

Equal Employment Opportunity and Anti-Discrimination Policy

Policy Number	CAL POL-043	Version	1
Classification	Governance	Issue Date	20/02/2025

1. Purpose

- 1.1** Caringa Australia Limited endorses diversity, supports equal rights, and does not advocate, support or practice discrimination based on race, religion, age, national origin, language, sex, sexual orientation, or disability.
- 1.2** This policy articulates Caringa’s commitment to creating an environment of equal employment opportunities in an organisation that is free of discrimination and embraces all that makes us different.

2. Scope

- 2.1** This policy applies to all Caringa employees which includes; full-time, part-time or casual, temporary or permanent staff; job candidates; student placements, trainees, contractors, sub-contractors and volunteers all of which are known throughout this policy as “workers”. The policy also applies to all clients and prospective clients.
- 2.2** This policy is applicable in all aspects of the organisation, including recruitment, selection, promotion, training, development, performance management, and termination. It also applies to the provision of goods, services, and facilities to clients and purchasing from suppliers.

3. Policy Statement

- 3.1** Caringa has adopted a policy of zero tolerance toward all forms of discrimination across; all Caringa workplaces, within all support settings and in all operations, functions and services provided by Caringa. A policy of Zero-Tolerance aims to create a safe and respectful workplace in which all workers are assured of the organisation’s commitment to investigate and address any concerns raised about behaviour that contravenes this policy.
- 3.2** This policy aligns with Caringa’s commitment to comply with all legislative, regulatory and contractual requirements, including but not limited to;
- Australian Human Rights Commission Act 1986 (Cth)
 - Fair Work Act 2009 (Cth)
 - Workplace Gender Equality Act 2012 (Cth)
 - Anti-Discrimination Act 1977 (NSW)
- 3.3** Caringa applies fair, equitable, consistent and transparent processes in assessing the capacity of a person to perform the inherent requirements of a position, having regard to the person's knowledge, skills, qualifications, experience and their potential for future development.
- 3.4** Goods and services used by Caringa are ethically and where possible, locally sourced.

4. Definitions

Direct Discrimination	When a person is treated “less favourably” than another simply because the person belongs to a particular group of people.
Indirect Discrimination	Occurs when an employer imposes a policy, requirement or condition which applies to everyone equally but has an unequal or disproportionate effect or result on a particular group because of a characteristic of that group.
Diversity	Is the range of human differences, including but not limited to race, ethnicity, gender, gender identity, sexual orientation, age, social class, physical ability or attributes, religious or ethical values system, national origin, and political beliefs.
Equal Employment Opportunity	The principle that every person, regardless of attributes such as race, gender or sexual orientation, has an equal opportunity to employment based on merit.
Unconscious Bias	Implicit assumptions and beliefs about particular groups of people that affect the way individuals in that group are perceived and judged, often in a negative way.
Vilification	Is a public act that could incite hatred, serious contempt or severe ridicule towards a person or group.
Workplace Gender Equality Agency (WGEA)	Known as the <i>Agency</i> : Is an Australian government statutory agency created by the <i>Workplace Gender Equality Act 2012 (Cth)</i> responsible for promoting and improving gender equity in Australian workplaces.
<i>The definitions below are provided by the Australian Human Rights Commission and are aligned to the coverage of the specific statutes.</i>	
Age Discrimination	Discrimination on the basis of age, age specific characteristics or characteristics that are generally imputed to a person of a particular age.
Disability Discrimination	Discrimination on the basis of physical, intellectual, psychiatric, sensory, neurological or learning disability, physical disfigurement, disorder, illness or disease that affects thought processes, perception of reality, emotions or judgement, or results in disturbed behaviour, and presence in body of organisms causing or capable of causing disease or illness (eg, HIV virus).
Racial Discrimination	Discrimination on the basis of race, colour, descent or national or ethnic origin and in some circumstances, immigrant status.
Sex Discrimination	Discrimination on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity, and intersex status

5. Operation

5.1 Prohibited conduct

Discrimination, harassment, and vilification in any form are strictly prohibited within Caringa. This includes, but is not limited to:

- a) Direct or indirect discrimination based on protected attributes such as race, sex, age, disability, marital status, pregnancy, sexual orientation, gender identity, religion, political opinion, or social origin.
- b) Harassment, including verbal, physical, or written conduct that creates an intimidating, hostile, or offensive work environment.

- c) Victimization of individuals who make complaints or participate in investigations regarding discrimination, harassment, or vilification.

5.2 Equal Employment Opportunity (EEO)

- a) Caringa applies the principles of equal employment opportunity (EEO) to all employment related decisions and treat all workers fairly and equitably with regard to individual circumstances or attributes, as outlined in 5.1 (a) of this policy
- b) These principles will be applied to situations including, but not limited to, the following:
- Recruitment and selection;
 - Promotion or temporary higher duties;
 - Decisions on flexible work conditions such as working hours;
 - Supervision and discipline;
 - Reimbursement or compensation;
 - Access to professional development and training; and
 - Access to other benefits and opportunities
- c) In accordance with the *Workplace Gender Equality Act 2012* (Cth) Caringa is required to submit data annually in the form of a report to the Workplace Gender Equality Agency (WGEA)
- d) Reasonable adjustments for employees with a disability. A range of factors must be considered in determining whether an adjustment is reasonable and these are outlined in Caringa's **Recruitment Policy CAL POL – 004** (section 3.3)

5.3 Exemptions from Anti-Discrimination legislation

- a) Caringa may establish a position where the attribute of a particular group is a genuine occupational qualification. The *Anti-Discrimination Act 1977* (NSW) allows for exemptions and certifications to be granted to allow favouring certain groups of people to improve access to certain jobs, programs, services or facilities. Application is made through Anti-Discrimination New South Wales website. <https://antidiscrimination.nsw.gov.au/organisations-and-community-groups/exemptions-and-certifications.html>
- b) There are some exceptions under some legislative acts that allow for exemptions without application being made due to inherent requirements of the role. Further advice for correct guidance can be found by calling Anti-Discrimination NSW on 02 9268 5544 or 1800 670 812

5.4 Responsibilities

People and Culture Team are responsible for:

- developing, implementing and enforcing this policy,
- providing training and education to workers on discrimination, harassment and diversity awareness,
- ensuring that all employment practices and policies are fair, unbiased, and compliant with anti-discrimination laws and regulations and align with Caringa's **Recruitment Policy CAL POL – 004**,
- compiling and submitting the annual report to the Workplace Gender Equality Agency (WGEA)
- investigate complaints that relate to employment opportunities or discrimination, in accordance with **Complaints, Grievance and Appeals CAL POL – 008**
- track and record the organisation's performance in areas related to diversity, equity and inclusion.

Management and Leadership are responsible for:

- fostering a culture of diversity, equity, and inclusion within the organisation and ensuring compliance with this anti-discrimination policy.
- providing leadership and support to workers to promote diversity and prevent discrimination in the workplace.
- promptly reporting, investigating and addressing any complaints of discrimination in accordance with Caringa's policies: **Complaints, Grievance and Appeals CAL POL – 008** and **Bullying, Harassment and Sexual Misconduct-Free workplace CAL POL – 020**

All Caringa Workers are responsible for:

- treating colleagues, customers, and others with respect and fairness, regardless of their race, ethnicity, gender, age, sexual orientation, disability, religion, or other protected characteristics.
- refraining from engaging in discriminatory behaviours or making derogatory comments or jokes based on protected characteristics.
- reporting any instance of discrimination or harassment they have experienced or witnessed in accordance with **Bullying, Harassment and Sexual Misconduct-Free workplace CAL POL – 020**.

6. Support

6.1 All workers, including management, will participate in training on applying the principles of this policy to relevant organisational processes such as recruitment, performance management and review. Included in the training will be recognising unconscious bias. All workers will be made aware of the legal requirements of EEO and how to ensure that they adhere to the EEO protections.

6.2 If you have experienced a form of discrimination or feel you have been treated unfairly in any way, you are encouraged to contact People and Culture team who will support you to proceed with either a formal complaint, lodge an incident report or arrange for mediation or mentoring.

6.3 Caringa workers experiencing any negative events or feelings are encouraged to access the Employee Assistance Program by contacting - acacia EAP on 1300 364 273. This is a confidential counselling service and Caringa receives no feedback from these sessions.

7. Maintaining Compliance

7.1 Workers have a duty to comply with this policy and model respectful behaviours at all time. Failure to do so may result in disciplinary action including, termination of employment.

7.2 If you become aware of a breach of this policy, immediately report this to your direct manager, if you are not comfortable in reporting to your direct manager, please refer your report directly to the People and Culture team or report via the online feedback form.

7.3 Failure by the organisation to comply with the annual data submission to Workplace Gender Equality Agency (WGEA, the Agency) can result in the Agency:

- naming Caringa in a report to the Minister that is tabled in both Houses of Parliament,
- name Caringa publicly by electronic or other means,
- not issuing a compliance letter and therefore Caringa would be restricted in our eligibility to tender for contracts under Commonwealth and some state procurement frameworks, and may not be eligible for some Commonwealth grants or financial help.

8. Other Related Documents

8.1 Legislation & Related Documents

- Australian Human Rights Commission Act 1986 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Age Discrimination Act 2004 (Cth)
- Fair Work Act 2009 (Cth)
- Workplace Gender Equality Act 2012 (Cth)
- Affirmative Action (Equal Opportunity for Women) Amendment Act 1992 (Cth)
- Workplace Gender Equality (Gender Equality Standards) Instrument 2023 (Cth)
- Privacy Act 1988 (Cth)
- Australian Privacy Principles (APPs)
- Anti-Discrimination Act 1977 (NSW)

8.2 Caringa Australia Ltd Policy, Procedure, and Work Instruction Documents

- CAL POL – 004 Recruitment Policy
- CAL POL – 007 Professional Ethics and Code of Conduct
- CAL POL – 010 Bullying Harassment and Sexual Misconduct Free Workplace
- CAL POL – 008 Complaints, Grievance and Appeals Policy
- CAL POL – 010 Incident Management

8.3 Caringa Australia Ltd Forms and Related documents

- CAL FOR – 065 Performance Discussion – Notice of Appointment
- CAL FOR – 208 Performance Discussion Record
- CAL FOR – 220 Probationary Period Review
- CAL FOR – 075 Annual Performance Appraisal
- CAL FOR – 094 CSO-Annual Performance Appraisal

9. Document Control and Review

Owner	People and Culture Manager
Approval	Board of Directors
Approval date	29/11/2024

Review of this document will occur in consultation with the relevant stakeholders when legislative changes are made or when changes are made to the way in which Caringa Australia Ltd implements document control and record management arrangements.

Reviews must happen every **2 years** to ensure ongoing effectiveness and relevance.

Version	Date Approved	Action/Amendment Description	Updated by
1	29/11/2024	NEW Policy	People & Culture Team