

CLAN Equal Employment Opportunity and Anti-Discrimination Policy

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1. Introduction

CLAN is a not-for-profit Non-Government Organisation (NGO) who is committed to supporting human rights for all people including children. CLAN supports human rights as its projects and activities are about respecting the inherent value and dignity of all people, including those who are vulnerable, marginalised or excluded. These rights include the right to equality and non-discrimination for employees and volunteers who work for CLAN. CLAN also endeavours to provide equal opportunities for participation in programs for adults and children that CLAN works with, as CLAN's mission is to support children with chronic health conditions and their families. This is achieved through professionals working with partners in resource poor countries to achieve positive outcomes for children.

CLAN recognises that equal employment opportunities are an employment obligation, evidence of social justice and a legal responsibility. CLAN also recognises that prohibiting discriminatory policies and procedures is sound management practice. This policy is designed to ensure that CLAN complies with its obligations under relevant legislation.

2. Purpose

This policy has been designed to facilitate the creation of a workplace culture that maximises company performance through employment decisions based on the identified needs of CLAN. As CLAN is involved in a wide scope of activities, the needs for personnel may change based on the programs or projects undertaken at different times. Personnel required for different activities will be selected based on merit.

3. Scope

This policy applies to all managers, supervisors, staff volunteers and others. They are to be aware of their obligations, responsibilities and rights in relation to Equal Employment Opportunity and anti-discrimination. Paid employment may be for temporary positions or contracts. Where CLAN's work is undertaken by volunteers and others in unpaid roles, these individuals will also be given equal opportunities without discrimination where an individual demonstrates competency to undertake a given volunteer role.

4. Definitions

Equal Employment Opportunity (EEO)

Equal Employment Opportunity (EEO) means equal access to jobs and benefits and services for all employees and prospective employees in the workplace. EEO aims to ensure fair and equitable outcomes in all areas of employment which relate to recruitment, selection, access to information, development, supervision and management.

Equal Employment Opportunity is about:

- fair practices in the workplace
- management decisions being made without bias
- recognition and respect for the social and cultural backgrounds of all staff and customers
- employment practices which produce staff satisfaction, commitment to the job and the delivery of quality services to customers
- improving productivity by guaranteeing that the best person is recruited and/or promoted, skilled staff are retained, training and development are linked to employee needs and customer needs, and the workplace is efficient and free of harassment and discrimination.

Unconscious Bias

Unconscious bias or implicit prejudice or implicit attitude are the social stereotypes about certain groups of people that individuals form outside their own conscious awareness. Everyone holds unconscious beliefs about various social and identity groups, and these biases stem from one's tendency to organize social worlds by categorizing.

Anti Discrimination Legislation

Anti-discrimination legislation refers to the law on the right of people to be treated equally.

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.

Victimisation occurs where an employee is treated harshly or subjected to any detriment because they have made a complaint of discrimination or harassment. Victimisation will also happen if a person is subjected to a detriment because they have furnished any information or evidence in connection with a discrimination complaint.

Under the Anti-Discrimination Act 1977 (**NSW**), it is unlawful for any employer, to discriminate against an employee or role applicant because of characteristics such as sex, marital status, pregnancy, race, age, religion, family responsibilities, physical and or intellectual disability, political beliefs, homosexuality

- a. Characteristics which Federal and NSW state legislation prohibit discrimination and harassment on include:
 - i. age;
 - ii. breastfeeding;
 - iii. disability;
 - iv. family or carer's responsibilities;
 - v. marital or relationship status;
 - vi. political conviction;
 - vii. pregnancy or potential pregnancy;
 - viii. race, colour, descent, nationality, ethnic, ethno-religious or national origin;
 - ix. religion;
 - x. sex;
 - xi. sexual orientation or preference;
 - xii. transgender status;
 - xiii. actual or imputed characteristics of any of the attributes listed above; and
 - xiv. association with a person identified by reference to any of the attributes listed above.

- b. Vilification refers to a public act that could incite others to hate, have serious contempt for, or severely ridicule a person or a group of people because on the basis of certain characteristics as determined by legislation.
- c. Victimisation refers to less favourable treatment of a person or persons for their participation in making, supporting or resolving a complaint of discrimination, harassment or vilification covered under the NSW Anti-Discrimination Act 1977, whether that participation was actual, intended or presumed. This includes a person or persons who have agreed to be witnesses in relation to a complaint.
- d. Adverse Action includes but is not limited to discrimination on the basis on certain characteristics as defined under legislation.
- e. Unlawful behaviour includes unlawful discrimination, harassment, victimisation, vilification and adverse action.

5. Policy

CLAN is an equal opportunity employer and will provide equality in employment for all individuals who are employed, seeking employment or contributing as a volunteer. Each person will be given a fair and equitable chance to compete for appointment, promotion or transfer, and to pursue their career as effectively as others. CLAN will not condone and regards as unfair all forms of unlawful discrimination or vilification including that which relates to:

- gender
- sexual harassment
- pregnancy
- potential pregnancy
- marital/domestic status
- disability
- race, colour, national extraction, social origin, descent, and ethnic, ethno-religious, or national origin
- age, compulsory retirement
- family responsibilities, family status, status as a parent or carer
- racial vilification
- homosexual vilification
- physical or mental disability
- displacement
- HIV/AIDS vilification
- religious belief or activity
- political belief or activity
- physical features
- industrial activity
- employer association activity
- trade union activity
- breastfeeding
- sexuality
- trans-sexuality
- transgender
- profession, trade, occupation, or calling
- medical record
- criminal record
- living in poverty
- class or socio-economic status

For all positions, performance and competence are to be used as the basis for initial employment, performance assessment, training and development opportunities and promotions.

CLAN addresses unconscious bias through the induction process, promoting self-awareness, facilitated discussion and where necessary training promoting self-awareness.

6. Procedure

- I. All decisions relating to appointment, promotion and career development must be made without regard to any matters, other than the individual's inherent ability to carry out the position. Any concerns or queries should be directed to the Committee.

- II. Employees who believe they being treated unfairly as a result of discrimination should notify their manager or the CLAN Executive Committee.
- III. Any matter which does not comply with the principles of equal employment opportunity must be addressed as promptly and sensitively as possible;
- IV. Ongoing support and guidance is provided to all employees in relation to Equal Employment Opportunity & Anti-Discrimination principles and practice.

7. The Committee is to ensure that:

- I. All staff/volunteers and others understand and are committed to the principles and legislation relating to equal opportunity and that they are applied in the workplace;
- II. All decisions relating to appointment, promotion and career development are made without regard to any matters, other than the individual's inherent ability to carry out the job
- III. An environment is provided which encourages EEO and set an example by their own behaviour
- IV. All staff are aware of the EEO and Anti-discrimination policy
- V. All employees, contractors and volunteers must treat all colleagues and customers with respect and professionalism without regard to non-relevant criteria or distinctions.
- VI.

8. Complaints

Any complaints about a breach of this Policy shall be dealt with CLAN's Complaint Management Policy. Complaints may also be made to the NSW Anti-Discrimination Board or to the Federal Fair Work Ombudsman.

9. Reporting

A report will be made to the Committee of any incident or complaint made relating to an equal opportunity issue. This Policy will be reviewed as needed and at least every three years.

10 Relevant CLAN Policies

Code of Ethics and Professional Conduct Policy
Complaint Management Policy
Disability Inclusiveness Policy
Gender Equality Policy
Grievance and Dispute Resolution Policy
Human Resources Policy
Prevention of Sexual Exploitation, Abuse and Harassment
Safety and Security Policy
Staff Training and Development Policy
Whistle Blowers Policy
Work Health & Safety Policy

References

The following legislation operates at a Federal level and the Australian Human Rights Commission has statutory responsibilities under them:

Federal Legislation

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Amended 13 April 2017) (Cth)
Disability Discrimination Act 1992 (Cth)
Fair Work Act 2009
Human Rights and Equal Opportunity Act 1986
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984. (Cth)
Workplace Gender Equality Act 2012

New South Wales

Anti-Discrimination Act 1977