

1 ANTI-DISCRIMINATION

1.1 Scope

This policy applies to all staff, contractors and Advisory Board members in relation to all participants and their families or support networks.

Role	Responsibilities
Support Workers	Abide by the principles of anti-discrimination in all areas of work, with participants, their families and other members of staff. Report any evidence of anti-discrimination, harassment and/or vilification to the Region Manager.
Managers	Document reasons for declining entry to the service and examine for patterns. Ensure processes of recruitment, selection and promotion provide equal employment opportunities for all applicants and potential applicants. Gather feedback from participants, families and staff to ensure that all participants are being treated fairly and without discrimination Investigate all complaints in relation to discrimination, harassment or vilification and act where required to deal promptly and effectively with such instances.
Advisory Board	Oversee of the embedding of safeguarding rights across the organisation. Provide leadership on human rights in the organisation and in the wider sector.

1.2 Rationale

Zest Personalised care staff do not advocate, support or practice discrimination based on race, religion, age, national origin, language, gender, sexual orientation or disability.

The organisation is committed to non-discrimination, and providing all staff and participants with a work or service environment that is free from any form of discrimination, harassment and vilification to ensure that they are able to function effectively and participate fully in their respective areas of the organisation.

1.3 Definitions

Direct Discrimination- Means treating or proposing to treat another participant less favorably based on an attribute.

Indirect Discrimination- Means imposing or proposing to impose an unreasonable requirement, condition or practice that may appear to be neutral but has a disproportionately negative impact on people with attributes. This means a requirement, condition or practice which-

- A participant with the attribute does not or cannot comply with.
- A higher proportion of people without the attribute or with a different attribute does or can comply.
- Is not reasonable in the circumstances.

Harassment- Is any form of behavior that is not wanted, is not asked for and is not returned, that is likely to create a hostile or uncomfortable workplace by humiliating or offending a participant because of an attribute protected by the law.

Racial and Religious Vilification- Is behavior that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another participant or group, because of their race or religion.

Equal Employment Opportunity- Results when the participant best qualified for a position is successful without discrimination through processes which are open, transparent, and competitive and is based on merit. This includes direct and indirect discrimination on the basis of-

- Race, colour, descent, national or ethnic origin, ethno-religious background.
- Gender
- Marital status
- Pregnancy or potential pregnancy
- Disability (including physical, intellectual or other disability and illnesses)
- Age
- Transgender status
- Carer responsibilities

Affirmative Action- The term is used in different ways as follows-

- To cover everything to do with development of equal employment opportunity plans as described above
- To describe strategies that provide special help for groups who have been disadvantaged in the past such as, Indigenous people, women, people with disabilities etc.
- To cover programs and strategies aimed at women only and which enable women to compete equally for employment, training and promotional opportunities.

1.4 Application/Strategies

Discrimination, harassment, or vilification is not condoned or tolerated. Such behavior is unacceptable and is likely to result in disciplinary action.

Allegations of discrimination, harassment or vilification are dealt with in a prompt and confidential manner.

All participants are treated fairly and in a non-discriminatory manner. This will include non-discriminatory referral and intake processes as well as service delivery.

Equal employment opportunities exist for all current and future employees. This applies to recruitment, interview, selection, appointment and promotion processes. Staff members will be selected or promoted according to merit irrespective of participant attributes.

In terms of Affirmative Action, the organisation recognises that certain groups of people are affected by past or continuing discrimination or disadvantage and as a result are more likely to be unemployed or working in lower paid jobs. As a result, the organisation takes a systematic approach to the identification of barriers encountered by target group members. specific programs are in place to assist such people to access employment, training or promotional activities.

1.4.1 Referrals, Intake and Service Delivery

Clear and transparent records of all referrals and intakes are kept. If a request for service is declined, the reason why the participant was not allowed entry to the service will be recorded. The Referral Register should be used for this purpose.

Regular feedback is gathered from participants, families and/or guardians to monitor and ensure that all participants are being treated fairly and without discrimination.

1.4.2 Recruitment, Selection and Promotion

Recruitment, selection and promotion are carried out in a transparent manner by providing equal employment opportunities for all applicants and potential applicants. This will include retention of interview questions, records of interviews, referee checks and the basis on which appointments to positions were made.

1.4.3 Reporting and Resolving Allegations of Discriminatory Behavior

Mechanisms are in place for the reporting of complaints from participants, clients and staff members.

Avenues are available to clients or staff who wish to notify an external party about their complaint but are encouraged to raise directly with management in the first instance.

Principles of procedural fairness are applicable to all complaints about harassment or discriminations. All processes are conducted within the confines of the strictest confidentiality.

If the complainant is not satisfied with the process or the outcome of the investigation, they can make appeals to external bodies such as the Australian Human Rights Commission.

1.4.4 Dissemination

Dissemination of this policy will include the following channels:

- Publication on the Zest website
- Staff induction and training material
- Advisory Board induction material.

1.5 References(legislation)

Human Rights Act 2004
Australian Human Rights Commission Act 1986
Discrimination Act 1991
Work Health and Safety Act 2011
Racial Discrimination Act 1975
Age Discrimination Act 2004
Disability Discrimination Act 1992
Sex Discrimination Act 1994

1.6 Associated Procedures

1.7 Associated Documents

Abuse and Neglect Policy



Participant Intake Form
Entry / Exit Criteria
Recruitment and Employment policies
Complaints Policy and procedures
Code of Conduct.

1.8 Version Control

Date of Change	Details of Change
November 2020	Complete review and update