

Equal Opportunity Policy

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1. Purpose

- 1.1. This policy is designed to ensure that MSA complies with all of its obligations under relevant equal opportunity legislation – The [Equal Opportunity Act 2010 \(Vic\)](#) and other relevant Federal anti-discrimination legislation.
- 1.2. This policy recognises the positive duty MSA has under the [Equal Opportunity Act 2010 \(Vic\)](#) to take proactive, reasonable and proportionate measures to eliminate discrimination in its workplace.
- 1.3. This document is to be read in conjunction with any relevant industrial instrument.

2. Application of this policy

- 2.1. This policy applies to the following persons, collectively referred to in this policy as ‘workplace participants’:
 - a) all prospective and current full-time, part-time and casual employees of MSA;
 - b) all volunteers engaged by MSA;
 - c) all agents and contractors engaged from time to time by MSA
 - d) all office bearers and members of MSA bodies

- 2.2. This policy is not restricted to the workplace or work hours. The obligations in this policy are also applicable to any work related events or functions. A “work related event or function” means any event or function that is connected to MSA. These may include, for example, on-campus MSA events, conferences, work lunches, Christmas parties. All workplace participants are expected to comply with this policy at work related events or functions.

3. Definitions (*Equal Opportunity Act 2010 (Vic)*)

- 3.1. Discrimination is treating an individual with a particular attribute less favourably than an individual without that attribute or with a different attribute under similar circumstances. It can also be seeking to impose a condition or requirement on a person with an attribute who does not or cannot comply, while people without that attribute do or can comply.
- 3.2. Equal employment opportunity is ensuring that all workplace participants are given equal access to appointment, support, training and promotion, or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.
- 3.3. Victimization happens where a workplace participant is treated harshly or is subjected to any detriment because they have made a complaint of discrimination, bullying or harassment. Victimization will also happen if a person is subjected to any detriment because they have provided any information or evidence in connection with a discrimination complaint.
- 3.4. The [*Equal Opportunity Act 2010 \(Vic\)*](#) prohibits discrimination on the basis of the following attributes:
- a) age;
 - b) breastfeeding;
 - c) employment activity;
 - d) gender identity
 - e) disability;
 - f) industrial activity, including trade union activity;
 - g) lawful sexual activity;
 - h) marital status;
 - i) parental status or status as a carer;
 - j) physical features;
 - k) political belief or activity;
 - l) pregnancy;
 - m) race;
 - n) religious belief or activity;
 - o) sex;
 - p) sexual orientation;
 - q) or personal association (as a relative or otherwise) with a person who is identified by reference to any of the above attributes

4. Discrimination can either be direct or indirect.

- 4.1. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person.

- 4.2. Indirect discrimination happens when a practice or policy appears to be fair but actually disadvantages people from a particular group.
- 4.3. It is against the law to treat someone unfavourably because they possess one of the attributes listed above. Examples of unfavourable treatment that could constitute discrimination include:
- a) Bullying or harassment;
 - b) Denying someone a benefit that is available to others;
 - c) Unfair allocation of tasks (giving someone more tasks of an unpleasant nature than given to others);
 - d) Unfair rostering (including allocation of leave or overtime);
 - e) Excluding someone from essential communications;
 - f) Refusing someone essential resources that they require to do their job
- 4.4. Workplace participants who believe they are being treated unfairly as a result of discrimination should follow the staff grievance/complaints procedures set out in the organisations policies and procedures.

5. Policy

- 5.1. MSA is actively committed to protecting the rights of both clients and workplace participants to achieve their full potential in an environment which values and affirms diversity and is free from discrimination, harassment, victimisation and vilification. MSA will take all reasonable steps to ensure that workplace participants and clients will be treated fairly and with dignity and respect whilst working or receiving services at MSA.
- 5.2. As outlined in the [Code of Conduct](#) and other policies, individuals are responsible for making themselves aware of and adhering to MSA policy on all forms of discrimination and harassment.
- 5.3. Discrimination and harassment will not be tolerated at MSA under any circumstances and may in fact be unlawful under State or Commonwealth law.

6. Procedures

6.1. Employment

- 6.1.1. Managers must make all decisions relating to appointment, promotion and career development without regard to any matters other than the individual's inherent ability to carry out the position.
- 6.1.2. Workplace participants who believe they have been treated unfairly as a result of discrimination should notify their manager, or make a complaint in accordance with the [MSA Complaints Handling Procedure](#).

6.2. Provision of Goods and Services by MSA

- 6.2.1. Customers who believe they have been discriminated , or workplace participants who believe customers are being discriminated against by another workplace participant, may notify the relevant manager or make a complaint in accordance with the [MSA Complaints Handling Procedure](#)

7. Responsibilities

7.1. Responsibilities of the MSA Executive

7.1.1. It is the responsibility of the MSA Executive to ensure that:

- a) All managers, supervisors and staff are aware of their obligations, responsibilities and rights in relation to Equal Opportunity;
- b) Any matters which do not comply with the principles of equal opportunity are identified and addressed as promptly and sensitively as possible;
- c) Ongoing support and guidance is provided to all employees in relation to Equal Opportunity principles and practice.

7.2. Responsibilities of MSA Managers

7.2.1. It is the responsibility of Managers to ensure that:

- a) They understand and are committed to the principles and legislation relating to equal opportunity and that they are applied in the workplace;
- b) All decisions relating to appointment, promotion and career development are made without regard to any other matters, other than the individual's inherent ability to carry out the job;
- c) They provide an environment which encourages equal opportunity and set an example by their own behaviour;
- d) All staff are aware of the equal opportunity policy

7.3. Responsibilities of Workplace Participants

7.3.1. It is the responsibility of workplace participants to ensure that:

- a) They treat all colleagues and customers with respect and professionalism without regard to non-relevant criteria or distinctions.

8. Related Policies and Procedures

[Anti-Bullying Policy](#)

[Code of Conduct](#)

[Complaints Handling Procedure](#)

[Freedom from Harassment Policy](#)

[Occupational Health and Safety Policy](#)

9. Version History

Current Version

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