EQUAL OPPORTUNITY AND DIVERSITY POLICY

SCOPE

This policy applies to all employees of WA Health, which incorporates the following entities:

- Metropolitan Health Services
- WA Country Health Service
- Peel Health Service
- Department of Health

This is a system wide policy and supersedes all polices related to equity and diversity in WA Health.

POLICY STATEMENT

WA Health promotes a work environment where everyone is treated with fairness, respect, equality and dignity and where the workplace is free from direct or indirect discrimination, harassment, victimisation, vilification and bullying.

WA Health recognises the need for an open and inclusive workplace culture where everyone is valued and the social and cultural backgrounds of all employees are respected. Harnessing these differences will create a productive environment in which everybody feels valued, their talents are fully utilised and organisational goals are met.

WA Health will apply the principles of equal opportunity and diversity to:

- all employment practices including (but not limited to) recruitment, selection, appointment, promotion, conditions of employment, access to higher duties and training and development opportunities and
- the provision of goods, facilities and services.

WA Health is committed to achieving the objectives of the Equal Opportunity Act 1984 (EO Act), including:

- to eliminate and ensure the absence of discrimination in employment on all of the grounds listed under the Act i.e. sex, marital status, pregnancy, family responsibility or family status, sexual orientation, race, religious or political conviction, impairment, age or against gender reassigned persons on gender history grounds and
- to promote equal employment opportunity for all persons.

Date Endorsed: 1 May 2008
Consistent with this commitment, WA Health has in place the WA Health Equity and Diversity Plan which aims to create an equitable and diverse workforce which is representative of the Western Australian community at all levels of employment, and enables employees to combine work and family responsibilities. The Plan contains three key outcomes:

- the organisational culture values diversity and the work environment is free from racial and sexual harassment
- workplaces are free from employment practices that are biased or discriminate unlawfully against employees or potential employees
- employment programs and practices include strategies to facilitate Equal Employment Opportunity groups to achieve workforce diversity.

Chief Executives are responsible for providing the resources and support required to implement the strategies and work towards achieving the targets contained within the Plan, within their health areas.

Managers and supervisors are responsible for:

- promoting a workplace free of employment practices that are biased or discriminate unlawfully against employees, potential employees, clients or patients
- promoting a workplace culture that values and encourages diversity in terms of its workforce, service delivery and decision making processes
- ensuring employment programs and practices include strategies for Equal Opportunity groups, to encourage people from diverse backgrounds into the workforce
- ensuring all decisions are made in a fair and equitable manner
- valuing and promoting the diverse skills and competencies of all employees and utilising these skills in ways that serve to enhance the performance of the organisation and improve individual job satisfaction.

All employees are responsible for creating an environment in which other employees and patients/clients are treated fairly and without discrimination or harassment. WA Health has in place policies on Prevention of Harassment, Discrimination and Bullying in the Workplace available at [http://intranet.health.wa.gov.au/hwl](http://intranet.health.wa.gov.au/hwl).

WA Health also recognises that work life balance principles and flexible work practices support the achievement of equity and diversity outcomes.

All employees should be able to access suitable options that enable them to combine their work and family/personal responsibilities, while meeting the operational needs of the organisation. The WA Health Work Life Balance Policy provides greater detail in relation to work life balance options.
DEFINITIONS

Equal Opportunity
Equal Opportunity in employment means ensuring people are treated on a fair and equitable basis in the workplace and on the basis of their particular skills and abilities, whatever their differences in other respects.

Equal Opportunity Groups
Equal Opportunity Groups are identified in the State Government’s Equity and Diversity Plan for the public sector as groups that are currently under-represented in the workforce. These are women in senior management; people with disabilities; Indigenous Australians; people from cultural and linguistically diverse backgrounds (CALD) and youth. WA Health has identified mature age employees as another priority group requiring specific strategies to retain within the workforce.

Diversity
Diversity consists of visible and non-visible factors, which include personal characteristics such as background, culture, personality and work-style in addition to the characteristics that are protected under discrimination legislation in terms of race, disability, gender and belief, sexual orientation and age.

Harassment
Harassment is defined as unwelcome, offensive, abusive, belittling or threatening behaviour or language that has the effect of intimidating, offending or humiliating a person. Harassment may be verbal, written, visual or physical in nature. Harassment will usually be repeated behaviour, but can also consist of a single act.

Workplace Bullying
Workplace bullying is usually (but not always) repeated inappropriate, offensive or degrading behaviour by one or more persons against another or others, at the place of work and/or in the course of employment. Workplace bullying can be direct or indirect and could reasonably be regarded as undermining the individual’s right to dignity at work.

Bullying can harm, intimidate, threaten, victimise, undermine, offend, degrade or humiliate another person.

Bullying behaviours range from the very obvious such as physical and verbal abuse through to the very subtle such as continually undermining another person. Some forms of bullying such as stalking and physical assault are a criminal offence and reportable to the police.

Bullying can occur in one-to-one situations, in front of managers or supervisors, co-workers, clients or customers or by written, visual, electronic communications such as letters, drawings, e-mails or telephone communications.

Direct discrimination
Direct discrimination takes place when a person is treated less favourably than another person, in the same or similar circumstances, on one or more of the grounds and in one of the areas of public life covered by the Act.
Indirect discrimination
Indirect discrimination happens when an apparently neutral rule has a negative effect on a substantially higher proportion of people with a particular attribute or characteristic, e.g. race, compared to people without that attribute or characteristic, and the rule is unreasonable in the circumstances.

Grounds of discrimination
The EO Act sets out the types or grounds of discrimination which are unlawful. They are:

- Age (being regarded as too young or too old*)
- Family responsibility (having a caring role)
- Family status (being a relative of a particular person or having the status of being a particular relative)
- Gender history (having a reassigned gender as certified under the Gender Reassignment Act 2000)
- Disability or impairment (having a physical, intellectual or mental disability that is current, past or imputed*)
- Marital status (being single, married, a de facto partner, separated, divorced or widowed)
- Political conviction (including a lack of conviction)
- Pregnancy (being pregnant, having a characteristic associated with pregnancy or generally imputed to persons who are pregnant)
- Race (including colour, ethnicity or national origin or descent*)
- Racial harassment (including offensive or insulting comments or other behaviour about a person’s colour, ethnic background or origin)
- Religious conviction (including a lack of conviction)
- Sex (being a man or woman)
- Sexual harassment (including unwelcome requests for sexual favours, touching and comments about a person’s private relationships)
- Sexual orientation (including heterosexuality, homosexuality, lesbianism, bisexuality or assumed sexual orientation)
- Breastfeeding (Sex Discrimination Act 1984 – Commonwealth legislation)
- Spent conviction (Spent Convictions Act 1988)

*The Act may also apply to a relative or a person who has a close relationship to a person affected by these grounds.

There are some instances where it is not unlawful to discriminate against a person and an exception is provided in the EO Act. Examples include:

- Measures intended to achieve equality (e.g. where a position is advertised for persons of a particular group or nationality to apply)
- A genuine occupational qualification (e.g. where a position is advertised with an essential criteria that requires a person of a particular group or nationality in order to perform the functions of the position).

SUPPORTING DOCUMENTS
Local guidelines
RELEVANT LEGISLATION

- Equal Opportunity Act 1984 (WA) (as amended)
- Public Sector Management Act (1994) (WA) (as amended)
- Occupational Safety and Health Act 1984 (WA) (as amended)
- Occupational Safety and Health Regulations 1996 (WA) (as amended)
- Disability Discrimination Act (1992) (Commonwealth) (as amended)
- Disability Services Act (1993) (WA) (as amended)
- Racial Discrimination Act (1975) (Commonwealth) (as amended)
- Racial Hatred Act (1995) (Commonwealth) (as amended)
- Sex Discrimination Act (1984) (Commonwealth) (as amended)
- Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)

For relevant legislation, go to:

For relevant Awards and Agreements, go to:
(www.health.wa.gov.au/AwardsAndAgreements/)

RELATED DOCUMENTS

- Western Australian Public Sector Code of Ethics
  (http://www.wa.gov.au/opssc/html/07eth0.htm)
- WA Health Code of Conduct
- Equity and Diversity Plan for the Public Sector Workforce
- WA Health Equity and Diversity Plan
- WA Health Prevention of Harassment and Discrimination Policy
- WA Health Prevention of Bullying Policy
- WA Health Work Life Balance Policy
- WA Health Recruitment Selection and Appointment Policy
- WA Health Discipline/Misconduct Policy
- WA Health Disability Access and Inclusion Policy
- WA Health Aboriginal and Torres Strait Islander Employment Framework
- WA Government Policy Framework for Substantive Equality

RELATED WEBSITES

- Commissioner For Equal Opportunity
- Disabilities Services Commission
- Work Life Balance, Department of Health
- Office of Equal Employment Opportunity
- Office of Multicultural Interests
- Department of Consumer and Employment Protection Work Life Balance
- Department of Consumer and Employment Protection Pay Equity Unit

ACCESSING POLICIES

Policies are located on

- Local Intranet
IF YOU HAVE A QUERY
Employees should direct any queries related to equal opportunity and diversity to their supervisor in the first instance.
Managers and supervisors with queries should contact their human resources/workforce department.
Advice and support is available to all employees through internal support networks which include the human resource department, Occupational Safety and Health Officers, Employee Support Officers, Contact Officers, Grievance Officers or Peer Support Officers and externally through the Employee Assistance Program or Equal Opportunity Commission

CONTINUOUS IMPROVEMENT
To maintain continuous improvement in the development of human resource policies, please refer any feedback regarding this policy to the Policy Officer, Workforce Division at policyofficer@health.wa.gov.au

VERSION CONTROL
This document has been developed in accordance with WA Health’s Human Resources Policy Development Framework.

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