



EQUAL EMPLOYMENT OPPORTUNITY POLICY

The SKPS Committee of Management will review and update this policy as and when required or as determined by KPV updates.

SCOPE

This policy applies to all persons, paid or unpaid, who work at the preschool. All persons paid and unpaid, are to act in accordance with the principles set down in this policy at all times. The Employer can be held responsible for the behaviour of the people who are employed by them and those who access the workplace.

BACKGROUND AND RELEVANT LEGISLATION

- Equal Opportunity Act 1995 (Vic).
- Racial and Religious Tolerance Act 2001 (Vic).
- Sex Discrimination Act 1984 (Cth).
- Racial Discrimination Act 1975 (Cth).
- Disability Discrimination Act 1992 (Cth).
- Human Rights and Equal Opportunity Commission Act 1986 (Cth).
- Workplace Relations Act 1996 (Cth).

DEFINITIONS

Equal Employment Opportunity (EEO): means that all Employees, volunteers and students are treated fairly and on their merits without regard to criteria unrelated to job performance, such as race, sex, age, marital status or other attributes covered by the Victorian Equal Opportunity Act 1995. The outcome of these processes allows for diversity in the workforce, ensures fair treatment of individuals and eliminates direct, indirect and systematic discrimination.

POLICY STATEMENT

South Kingsville Pre-School is committed to ensuring that all aspects of the workplace are free from unlawful discrimination in:

- The selection of Employees for employment, promotion or advancement, training and development will be on the basis of merit.
- The selection and appointment of volunteers and students in the work and tasks provided for them.
- The termination of employment, which will be carried out without unlawful discrimination and in accordance with requirements, set out in relevant legislation, industrial awards or agreements.

- That no Employee will be subjected to any form of detriment on the basis of attribute.

Discrimination is unlawful and is not acceptable in any form by the Employer. All Employees, Committee members, parents/guardians and students on placement at the preschool will be made aware of the policy and the procedure available for dealing with equal opportunity. This policy will be displayed prominently in the workplace and form part of information given to all Employees and Committee members, and made available to all parents/guardians and students.

PROCEDURES

Because of a possible conflict of interest, if the President, Vice President or other Committee members are personally involved in issues as a complainant, or in allegations of discrimination, they will stand aside from participation in sub-committees, or procedures related to the investigation or management of complaints.

EMPLOYMENT OF EMPLOYEES

- The preschool is committed to and will apply the principles of equal employment opportunity in the selection of all Employees, for promotion or advancement, training and development opportunities.
- The Committee 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 principle of reasonable adjustment to any impact the applicant's disability may have on the operations of the preschool.

ACCESS TO TRAINING AND DEVELOPMENT

- The Committee will provide equitable access to training and development opportunities for all Employees.

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS PROCEDURE

The preschool 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 carried out fairly and efficiently.

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 their grievance,
- Only have relevant factors taken into account in resolving a grievance,
- 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. A support person may offer support only, and they are not there to act as an advocate or to disrupt proceedings.

- Be kept informed, orally and in writing, of the outcome of the grievance and the reasons,
- Confidentiality.

All parties to the grievance are expected to:

- Respect and consider alternative views and opinions,
- Fully participate in the grievance process,
- Not personalise issues.

STEP 1: OPPORTUNITY FOR RESOLUTION

Any Employee, volunteer or student, who considers they have been discriminated against should raise their concern/s directly with the party or parties involved in order to resolve their concerns without recourse to the formal complaints procedure. The Employee may approach the President, or in her absence, the Vice President, in order to notify the Committee of their concern and to clarify possible strategies for resolving their concern without recourse to the formal complaints procedure.

STEP 2: LODGEMENT OF A COMPLAINT

If the problem is not, or cannot, be rectified by the Employee who considers they have been discriminated against by approaching the party or parties involved, the following step needs to be taken. The Employee, volunteer or student who considers they have been discriminated against, should report their complaint in writing to the Employer, marked for the attention of the President, or in her absence the Vice President. The report should set out the nature and details of the complaint as well as any suggestions they have to resolve the complaint. Once the complaint has been made, care will be taken not to discriminate against or victimise the complainant or any other party.

The President/Vice President will advise Committee members of the receipt of the complaint at the next Committee meeting.

STEP 3: CONSULTATION ABOUT A COMPLAINT: CONSULTATION PHASE

The Committee delegates authority to the President, or in her absence the Vice President, on the receipt of a complaint in relation to discrimination, to appoint two Committee members (one of whom may be the President) to a sub-committee to consult with the complainant and respondent and investigate the complaint if necessary.

Attempts will be made in all cases to resolve the complaint to the mutual satisfaction of those involved. This should occur within 10 working days.

If the complaint is resolved, the sub-committee will report back on its actions and findings to the Committee on completing its consultation.

STEP 4: COMPLAINT INVESTIGATION PHASE

If it is not possible to resolve the complaint through discussions with relevant parties within the timeframe set out in Step 3 above for the consultation phase, the sub-committee will make an 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 in line with the preschool's Privacy Policy. The sub-committee will report its findings back to the Committee on completing its investigation.

STEP 5: RESOLUTION OF COMPLAINT FOLLOWING INVESTIGATION

If, following investigation a complaint is found to be substantiated, the Committee will determine an appropriate action plan, which addresses the issues of concern. 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 grievance between the parties, but only if both parties are agreeable to participate in the mediation.

If, following investigation the complaint has not been substantiated, the complainant may be counselled.

APPLICATION TO AN EXTERNAL ORGANISATION

Where resolution is not achieved through the preschool's internal procedures, the aggrieved party (complainant) may lodge a complaint with the Equal Opportunity Commission.

Note: At any stage in the process the aggrieved party may initiate a formal complaint with the Equal Opportunity Commission (Victoria) or the Human Rights and Equal Opportunity Commission (Federal).

KEY RESPONSIBILITIES AND AUTHORITIES

RESPONSIBILITIES

The **Committee** is responsible for:

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

The **Equal Employment Opportunity Sub-committee** is responsible for:

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

The **staff** are responsible for:

- complying with this policy.

RESOURCES AND SUPPORT

The Department of Justice Victoria, Dispute Settlement Service of Victoria, 9603 8370 or 1800 658 528.

Equal Opportunity Commission of Victoria 9281 7111 or 1800 134 142

Human Rights and Equal Opportunity Commission 1300 369 711.

EVALUATION

In order to assess whether this policy has achieved the purposes set out in this policy under the Policy Statement section, the Committee will:

- Monitor complaints received in relation to equal employment opportunity and assess whether a satisfactory resolution has been achieved, on a periodic basis.
- Take into consideration feedback on this policy from Employees, students, volunteers, parents/guardians and Committee members.