Equal Employment Opportunity and Diversity Policy

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This Policy applies to staff of Murdoch Childrens Research Institute ("MCRI"), which includes the Victorian Clinical Genetics Services ("VCGS").

1 Introduction

1.1 This policy aims to provide a framework to create a positive, diverse and equitable work environment, where productive learning and research can take place. This includes providing staff with an environment that is safe, flexible, fair, culturally appropriate, friendly and professional.

1.2 By creating an effective Equal Employment Opportunity and Diverse culture, we aim to provide a workplace that is fair and inclusive and builds a workforce which better reflects the diversity of our staff and community.

1.3 This policy is not exhaustive. It does not purport to set out all relevant staff obligations. In addition, this policy does not form part of any contract of employment, nor does it form part of any contract of service. This policy is not to be taken as making any representation or promise on which staff can or should rely.

1.4 Equity principles are a core element of the planning, recruitment, interview, selection and appointment of new staff within MCRI and VCGS.

1.5 The Equal Employment Opportunity (EEO) and Diversity Policy should be read in conjunction with the Anti-Discrimination, Harassment, Sexual Harassment and Bullying Policy which aims to ensure that our workplace is free from all forms of unlawful discrimination and harassment.

1.6 This policy has been developed with the legal provisions of the following legislation in mind:
1.7 Refer to the Human Resources Policy Dictionary for terms requiring definition.

2 Equal Employment Opportunity (EEO) Principles

2.1 We are committed to an equitable and inclusive work environment free from discrimination and harassment. We continue to develop and implement equal opportunity strategies to ensure that organisational structures, policies, practices and decisions are based on the assessment of individual ability and achievement.

2.2 Benefits of EEO

2.2.1 The EEO and Diversity Policy provides a framework to achieve:
- a skilled workforce that reflects the diversity of our staff and the wider community and leads to continuous improvement in service delivery.
- a work environment that values and utilises the contributions of staff with diverse backgrounds, experiences and perspectives through improved awareness of the benefits of workforce diversity and successful management of diversity.
- awareness for all staff of their rights and responsibilities with regards to fairness, equity and respect for all aspects of diversity.
- the active management of diversity to ensure we proactively utilise the differences that exist in order to improve our business and how we deal with customers/stakeholders by seeking to accommodate the uniqueness of many different staff and stakeholders.
- an opportunity for MCRI and VCGS to embrace workforce diversity as a source of strength. This is not only about increasing visible difference in the workforce, but more importantly it is about the strategic advantage that comes from incorporating a wide variety of capabilities, ideas and insights in our decision making problem solving and policy development.

3 Equal Employment Opportunity (EEO) and Diversity Aims

3.1 Under the Policy, we seek to:
- select or promote staff according to merit with major importance being placed on the expected future performance of the staff member, irrespective of personal attributes;
- promote a culturally diverse community and environment that promotes the self-esteem and personal development of staff to enable them to reach their full potential;
- improve innovation and creativity to enhance benefits of diversity. Teams that are diverse and inclusive find more innovative, feasible and effective ways to overcome challenges;
- identify and eliminate barriers that may be encountered, including the elimination of discriminatory selection criteria, access to training and development, support and mentoring; and
- provide a workplace which is supportive and free from discrimination on the grounds of:
  - race, colour, national extraction, or social or ethnic group marital status
  - gender identity or intersex status

- Australian Human Rights Commission Act 1986 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Racial and Religious Tolerance Act 2001 (Vic)
- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 2010 (Vic)
- Charter of Human Rights and Responsibilities
- Occupational Safety Act 2004 (Vic)
- Age Discrimination Act 2004 (Cth)
- Fair Work Act 2009 (Cth)
- Workplace Gender Equality Act 2012 (Cth)
o medical condition (not affecting work performance)
o pregnancy or potential pregnancy
o breastfeeding
o sex
o age
o family or carer’s responsibility
o religious belief or activity
o physical features
o trade union activity (or inactivity)
o political belief or activity
o employment activity
o sexual orientation
o lawful sexual activity
o impairment (including physical or mental disability)
o personal association with a person who is identified by reference to a protected attribute

3.2 Further, we recognise the need to address employment issues for women and it supports the intention and spirit of the Workplace Gender Equality Act 2012 (Cth) and other anti-discrimination legislation. We are committed in the firm belief that gender equality is an extremely important and valuable goal to aspire to and achieve. Ways of achieving this include:

- increasing awareness of equity strategies. In doing this, both male and female staff benefit alike as there is increased transparency and fairness in decision-making and improved respect for all colleagues;
- the development of policies, procedures and guidelines which address the need to remove any gender bias in issues such as recruitment and selection of staff; the promotion, transfer and termination of employment; learning and development; work organisation; conditions of service; arrangements for dealing with sex-based harassment; and arrangements for balancing work and family; and
- the education of staff and line managers through ongoing compliance training, learning and development programs and communications.

3.3 Exceptions

3.3.1 There are some exceptions to anti-discrimination laws which apply in limited situations. If an exception applies, something which might otherwise constitute unlawful discrimination may not be unlawful.

For example, it is not unlawful to decide not to employ a person who has an attribute, for example a disability, which makes it impossible for the person to perform the inherent requirements of the position. However, whether conduct amounts to unlawful discrimination will depend on the circumstances of each individual case.

4 Roles and Responsibilities

4.1 Staff Members

4.1.1 We aim to provide:

- a workplace that is free from unlawful discrimination and harassment;
- fair practices and behaviour in your workplace;
- competitive merit-based selection processes for recruitment or promotion;
- learning and development that enables you to be productive in your work and to pursue your chosen career path;
- equal access to benefits and conditions including flexible working arrangements;
• fair allocation of workloads, and fair processes to deal with work-related complaints and grievances.

4.1.2 Staff are responsible for:
• working to the best of their ability and providing quality service to customers and colleagues;
• recognising and respecting the skills and talents of other staff members;
• acting to prevent harassment, discrimination and bullying against others in your workplace;
• respecting cultural and social differences among your colleagues and customers and treating people fairly; and
• completing EEO surveys when required. These will provide statistical and other information about EEO at MCRI and VCGS.

4.1.3 All staff have responsibility to ensure that equal opportunity and diversity is promoted, embraced and actively managed within our Institute.

4.1.4 Staff are expected to be actively involved in promotion of equal opportunity and diversity in recruitment practices and removing potential barriers to those that may be under represented in employment areas.

4.2 Management

4.2.1 The Board promulgates this policy as integral to the management of MCRI and VCGS. The responsibility for implementing this policy is a routine part of all line managers' positions. Line managers have the same rights and responsibilities as staff members but they are also responsible for:
• taking steps to ensure that all work practices and behaviours are fair in your workplace, including fair allocation of workloads;
• ensuring the work environment is free from bullying and from all forms of unlawful discrimination and harassment;
• providing staff with information and resources to enable them to carry out their work;
• providing all staff with equal opportunity to apply for available jobs, higher duties, job rotation schemes and flexible working arrangements;
• ensuring selection processes are transparent and that methods used are consistent;
• providing all staff with equal access to fair, prompt and confidential processes to deal with complaints and grievances;
• giving staff equal access to relevant learning and development opportunities;
• identifying special learning and development needs of members in your team and helping them to gain access to training and development opportunities, and participate in learning opportunities; and
• seeking feedback to help you manage staff effectively.

4.3 Gender Equity and Diversity Committee

4.3.1 We have established a Gender Equity and Diversity Committee that aims to:
• provide a forum for research, discussion and debate of issues relevant to diversity across;
• set a strategic direction for initiatives to improve diversity and minority representation, and to refer to the Director and Executive as required; and
• consolidate expertise and skills in areas required to inform the strategic direction and the Committee’s agenda.
5 Complaints Resolution

5.1 Objectives

5.1.1 The objectives of the complaint resolution procedure are to provide a mechanism for staff to raise a complaint without fear of retribution, and to enable corrective action to be taken where necessary.

5.1.2 The complaint resolution procedure is intended to give you the ability to say “no”, and to tell a person who is subjecting you to bullying, discrimination or harassment to stop, regardless of who that person is.

5.1.3 The complaint resolution procedure is also intended to assist Human Resources to determine whether any inappropriate conduct has occurred, and if so, to take appropriate disciplinary action and implement measures to prevent any further inappropriate conduct from occurring.

5.1.4 The resolution procedure focuses on an informal process and a formal process. Both processes are listed below.

5.1.5 Staff may wish to discuss your options and whether you want to make a formal or informal complaint with your Line Manager, Group Leader or Human Resources.

5.1.6 Alternatively, staff have the option of contacting the Employee Assistance Program (EAP). The EAP is a confidential counselling service for staff and their eligible family members. This service is provided by an independent, professional organisation called Davidson Trahaire Corpsych (DTC). All DTC counsellors are qualified, experienced professionals who have extensive training and experience in counselling, coaching and workplace consulting. For confidential information and appointments call 1300 360 364.

5.1.7 Initiating a discussion with a line manager, Head or Research Group/Work Area or Human Resources may help you determine whether the behaviour you have experienced constitutes unacceptable conduct and will help you to understand the process, and develop options for resolving your concerns in the future. For example, they can help you to:

- Formulate a strategy to facilitate a dialogue between yourself and the other person about your concerns;
- Develop skills to address the alleged behaviour;
- Clearly understand the further options available to you if the matter cannot be resolved by direct discussion.

5.2 Step 1 – Informal Process (self-management)

5.2.1 In many cases, simply telling the person concerned that their behaviour is causing distress, explaining why it is unwelcome and asking for it to stop will be sufficient. Often, the person is not aware that their behaviour is causing distress, and they will stop immediately once told.

5.2.2 You may decide to:

- personally approach the person or people involved to resolve your concerns by notifying them that their behaviour is unwelcome or unacceptable and that it should stop immediately and not occur again;
- speak to your Line Manager or Human Resources;
- write a letter to the alleged offender, telling them that their behaviour is unwelcome or unacceptable and that it should be stopped immediately and not occur again.
5.3 **Formal Process**

5.3.1 If a complaint cannot be resolved by direct discussion, or you do not feel comfortable addressing the issue face to face, a formal complaint can be made in writing to Human Resources.

5.3.2 **Stage 1 – Investigation**

5.3.2.1 Following the written complaint, Human Resources may investigate any allegations.

5.3.2.2 As part of an investigation, you, the person against whom the allegations have been made (the respondent to the complaint), and any witnesses, will be interviewed separately. The respondent to the complaint will be provided with a summary of the allegations made.

5.3.2.3 Depending on the circumstances of the complaint, the respondent to the complaint and other staff involved in the investigation, may be stood down from their duties and sent home on full pay during the period when the investigation is being carried out.

5.3.2.4 If a complainant commences a Formal Process, we may take the steps below (we note that these steps are guidelines only and we may determine what steps are appropriate on a case by case basis).

5.3.3 **Stage 2 - Resolution**

5.3.3.1 If a complaint is found to be unsubstantiated, no further action will be taken against the respondent to the complaint. If no further action is to be taken, the reason for this decision should be explained to both parties.

5.3.3.2 If a complaint is substantiated, the possible outcomes include:
- mediation – this is a process where parties are brought together to try and reach agreement as to how the complaint should be resolved. Mediation provides the opportunity for a good working relationship to be re-established between the parties;
- an apology from the respondent to the complaint;
- agreed forms of future behaviour;
- action to redress the behaviour the subject of the complaint;
- transferring either of the parties to a different work location;
- counselling
- taking disciplinary action against the respondent to the complaint.

5.3.3.3 Disciplinary action may include:
- issuing a verbal or written warning;
- downgrading the person’s position, status or responsibility;
- terminating the employment or engagement of the respondent, either with notice or summarily without notice.

5.3.3.4 When an outcome has been arrived at, the decision and action to be taken will be communicated in writing to the respective parties.

5.4 **Withdrawing a Complaint**

5.4.1 Complaints may be withdrawn at any time.

5.4.2 In most cases, if you withdraw a complaint then no further action will be taken. Where, however, we suspect that a breach of this policy has occurred, MCRI and VCGS reserves the right to investigate any such breach.
5.5 False Accusations, Vexatious Complaints and Defamation

5.5.1 If a person intentionally makes false allegations that another person has engaged in conduct in contravention of this policy, then that person may be defaming the other person. It is therefore very important that all complaints of unacceptable conduct are based on truth and fact.

5.5.2 Intentionally false accusations, or allegations that are found to be unsubstantiated because they are of a frivolous or vexatious nature will be viewed seriously and, where found to be intentional or malicious, may result in MCRI or VCGS taking disciplinary action.

6 Confidentiality

6.1 In instances of any alleged breach of this policy, discretion is important to protect all people concerned. If you are involved in an investigation, either as a witness or as an investigator, then you must keep it confidential and not discuss it with anyone. Disclosing information about the investigation could result in disciplinary action being taken against you.

6.2 MCRI and VCGS will endeavour to keep a complaint and the details of any investigation as confidential as is reasonably possible, having regard to the rights of all involved in the investigation. However, there may be circumstances where full confidentiality cannot be maintained if the complaint is to be fully investigated in a procedurally fair manner, or if disciplinary or corrective action is required.

6.3 Where a complaint is serious and/or the line manager or Human Resources representative believes that action needs to be taken, absolute confidentiality may not be able to be maintained even if a complainant does not wish the matter to be taken further. In these circumstances, information will be disclosed only to those people who need to know about the complaint. Depending on the seriousness of the allegations and the persons against whom those allegations are made, MCRI or VCGS may instruct an external investigator and/or bring the allegations to the attention of the Chair of the Board.

6.4 The obligation of confidentiality does not prevent MCRI or VCGS from using a disclosing any material necessary to instigate or defend any legal proceedings, or make submissions in relation to any enquiry or complaint or to refer a matter to the police. Depending on the seriousness of the allegations and the persons against whom those allegations are made, MCRI or VCGS may instruct an external investigator and/or bring the allegations to the attention of the Chair of the Board.

7 Application of the Flexible Working Arrangement

7.1 We will treat all allegations seriously and impartially. The consequences will depend on the seriousness of the case. Outcomes may include, but are not restricted to the following:

- Action to redress the behaviour;
- Requiring a commitment from one or more persons to cease, and not to repeat, the behaviour;
- Requiring an apology to the affected person or persons;
- Providing mediation between the parties, if both parties agree to mediation process and to the mediator;
- Providing targeted training regarding prevention of unacceptable workplace behaviours;
- Offering support to the person making the complaint;
- Offering support to the person against whom the complaint is made;
- Disciplinary action, up to and including dismissal against the person found to have breached this policy;
Disciplinary action, up to and including dismissal against the person found to have made a malicious or vexatious complaint.

7.2 Disciplinary action may be taken against anyone who retaliates against a person who has made a complaint.

8 **External Compliant Options**

8.1 If a complainant is not satisfied with the resolution of the complaint under this policy they can make a complaint to the following organisations:

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<th>Victorian Equal Opportunity and Human Rights Commission</th>
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<tr>
<td><strong>Phone:</strong> (03) 9281 7100 or 1800 134 142 (toll free for country callers) or (03) 9280 1995 (interpreters)</td>
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<td><strong>Website:</strong> <a href="http://www.humanrightscommission.vic.gov.au">www.humanrightscommission.vic.gov.au</a></td>
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<tr>
<td><strong>Email:</strong> <a href="mailto:information@veohrc.vic.gov.au">information@veohrc.vic.gov.au</a></td>
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<tr>
<td><strong>Details:</strong> Helps to resolve complaints of discrimination, sexual harassment, and racial and religious vilification in Victoria.</td>
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<th>The Fair Work Commission</th>
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<tr>
<td><strong>Phone:</strong> 1300 799 675</td>
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<tr>
<td><strong>Website:</strong> <a href="http://www.fwc.gov.au">www.fwc.gov.au</a></td>
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<tr>
<td><strong>Email:</strong> <a href="mailto:inquiries@fwc.gov.au">inquiries@fwc.gov.au</a></td>
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<tr>
<td><strong>Details:</strong> The Fair Work Commission is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions such as dealing with complaints of unfair dismissal, resolving individual workplace disputes and ensuring compliance with workplace laws about pregnancy and work.</td>
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<th>Worksafe Victoria</th>
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<td><strong>Phone:</strong> (03) 9641 1444 or 1800 136 089 (toll free)</td>
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<td><strong>Email:</strong> <a href="mailto:info@worksafe.vic.gov.au">info@worksafe.vic.gov.au</a></td>
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<tr>
<td><strong>Details:</strong> Victorian WorkCover Authority can assist with complaints about health and safety issues, unsafe working conditions and compensation enquiries.</td>
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