Policy Frameworks
MP 0118/19
Effective from: 13 August 2019
Amended on: 14 January 2026

Equal Opportunity, Discrimination and Harassment Policy

1. Purpose

The purpose of the *Equal Opportunity, Discrimination and Harassment Policy* (Policy) is to ensure the creation and maintenance of an environment in which Staff Members are treated with respect, dignity, fairness and which is free from all forms of discrimination and harassment. The Policy sets out the minimum requirements and responsibilities for Health Service Providers to ensure Staff Members are treated with respect, dignity, fairness and the workplace is free from all forms of discrimination, harassment or sexual harassment.

The WA health system has zero tolerance for discrimination and harassment. Workplace discrimination and harassment will not be tolerated and will be treated seriously and managed accordingly.

Staff Members must also act in accordance with the Code of Conduct (Code) which identifies the CORE values of Collaboration, Openness, Respect and Empowerment which are fundamental in the workplace and defines standards of ethical and professional conduct. The Code states that:

- there is zero tolerance for harassment and discrimination
- Staff Members must not harass, or induce colleagues to harass each other, patients/ consumers/ caregivers/ clients or members of the public
- Staff Members must not discriminate against each other, patients, clients or members of the public on the basis of age, breastfeeding, disability, family responsibility, family status, gender history, impairment, marital status, political conviction, pregnancy, religious conviction, race, sex or sexual orientation.

This Policy is a mandatory requirement under the *Workforce and Employment Policy Framework* pursuant to section 26(2)(f) of the *Health Services Act 2016*.

This Policy supersedes the following Operational Directives: *OD 0438/13 - WA Health Equal Opportunity and Diversity Policy, OD 0649/16 - WA Health Equity and Diversity Strategy 2015-2020 and OD 0634/15 - WA Health Substantive Equality Policy.*

2. Applicability

This Policy is applicable to all Health Service Providers.

3. Policy requirements

The Policy requires that Health Service Providers and Staff Members actively prevent discrimination and harassment in the workplace.

Health Service Providers must develop internal processes to manage and monitor compliance with this Policy.

3.1 Responsibilities of Health Service Providers

Health Service Providers are responsible for:

- preparing and implementing an Equal Employment Opportunity Management plan, pursuant to Part IX Division 3 of the *Equal Opportunity Act 1984*
- implementing the WA Government Policy Framework for Substantive Equality in accordance with the Public Sector Commissioner's Circular – Substantive Equality – Implementation of the Policy Framework (Addressing Systemic Discrimination in Service Delivery) 2015-01
- ensuring employment programs and practices are free from bias and discrimination and including strategies and special measures to target the attraction, recruitment and retention of a greater diverse workforce (for example through the application of section 27, 50(d), 51 of the *Equal Opportunity Act 1984*)
- developing, implementing and promoting training for Staff Members to understand the WA health system's zero tolerance to workplace discrimination and harassment, including sexual harassment
- valuing and promoting the diverse skills and competencies of all Staff Members and utilising these skills in ways that serve to enhance the performance of the organisation
- taking any complaints or claims of breaches seriously and investigate with due reference to confidentiality, taking appropriate support and action to resolve matters
- providing information as requested by the System Manager regarding workplace discrimination and harassment.

3.2 Responsibilities of Staff Members

Staff Members must:

- not use, cause, instruct, aid, induce or knowingly permitting another person to engage in discriminating or harassing behaviour in the workplace
- discourage any behaviour which involves discrimination or harassment
- complete any mandatory training regarding workplace discrimination and harassment appropriate to their role
- seek advice and report any behaviour which involves discrimination or harassment to an appropriate manager and/or the local Human Resources unit
- familiarise themselves and act in accordance with this Policy.

3.3 Advice and Support

Managers seeking advice and support should contact their local Human Resources unit.

Employees seeking advice and support are encouraged to access the Employee Assistance Program (EAP). Details regarding an Employee's relevant EAP can be sought from their line Manager and/or local Human Resources unit.

3.3.1 External Advice

- The Western Australian Equal Opportunity Commission (www.eoc.wa.gov.au)
  Email (eoc@eoc.wa.gov.au)
- The Australian Human Rights Commission (www.humanrights.gov.au)
  Email (complaintsinfo@humanrights.gov.au)
- Relevant industrial union or professional association.

3.4 Reporting and resolving discrimination and harassment matters

Resolution of workplace discrimination or harassment matters must be managed and progressed in accordance with the Code and the *Equal Opportunity Act 1984*. If a Staff Member suspects a breach of the Code or the *Equal Opportunity Act 1984* has occurred, a Staff Member must follow the process for reporting a breach in accordance with the Code and the *Equal Opportunity Act 1984*. If a grievance is lodged, the process outlined in the *Grievance Resolution Policy* must be followed.

4. Compliance monitoring

WA health system entities are responsible for complying with this Policy.

A function of the System Manager is to undertake assurance activities in relation to Health Service Providers in accordance with the *Health Services Act 2016*.

The System Manager may conduct audits into compliance with the Policy, and to monitor and evaluate the effectiveness of the Policy.

The System Manager will monitor Health Service Provider compliance and performance with this policy via audit and/or review. Audits and/or reviews of Health Service Provider compliance may include review of Governance Committee records.

5. Related documents

The following documents are mandatory pursuant to this Policy:

- N/A

6. Supporting information

The following information is not mandatory but informs and/or supports the implementation of this Policy:

- Equal Opportunity, Discrimination and Harassment Guidelines

- Public Sector Commissioner's Circular – *Substantive Equality – Implementation of the Policy Framework (Addressing Systemic Discrimination in Service Delivery) 2015-01.*

7. Definitions

The following definition(s) are relevant to this Policy.

Term	Definition
Staff Member	As stated in the *Health Services Act 2016* (WA), a Staff Member of a health service provider, means – (a) An employee within a health service provider; (b) A person engaged under a contract for services by the health service provider.

8. Policy contact

Enquiries relating to this Policy may be directed to:
Title: Executive Director
Directorate: Governance and System Support
Email: OED.GSSD@health.wa.gov.au

9. Document control

Version	Published date	Review date	Amendment(s)
MP 0118/19	13 August 2019	December 2021	Original version
MP 0118/19 v.1.0	14 January 2026	December 2021	Amendment as listed below.
Purpose section: inclusion of the term 'disability' within third paragraph in relation to the Code of Conduct. Supporting Information: hyperlink updated Equal Opportunity Discrimination and Harassment Guidelines.			

10. Approval

Approval by	Dr DJ Russell-Weisz, Director General, Department of Health
Approval date	7 August 2019

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