



## Equal Opportunity & Anti-Discrimination Policy

### Purpose

The purpose of this policy is to demonstrate Transparency International Australia's (TIA) commitment to an inclusive workplace free from unlawful discrimination. It specifies TIA's equal opportunity and anti-discrimination measures, the responsibilities of staff and managers in creating such a workplace, and responding appropriately to allegations of discrimination.

### Scope

This policy applies to all TIA Board Members, employees, volunteers and interns.

### Definitions

#### **Equal Employment Opportunity (EEO)**

People are treated fairly, on their merits at every stage of the employment relationship. This includes giving staff equal access to: appointment, promotion and transfer, training and development opportunities, and redundancy.

#### **Discrimination**

##### ***Direct discrimination***

A person is treated less favourably than another person in the same or similar circumstances for the substantial reason of them having or being perceived as having a protected attribute.

##### ***Indirect discrimination***

An unreasonable requirement, condition or practice is imposed that persons with one or more of the protected attributes cannot comply with, whereas most persons without the attribute can.

***Protected attributes*** include:

- > age;
- > breastfeeding;
- > disability;
- > employment activity;

- > gender identity;
- > industrial activity;
- > lawful sexual activity;
- > marital or relationship status;
- > parental status or status as a carer;
- > physical features;
- > political belief or activity;
- > pregnancy or potential pregnancy;
- > race (including colour, nationality, ethnicity and ethnic origin);
- > religious belief or activity;
- > sex;
- > an expunged homosexual conviction;
- > sexual orientation;
- > trade union activity;
- > personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

## Victimisation

Occurs when a person performs or threatens to carry out an act to the detriment of another person because that person has:

- > made, or proposes to make, a complaint;
- > provided, or proposes to provide, documentation to assist in an investigation of a complaint;
- > attended, or proposes to attend, an investigation as a witness to an incident;
- > reasonably asserted his/her rights under this policy.

## Policy Statement

TIA is committed to equal opportunity and providing an environment free of discrimination through fair, equitable and non-discriminatory employment and work practices. TIA will endeavour to ensure that in the application of all its policies, practices and procedures, no discrimination takes place, inclusion and diversity is encouraged and that all employees and prospective employees enjoy equal access to opportunities within TIA.

TIA will take all reasonable steps to identify and eliminate unlawful direct and indirect discrimination from our structures, practices and decisions and promote equal opportunity for all employees, volunteers, contractors and visitors to TIA.

Unlawful discrimination will not be tolerated at TIA because it is against the law and inconsistent with our values. The organisation can be held vicariously liable for the actions of an employee that breach equal opportunity laws.

## Responsibilities

### All Staff

TIA employees must always behave in a professional manner, treating all those they encounter with

respect in accordance with TIA's Code of Conduct. They must not encourage or assist another person to engage in discrimination.

## **Managers**

Managers are responsible for role modelling behaviour that fosters a safe and inclusive working environment free from discrimination.

Managers who receive reports of alleged discrimination must respond in accordance with the relevant complaint-handling procedure.

Managers may be required to investigate allegations of discrimination in line with the investigation procedures specified in this policy.

## **Process**

### **Recruitment and Engagement of Contractors**

All recruitment, selection and employment decisions will be based on individual merit.

### **Reasonable Adjustments**

If a person has an attribute that may affect their ability to perform the inherent requirements of a role, or have access to facilities or services, TIA will ascertain whether reasonable adjustments could be made to enable that person to perform the role and/or access facilities or services. This applies equally to employees, volunteers, visitors and contractors.

It is not unlawful discrimination if the changes necessary to enable the person to fulfil the inherent requirements of the position cannot be reasonably accommodated, having regard to factors such as cost, time and the impact on others of making the adjustment.

### **Breach of Policy**

All those individuals covered by this policy are expected to adhere to the standards of behaviour contained herein at all times. Any employee who is found to have breached this policy will be disciplined accordingly, which may lead up to, and include termination of employment in line with the Disciplinary and Termination of Employment policies. If a contractor of TIA is found to have breached this policy, their contract stands to be terminated, or may not be renewed in the future.

### **Complaints**

All individuals covered by this policy who believe that they have experienced or witnessed behaviours or actions which constitute a breach of this policy should act as soon as possible by informing their supervisor or a trusted manager within the TIA team. Those individuals who believe they have witnessed or have been alerted to acts of discrimination or breaches of this policy by another individual in the workplace are also able to make complaints.

### **Investigation**

Where a written complaint has been lodged, a formal investigation procedure will commence immediately. Formal investigations may be conducted by a Senior Manager of TIA or an independent body/person who is appointed by TIA.

Regardless of whether the investigation is carried out by a TIA employee, or by an independent body/person, the investigator will aim to follow the procedure set out below:

- > Clarify details of what took place, when, where, and who was involved and ensure that all necessary information is obtained;
- > Identify the outcome the complainant is seeking;
- > Discuss with the complainant their legal rights, including lodging a formal complaint with the relevant state or federal tribunal;
- > Discuss the complaint made with the person/s accused of bullying and or other forms of harassment and discrimination; and
- > Making a determination as to whether the alleged behaviour occurred and if it constituted bullying.
- > Identify and document next steps and an agreed timeframe

If TIA feels it is appropriate in the interests of health and safety of employees concerned, and/or the efficiency of the investigation process, employees may be requested to refrain from attending work for a period of time whilst the investigation is underway. Alternatively, employees may be given different duties or work to perform while the investigation is being conducted. Employees who are requested to do either of these will be paid at their normal rate of pay during this period.

Where it becomes apparent that the complaint made related to conduct which constitutes misconduct or otherwise warrants disciplinary action, the manager is to refer to the Disciplinary Policy for further action and resolution.

## **Confidentiality and Support**

Employees who make a complaint of bullying or harassment will be supported and protected from victimisation as a result of making a complaint. Similarly, the employee against whom the allegation is made will be provided with protection and support. Both parties will be kept informed of progress and the outcome of the investigation. Information regarding any disciplinary action arising from a complaint will remain strictly confidential, except where required to disclose information by law or obligation under another TIA policy.

## **Related Documents**

This policy has been written to comply with national and state laws including the Fair Work Act (2009), Fair Work Amendment Act (2013), Australian Human Rights Commission Act (1986), Age Discrimination Act (2004), Australian Human Rights Commission Act (1986), Disability Discrimination Act (1992), Racial Discrimination Act (1975), Sex Discrimination Act (1984) and the Equal Opportunity Act (2010) Vic. Any changes to these Acts may override the definitions and practice outlined in this policy.

This policy should be read in conjunction with:

- > Code of Conduct
- > Bullying and Harassment Prevention Policy
- > Workplace Health and Safety Policy
- > Whistleblower Protection Policy
- > Complaints Policy
- > Standard Operating Procedures for the Investigation and Reporting of Misconduct.

- > Grievance Policy
- > The relevant terms and conditions of the relevant contract, specifically disciplinary and termination clauses.

The following external resources may also be helpful:

**Australian Human Rights Commission**

<https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/workplace-discrimination-harassment-and-bullying>

**Fair Work Ombudsman**

<https://www.fairwork.gov.au>

## Effective Date and Review

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