supervisor

Supervisors are responsible for:

- Modelling the appropriate behaviour
- Promoting an environment where there is tolerance of difference
- Ensuring that the ability to contribute and access opportunities is based on merit
- Adopting and actively encouraging those practices and procedures that enable workers to contribute to the best of their ability
- Taking the appropriate action to address inappropriate attitudes or behaviours
- Ensuring that this procedure is followed

Workers

Workers are responsible for:

- Complying with the ACBC Anti-discrimination policy and procedure
- Treating each other fairly and with respect and dignity

Contact Officers

Where a Contact Officer has been nominated, the contact officer should:

- Remain neutral as the focus is on reconciliation of a dispute and not siding with one party against the other
- Assist in clarifying whether there has been discrimination
- Provide information on the organisation's anti-discrimination policy and procedures
- Discuss methods for problem resolution via informal or formal complaints procedure

Office for Employment Relations or Human Resources Function

The Office for Employment Relations or Human Resources Function is responsible for:

- Sourcing and implementing anti-discrimination training
- Ensuring that anti-discrimination training is provided during induction
- Ensuring that ongoing training in anti-discrimination, inclusion and diversity is available to all workers

6. Equal Opportunity in Employment

The ACBC will provide equal opportunity in respect to employment and employment conditions, including:

- **Recruitment and selection:** All recruitment and job selection decisions at ACBC Agencies will be based on merit. The skills and abilities of applicants will be measured against the inherent requirements of the position, regardless of personal characteristics. It is unacceptable and may be against the law to ask job applicants 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. (Refer to [HR-PRO-004 Recruitment and Selection](#)). Job advertisements will include a statement asserting that the ACBC is an Equal Opportunity employer. (Refer to ACBCs [Advertising Guidelines](#))
- **Training:** All workers will have access to the training they need to achieve the objectives of their current position or to fulfil the future needs of their Agency. This will generally be determined through the Performance Enhancement process (Refer to [HR-PRO-010 Performance Enhancement](#)).
- **Career advancement:** All workers will have access to career advancement based on merit.
- **Flexible work arrangements:** Flexible work arrangements are available to all workers to achieve a good work-life balance. Flexible work arrangements can be used to accommodate family responsibilities, carer responsibilities, disability, religious beliefs or culture. (Refer to [HR-PRO-019 Flexible Work Arrangements](#)).

- **Disability:** The ACBC will take all reasonable steps to accommodate the needs of workers with a disability. This includes provision of appropriate means of access to and from ACBC controlled workplaces, appropriate equipment and provision of appropriate means of communication (Auslan, Braille etc.)
- **Age:** The ACBC will avoid direct or indirect references to age in all job advertisements and job interviews. Flexible work arrangements will be available to older workers to balance carer requirements or to transition to retirement

7. Training

The ACBC will provide induction and ongoing training and education in anti-discrimination, diversity, equal opportunity and prevention of bullying and harassment at work.

8. Bullying and Harassment

As stated in the ACBC's Workplace Bullying and Harassment Policy, the ACBC does not tolerate bullying or harassment in the workplace. Refer to [WHS-PRO-034 Prevention of Workplace Bullying and Harassment](#).

9. Complaints

Workers should report instances where they believe discrimination has occurred or has the potential to occur. This should be reported to their immediate supervisor, unless the immediate supervisor is the subject of the complaint. In this instance, the complaint may be raised with the Designated Person.

All complaints must be taken seriously and investigated within a reasonable timeframe. (Refer to [HR-PRO-016 Workplace Investigations](#)). The parties involved must be informed of the conclusions and any recommended actions must be implemented within a reasonable time period.

10. Resolution of complaints

There are a number of possible resolutions to complaints of discrimination. Depending on the seriousness of the complaint, the outcome may simply be a request for an apology and for the offending behaviour to stop. In other cases, depending on the severity of the complaint, various forms of disciplinary actions may be taken, such as formal counselling and/or termination of employment. Resolution may also take the form of reinstatement to a position or restoration or improvement of conditions.

Informal Resolution

Taking into account the seriousness of the complaint, and where both parties are willing, an informal resolution to complaints may be sought in the first instance. This may be:

- A request made by the complainant to the person(s) involved for the offensive behaviour to stop.
- A meeting facilitated by the Designated Person between the complainant and the person(s) who is allegedly discriminating, to discuss the issue and to agree on a solution.

Workers who do not feel safe or confident to take such action may seek assistance from the Designated Person or the Contact Officer for advice and support or action their behalf.

Formal Resolution

Formal resolution procedures should be used where informal resolution of the discrimination complaint has been unsuccessful or is inappropriate.

To instigate this process, the complainant must lodge a complaint in writing, or the Designated Person must have sufficient information to advise this course of action.

A formal complaint will be treated in accordance with the ACBC Grievance Procedure ([HR-PRO-011](#)), although this process may be departed from in appropriate circumstances. Where it is inappropriate for the matter to be reported to the immediate supervisor of the complainant, it may be reported to the

Agency Head. For instances where the discrimination complaint is aimed at the Agency Head, the complaint can be lodged with the Office for Employment Relations.

11. Confidentiality

Complaints of discrimination must be kept confidential insofar as reasonably possible.

An accusation of discrimination can be potentially defamatory. A lack of confidentiality can also harm a person who has made a complaint.

Discussions, information and records related to complaints will remain confidential to the extent that is reasonably practicable.

All documentation and details of discrimination enquiries and grievances will be kept in a secure place (e.g. a locked cabinet), under the privacy guidelines.

12. Victimisation

Victimisation of any of the parties involved in a discrimination complaint is regarded as a serious breach of conduct. An allegation of victimisation will be formally investigated.

If proven, it may result in disciplinary action being taken against the perpetrator, which can include dismissal.

13. Employee Assistance Program (EAP)

The ACBC's Employee Assistance Program is available to any worker who requires support or assistance in relation to discrimination. Refer to [HR-PRO-031 Employee Assistance Program](#)

14. Records

Reports of discrimination

Written complaints

Diary notes