

# Employee Equity and Diversity Policy



## 1 Purpose

**PLEASE NOTE: All human resource management policy instruments are currently under review to ensure alignment with the new Enterprise Agreement. Contact the People Portfolio for more information.**

To promote and support an environment which values and affirms equal opportunity, diversity and inclusivity in accordance with universal principles of equity, fairness and social justice, whilst ensuring that the University complies with its legal responsibilities in accordance with relevant legislation.

## 2 Scope

This Policy applies to all Employees.

## 3 Policy Statement

The University is actively committed to promoting the principles of equal opportunity and strives to support Employees to achieve their full potential in an environment which is fair, inclusive, diverse and supports the health and wellbeing of its Employees.

The University will strive to enhance the workforce representation of under-represented diversity groups through supportive strategies and programs which recognise the needs of these individuals and provide proactive responses to enable Employees to integrate their personal responsibilities with the demands of the workplace.

The University is actively committed to the prevention of Discrimination, Bullying, Harassment, Victimisation and Vilification in the workplace, and will take all reasonable steps and actions to ensure that Employees are treated fairly, and with dignity and respect, whilst working at the University.

## 4 Principles

The University is committed to the promotion of equity and recognition of diversity in employment. It aims to provide a work environment that fosters fairness, equity, and respect for social and cultural diversity, and that is free from unlawful Discrimination, Bullying, Harassment, Vilification and Victimisation.

In support of this commitment, the University will endeavour to:

- foster a University culture which values and responds to the rich diversity of its community
- provide an inclusive and flexible environment for Employees by identifying and removing any remaining systemic barriers to equitable access, participation and progression in employment so that all Employees have the opportunity to fully contribute to University life
- ensure that Employees are aware of their rights and their responsibilities as University Members
- use non-discriminatory, inclusive language and practices
- develop proactive plans and programs to increase access and promote success in employment for designated under-represented groups in order to overcome disadvantage
- ensure that all Employees have fair access to benefits and services in an equitable manner, including assistance to reasonably accommodate a person's Disability
- educate the University community on the goals and philosophy of equal opportunity, equity and social justice
- develop and promote processes that support the systematic implementation, monitoring, reporting and management of equal opportunity and eliminate unlawful direct and indirect Discrimination and Harassment, and workplace Bullying
- provide effective mechanisms to resolve complaints of unlawful Discrimination, Bullying, Harassment, Vilification and Victimisation
- create a culture of support for Employees affected by Domestic and Family Violence.

All Employees are responsible for understanding and applying the principles of equal opportunity, equity and social justice. Supervisors are particularly responsible for taking reasonably practicable steps to ensure that the learning and working environment is safe, inclusive and free from Discrimination, Bullying and Harassment.

The University will ensure that Employees are trained in equal opportunity, equity, diversity and social justice matters and that targeted training is available to Employees with management and supervisory responsibilities.

## 4.1 Equity and diversity groups

Diversity involves recognising the value of individual differences in the workplace and educational setting. Diversity in this context for the University includes age, cultural background, Disability, ethnicity, family responsibilities, gender, language, religious belief and sexual

orientation. Diversity also refers to the other ways in which people are different, such as educational level, life experience, work experience, socio-economic background, personality and marital status.

Equity relates to fair treatment. The University's equity objective is to ensure that people from all groups in society have the opportunity to participate successfully in post-secondary education and employment. Target groups include, but are not limited to, Aboriginal and Torres Strait Islander peoples, people with disabilities, women in areas where they are currently under-represented, people of diverse sexual orientation, sex or gender identity (e.g. LGBTQ+), and people from culturally and linguistically diverse backgrounds.

The University is particularly committed to providing policies, Procedures and programs which facilitate social inclusion by recognising and addressing the character and needs of the people in the regions in which it operates.

## **4.2 Equal opportunity, Harassment and Discrimination**

Equal opportunity is about ensuring that everyone has equal access to, and opportunity to take part in, areas of public life such as education, employment, accommodation and access to Goods and/or Services.

To support this goal, the University will develop and implement programs and initiatives which aim to support equality in all areas of employment including, but not limited to:

- recruitment
- retention
- resignation and turnover
- performance management
- promotion and career progression
- talent identification and management
- succession planning
- learning and development.

Equal opportunity, anti-discrimination and human rights laws set the standard for the way individuals treat each other in these areas and provides remedies for people who have been treated unfairly.

The University is committed to taking all reasonable steps to prevent and eradicate unlawful

Discrimination, Bullying and Harassment against individuals in the work and learning environment.

To fulfil this commitment, the University will implement a range of proactive and preventative strategies and programs, including provision of training and professional development opportunities for Employees and Supervisors to raise awareness of equal opportunity, Discrimination, Bullying and Harassment in the University, and provide strategies to prevent this occurring in the workplace.

### **4.3 Health and wellbeing**

The University aims to create a workplace culture and environment that values, supports and promotes program and strategies that improve the physical and mental health and wellbeing of Employees.

The University aspires to create a safe, healthy and resilient work environment through activities underpinned by the guiding principles that health and wellbeing initiatives should:

- be informed by the World Health Organization definition of a Healthy Workplace and health and wellbeing as a state of complete physical, mental and social wellbeing - and not merely the absence of disease or infirmity
- promote positive health and wellbeing for all Employees
- equip, facilitate and support Employees to improve and maintain their health and wellbeing through components which aim to:
  - increase the health knowledge and skills of Employees
  - promote and facilitate active participation by Employees in health promoting initiatives, and
  - create health promoting environments.

### **4.4 Domestic and Family Violence**

The University aims to create a working environment that allows Employees to safely seek support to address issues arising from Domestic and Family Violence.

The University recognises that Employees may face situations of Domestic and Family Violence that may have an impact on their attendance and productivity at work. The University is committed to providing support to Employees who are affected by Domestic and Family Violence.

## 5 References

Nil.

## 6 Schedules

This policy must be read in conjunction with its subordinate schedules as provided in the table below.

## 7 Policy Information

<b>Accountable Officer</b>	Deputy Vice-Chancellor (Enterprise Services)
<b>Responsible Officer</b>	Deputy Vice-Chancellor (Enterprise Services)
<b>Policy Type</b>	Executive Policy
<b>Policy Suite</b>	<a href="#">Aboriginal and Torres Strait Islander Employment Procedure</a> <a href="#">Breastfeeding Procedure</a> <a href="#">Employee Domestic and Family Violence Support Procedure</a> <a href="#">Workplace Adjustments Procedure</a>
<b>Subordinate Schedules</b>	
<b>Approved Date</b>	2/10/2020
<b>Effective Date</b>	2/10/2020
<b>Review Date</b>	3/4/2024
<b>Relevant Legislation</b>	<a href="#">Age Discrimination Act 2004</a> <a href="#">Anti-Discrimination Act 1991</a> <a href="#">Australian Human Rights Commission Act 1986</a> <a href="#">Disability Discrimination Act 1992</a> <a href="#">Disability Services Act 2006 (Qld)</a> <a href="#">Domestic and Family Violence Protection Act 2012 (Qld)</a> <a href="#">Equal Employment Opportunity (Commonwealth Authorities) Act 1987</a>

	<a href="#"><i>Fair Work Act 2009</i></a>  <a href="#"><i>Human Rights Act 2019</i></a>  <a href="#"><i>Public Interest Disclosure Act 2010 (Qld)</i></a>  <a href="#"><i>Public Sector Ethics Act 1994</i></a>  <a href="#"><i>Racial Discrimination Act 1975</i></a>  <a href="#"><i>Racial Hatred Act 1995</i></a>  <a href="#"><i>Sex Discrimination Act 1984</i></a>  <a href="#">Enterprise Agreement</a>  <a href="#"><i>Work Health and Safety Act 2011 (Qld)</i></a>  <a href="#"><i>Workplace Gender Equality Act 2012</i></a>
<b>Policy Exceptions</b>	<a href="#">Policy Exceptions Register</a>
<b>Related Policies</b>	<a href="#">Academic Freedom and Freedom of Speech Policy</a>  <a href="#">Code of Conduct Policy</a>  <a href="#">Employee Complaints and Grievances Policy</a>
<b>Related Procedures</b>	<a href="#">Employee Conflict of Interest Procedure</a>  <a href="#">Employee Health and Wellbeing Procedure</a>  <a href="#">Prevention of Discrimination, Bullying and Harassment Procedure</a>
<b>Related forms, publications and websites</b>	<a href="#">People Portfolio Website</a>  <a href="#">World Health Organization Healthy Workplaces</a>
<b>Definitions</b>	<b>Terms defined in the Definitions Dictionary</b>  <a href="#">Bullying</a>  Bullying occurs when a person or group of people repeatedly behaves unreasonably towards a person or group of persons, and that behaviour creates a risk to health and safety.  <a href="#">Discrimination</a>  Occurs when a person or a group of people are treated less favourably than another person or group because of race, colour,

national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being denied entry to public places and other facilities.

### [Domestic and Family Violence](#)

Domestic and Family Violence behaviour includes, but is not limited to, physical or sexual violence, emotional or psychological abuse, financial abuse or any behaviour that is threatening or coercive or in any other way controls or dominates an individual which causes safety or well-being concerns for that individual.

### [Employee](#)

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

### [Goods and/or Services](#)

Goods and/or Services can be either produced by the University for which fees can be charged, or acquired by the University. Goods and/or Services produced are tangible and/or intangible products which are the outcome of human effort and/or knowledge that the University is either obliged to charge or has a right to charge a third party for the provision of these products. Goods and/or Services acquired are tangible and/or intangible products which are the outcome of human efforts and/or knowledge acquired to meet University needs. Goods and/or Services can be in the form of physical goods or intangible services.

### [Harassment](#)

Harassment includes, but is not limited to, treating a person less favourably because of a person's characteristic such as their sex, race, age, disability, sexuality, religious or political belief or activity, or some other characteristic protected under anti-discrimination laws. Harassment may include Bullying a person and may also breach human rights legislation.

### [Policy](#)

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.

### [Procedure](#)

An operational instruction that sets out the process to operationalise a Policy.

### [Sexual Harassment](#)

Sexual Harassment is any unwanted or unwelcome sexual behaviour which makes a person feel offended, humiliated or intimidated, or occurs in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct. Sexual Harassment can take many different forms. It can be obvious or indirect, physical or verbal, repeated or one-off, and perpetrated by a person of any gender against people of the same or another gender. Sexual Harassment may include: staring or leering; unnecessary familiarity, such as deliberately brushing up against a person, or unwelcome touching; suggestive comments or jokes; insults or taunts of a sexual nature; intrusive questions or statements about a person's private life; displaying posters, magazines or screen-savers of a sexual nature; sending sexually explicit emails or text messages; inappropriate advances on social networking sites; accessing sexually explicit internet sites; requests for sex or repeated unwanted requests to go out on dates; behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications. Sexual Harassment is not interaction, flirtation or friendship which is mutual or consensual.

### [University](#)

The term 'University' or 'UniSQ' means the University of Southern Queensland.

### [University Members](#)

Persons who include: Employees of the University whose conditions of employment are covered by the UniSQ Enterprise Agreement whether full time or fractional, continuing, fixed-term or casual, including senior Employees whose conditions of employment are covered by a written agreement or contract with the University; members of the University Council and University Committees; visiting, honorary and adjunct appointees; volunteers who contribute to University activities or who act on behalf of the University; and



individuals who are granted access to University facilities or who are engaged in providing services to the University, such as contractors or consultants, where applicable.

### [Enterprise Agreement](#)

University of Southern Queensland Enterprise Agreement 2023-2026.

### [Victimisation](#)

Any unfavourable treatment, or threats of unfavourable treatment against a person as a result of their actual or intended involvement in a complaint. Such involvement might include making a complaint or supplying information or producing documents to someone making a complaint. Unfavourable treatment may include adverse changes to their study or work environment, denial of access to resources, opportunities or training, ignoring the person or giving a lower assessment of Student work.

### [Vilification](#)

The public incitement of hatred, serious contempt or severe ridicule of a person on the basis of the race, religion, sexuality or gender identify of a person or members of a group. It can take several forms including hate-speech, graffiti, websites and the distribution of propaganda or other forms of offensive literature. Vilification includes threatening physical harm to a person or their property or inciting others to threaten physical harm to a person or to their property. Vilification is an offence against the Anti-Discrimination Act 1991.

### [Workplace Bullying and Harassment](#)

Workplace Bullying and Harassment, under the Fair Work Act 2009, occurs where an individual or group of individuals repeatedly behaves unreasonably towards an Employee or group of Employees at work, and that behaviour creates a risk to health and safety. Within this definition: Repeated Behaviour refers to the persistent nature of the behaviour and can range in behaviours over time. Unreasonable Behaviour is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable. This may include but is not limited to behaviour that is victimising, humiliating, intimidating or threatening. A Risk to Health and Safety means the possibility of danger to health and safety, and is not confined to actual danger to health and safety

## **Definitions that relate to this policy only**

### **Disability**

The *Disability Discrimination Act 1992* defines Disability, in relation to a person, as:

- total or partial loss of the person's bodily or mental functions
- total or partial loss of a part of the body
- the presence in the body of organisms causing disease or illness
- the presence in the body of organisms capable of causing disease or illness
- the malfunction, malformation or disfigurement of a part of a person's body
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
- a disorder, illness or disease that affects a person's thought processes, perceptions of reality, emotions or judgement or that results in disturbed behaviour

The definition refers to a Disability that presently exists, previously existed but no longer exists, or may exist in the future. A Disability is defined by the *Disability Discrimination Act 1992* to include:

- physical
- intellectual
- psychiatric
- sensory
- neurological
- learning disabilities
- physical disfigurement
- the presence in the body of disease-causing organisms.

The Act covers a Disability which people have now, have had in the

past, may have in the future, or are believed to have.

## **Disability Discrimination**

The *Disability Discrimination Act 1992* makes it unlawful to discriminate against a person because of their Disability. This includes people who are relatives, friends, and carers of people with a Disability.

Direct Disability Discrimination occurs when a person with a Disability is treated less favourably than a person without a Disability would be treated in the same or similar circumstances.

Indirect Disability Discrimination occurs when there is a requirement, condition or practice that is the same for everyone but has an unfair effect on a particular group of people. Defences to claims of unlawful Discrimination include assessments of Inherent Requirements and Unjustifiable Hardship.

## **Reasonable Management Action**

Reasonable Management Action, carried out in a reasonable manner, is behaviour expressly excluded from Workplace Bullying and Harassment claims. The behaviour must be lawful management action; it must be reasonable for the management action to be taken; and the management action must be carried out in a manner that is reasonable, taking into consideration the circumstances. It includes action such as responding to poor performance, taking necessary disciplinary action and effectively directing and controlling the way work is carried out.

## **Supervisor**

Any person responsible for leading the activities of others. In the context of this Policy, a Supervisor includes Employees at any classification level or title who have responsibilities for leading, managing or supervising work teams and/or individual Employees.

## **Unjustifiable Hardship**

Unjustifiable Hardship is a defence to a claim of Discrimination on the grounds of Disability. It requires the University to consider all relevant circumstances of a particular situation before making a decision in the employment of a person with a Disability. It includes considering the following:

- nature of the benefit or detriment likely to accrue or be

	<p>suffered by any persons concerned</p> <ul style="list-style-type: none"> <li>• effect of a Disability of the person concerned</li> <li>• options there are to meet the requirements of the person with a Disability</li> <li>• financial circumstances and the estimated expenditure by the University</li> <li>• the University's Disability Action Plan.</li> </ul>
	<p><b>Visitor</b></p> <p>Includes any approved person, other than contractors, consultants and professional services providers, undertaking travel related to University Business.</p>
	<p><b>Workplace Adjustments</b></p> <p>A change to a work process, practice, procedure or environment that enables a current or prospective Employee with disability, illness or injury to perform the essential requirement/s of the job.</p>
<b>Keywords</b>	Equity, diversity, Aboriginal peoples, breastfeeding, Disability, Discrimination, Harassment
<b>Record No</b>	15/2854PL