

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Quality Area 4

PURPOSE

This policy provides guidelines to:

- To provide an environment that promotes equal opportunity and prevents unlawful discrimination.
- To ensure that all staff and students are educated in the prevention of unlawful discrimination, and to recognise the behaviours that may constitute unlawful discrimination.

SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians and all adults involved in the service. All persons are to act in accordance with the principles set down in this policy.

POLICY STATEMENT

The service 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 accepted in any form by the employer.

This policy is readily available for all employees including students, volunteers, committee members and parents/guardians. To avoid any perceived conflict, if the President, Vice President or any other members of the Committee of Management are personally involved in issues as a complainant, or in allegations of discrimination, they will stand aside from participation in subcommittee or procedures related to the investigation or management of such complaints.

RELEVANT LEGISLATION

- Equal Opportunity Act 1995 (Vic)
- Racial and Religious Tolerance Act 2001 (Vic)
- Sex Discrimination Act 1984 (Cwlth)
- Racial Discrimination Act 1975 (Cwlth)
- Disability Discrimination Act 1992 (Cwlth)
- Human Rights and Equal Opportunity Commission Act 1986 (Cwlth)
- Fair Work Act 2006 (Cwlth)

DEFINITIONS

Equal Employment Opportunity (EEO): requires that all employees and volunteers be 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 1995 (Vic)*. A discrimination free workplace allows for diversity in the workforce, ensures fair treatment of individuals and eliminates direct, indirect or systematic discrimination.

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.
- The committee of management 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 principles of reasonable adjustment to any impact the applicant's disability may have on the operations of the service.

ACCESS TO TRAINING AND DEVELOPMENT

The Committee of Management 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 conducted 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 the 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 in writing, of the outcome of the grievance.
- 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, parent, or parent on behalf of a student who considers they have been discriminated against should raise concern/s directly with the party or parties involved to resolve their concerns without recourse to the formal complaints procedure. The employee may approach the president or, in his/her absence, the vice president to notify the committee of their concern and to clarify possible strategies for resolving their concerns without recourse to the formal complaints procedure.

Step 2: Lodgement 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.
- In order to expedite the complaint process the president/vice president will advise the committee members of the receipt of the complaint at the earliest opportunity but not exceeding the next scheduled committee meeting.

Step 3: Consultation about a complaint (consultation phase)

Ideally, the staffing subcommittee, if one exists in the service, will be nominated to deal with the complaint. If no such subcommittee exists, the committee should establish a panel comprising of at least three people, one of whom should be an executive member of the committee, to deal with the complaint.

This subcommittee should be given the authority to deal with the formal complaint lodged and to consult with the complainant and respondent and investigate and resolve the complaint. If may be necessary to make a recommendation to the committee in order to resolve the matter. 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 possible.

If the complaint is resolved as a result of formal consultation, the subcommittee (to the extent that confidentiality allows) will report to the committee on the outcome.

Step 4: Complaint investigation phase

If it is not possible to resolve the complaint through discussions with relevant parties expeditiously, the subcommittee 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 services privacy policy. The subcommittee will report (within the confidentiality term of the investigation) back to the committee on completion of the investigation.

Step 5: Resolution of complaint following investigation.

If, following the investigation, a complaint is found to have substance, the committee (or the parties to the formal investigation) will determine an appropriate plan of action to resolve or further advance the resolution of the complaint or 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 complaint or grievance between the parties, but only if both parties are agreeable to participate in mediation.

If, following the 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 (for example the Equal Opportunity Commission)

Note:

The Committee is responsible for:

- Implementing this policy
- Ensuring confidentiality is maintained.
- Authorising changes to this policy

The staffing subcommittee is responsible for:

- Responding to any complaint to the service that are covered by this policy, in accordance with this policy
- Seeking assistance and advice from the relevant organisations or persons in dealing with the complaint

All employees are responsible for complying with this policy

RESOURCES AND SUPPORT

- The Department of Justice Victoria, Dispute Settlement of Victoria: 03 96038370 or 1800658528
- Equal Opportunity Commission of Victoria: 03 92817111 or 1800134142
- Human Rights and Equal Opportunity Commission: 02 92849600 OR 1300656419

EVALUATION

To assess whether this policy has achieved its purpose the committee 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, parents, and committee members.

ATTACHMENTS

Nil

AUTHORISATION

The policy was adopted by the Approved Provider of Emma McLean Kindergarten and Daycare on April 2023.

REVIEW DATE: APRIL 2026