

Equal Employment Opportunity and Discrimination Policy

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Purpose

AWA is committed to ensuring a workplace environment that is inclusive, respectful, and free from unlawful discrimination, vilification, harassment and victimisation.

AWA aims to create a positive and equitable work environment which includes providing employees and others with an environment that is safe, flexible, fair, culturally appropriate, and professional.

Equal Employment Opportunity and Discrimination Policy

AWA values diversity and upholds equal employment opportunities for all, ensuring that employment decisions are based on merit and the requirements of the role.

The purpose of this policy is to:

- Ensure compliance with all applicable anti-discrimination and equal opportunity laws.
- Provide clarity on the rights and responsibilities of all employees in maintaining a fair and inclusive workplace.
- Outline measures for promoting diversity and inclusion through affirmative action initiatives.

AWA will not tolerate any form of discrimination, vilification, sexual harassment, or bullying under any circumstance. Complaints will be taken seriously and addressed promptly in accordance with the Grievance Handling Policy.

By effectively implementing our Equal Employment Opportunity & Anti-Discrimination Policy we will attract and retain talented staff and create a positive working environment for staff.

Scope

This policy applies to:

- Board members
- All staff, including: managers and supervisors; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, apprentices, contractors, sub-contractors and volunteers;
- How the Company provides services to clients and how it interacts with other members of the public.

This policy is not limited to the physical workplace or standard work hours. It extends to all work-related functions and places, including work lunches, conferences, client functions, and company-sponsored social events. Equal Employment Opportunity (EEO) laws apply to all areas of employment.

Equal Employment Opportunity (EEO) Laws

EEO ensures that all employees have fair and equal access to training, promotions, and other opportunities. Decisions are based solely on an individual's competency and ability to perform their duties.

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AWA's commitment to EEO is embedded in its core values and behaviours, which guide us to:

- Support, encourage, and empower our staff to learn and grow by providing equal access to recruitment, training, promotion, and employment benefits for all employees.
- Treat everyone with dignity and respect, being cognisant of unconscious bias so managers can engage in fair decision-making.
- Collaborate with the community to create opportunities and build capacity to accommodate individuals with disabilities, in compliance with the Disability Discrimination Act 1992 (Cth).

Under Equal Employment Opportunity (EEO) laws, discrimination, vilification, sexual harassment, victimisation and bullying are unlawful and strictly prohibited. The following provides information on discrimination, vilification and victimisation. Information on bullying and harassment can be found in the Bullying Policy.

We foster a culture where all employees are respected and feel safe at work.

Discrimination

Discrimination refers to any unjustifiable distinction, exclusion, or unfavourable treatment based on certain personal characteristics protected under law.

Direct Discrimination

This occurs when an individual or group is treated less favourably due to a protected characteristic. For example, if manager grants pay increases only to male employees, this constitutes direct sex discrimination.

Indirect Discrimination

This occurs when a requirement, condition or practice is imposed that disproportionately impacts certain individuals or groups with protected characteristics. For instance, a policy requiring 20 years of continuous service for eligibility for a benefit may unfairly disadvantage individuals who have taken parental leave, a factor often affecting primary caregivers.

The prohibited grounds of discrimination are set out in the Federal and State anti-discrimination laws. A full list of the grounds of discrimination which are applicable in Victoria under Federal or State laws are listed below:

- Age (including compulsory retirement)
- Carer or parental status / Parent and carer status / Family status, being childless,
- Disability or impairment (including physical, mental, intellectual, HIV/AIDS)
- Gender / Sex / Gender identity / Intersex status
- Industrial activity / Trade union membership or non-membership

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- Homosexuality, Transsexuality, Lawful sexual activity / Sexual orientation / Sexual preference
- Marital status / Domestic, Relationship status
- Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
- Religious belief, affiliation, conviction or activity
- Political belief, opinion, affiliation, conviction or activity
- Pregnancy (including potential pregnancy) and Breastfeeding
- Intersex status
- Industrial/trade union membership, non-membership or activity
- Physical features
- Employment activity
- Association with a person who has, or is assumed to have one of these attributes, such as being the parent of a child with a disability
- Other characteristics as protected by law.

Victimisation

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint, or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment.

Employees who raise a complaint will be protected from victimisation for raising their complaint. During an investigation, all parties will be informed that they must not approach the complainant or treat them unfairly because they have raised a complaint.

Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

Rights and Responsibilities

Staff and Employees

All staff are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- Work free from discrimination, bullying, sexual harassment and harassment on the grounds of sex;

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- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised;
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture, noting that AWA can refuse or modify requests on reasonable business grounds where they would materially undermine service continuity or business viability.

All staff must:

- Follow the standards of behaviour outlined in this policy;
- Offer support to people who experience discrimination, bullying, sexual harassment or harassment on the ground of sex, including providing information about how to make a complaint;
- Avoid gossip and respect the confidentiality of complaint resolution procedures;
- Treat everyone with dignity, courtesy and respect.

Managers and Supervisors

Managers and supervisors must also:

- Model appropriate standards of behaviour;
- Take steps to educate and make staff aware of their obligations under this policy and the law;
- Intervene quickly and appropriately when they become aware of inappropriate behaviour;
- Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard;
- Help staff resolve complaints informally;
- Refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation;
- Ensure staff who raise an issue or make a complaint are not victimised;
- Ensure that recruitment decisions are based on merit and that no discriminatory requests for information are made;
- Seriously consider requests for flexible work arrangements.

Grievance & Complaint Handling

AWA recognises that discrimination complaints are extremely varied and accordingly, provides a range of options for dealing with discrimination to ensure issues are resolved internally in an equitable, confidential, and timely manner.

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If an employee, volunteer or contractor feels that they have been subjected to any form of unlawful conduct contrary to EEO laws or this Policy, they should not ignore it. These can be dealt with through the Grievance Handling Policy.

Possible outcomes

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors.

Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal.

Any disciplinary action is a confidential matter between the affected employee and AWA.

Agents and contractors (including temporary contractors) who are found to have engaged in unlawful conduct and/or breached this Policy may have their contracts with AWA terminated or not renewed.

AWA may take a range of other non-disciplinary actions to resolve a complaint, depending on the circumstances. Examples include, but are not limited to:

- Training to assist in addressing the problems underpinning the complaint
- Monitoring to ensure that there are no further problems
- Implementing a new policy
- General communications on the importance of this area to all staff through various mediums
- Requiring an apology or an undertaking that certain behaviour stop; and/or
- Changing work arrangements

Confidentiality

It is unacceptable for staff at AWA to talk with other staff members, clients or suppliers about any complaint of discrimination or harassment without AWA's express permission.

Breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this Policy and may lead to formal discipline.

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Breach of this Policy

All employees, volunteers and contractors are required to always comply with this Policy. If an employee breaches this Policy, they may be subject to disciplinary action.

Immediate disciplinary action will be taken against anyone who victimises or retaliates against a person who has had made a complaint of discrimination. In the most extreme cases this may include termination of employment.

Agents and contractors who are found to have breached this Policy may have their contracts with AWA terminated or not renewed.

Relevant Legislation

This policy aligns with the following laws:

- [Sex Discrimination Act 1984 \(Cth\)](#)
- [Fair Work Act 2009 \(Cth\)](#)
- [Workplace Gender Equality Act 2012 \(Cth\)](#)
- [Racial Discrimination Act 1975 \(Cth\)](#)
- [Disability Discrimination Act 1992 \(Cth\)](#)
- [Age Discrimination Act 2004 \(Cth\)](#)
- [Australian Human Rights Commission Act 1986 \(Cth\)](#)
- [Disability Discrimination and Other Human Rights Legislation Amendment Act 2009 \(Cth\)](#)
- [Equal Opportunity Act 2010 \(VIC\)](#)

Related Documents

The following documents are to be read in conjunction with this Policy:

- Grievance Handling Policy
- Workplace Harassment and Bullying Policy
- Code of Conduct
- Whistleblower Policy

Document Approval

The Policy is approved by the Ability Works Australia Chief Executive Officer.

Approver	Philip Brookes
Title	Chief Executive Officer

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Document Version Control

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