



CATHOLIC ARCHDIOCESE OF MELBOURNE

Anti-discrimination in the workplace policy

*A just society can become a reality only when it is based on the respect of the transcendent dignity of the human person - Compendium of the Social Doctrine of the Church c.132 p66*

27 March 2015

## **Purpose**

The purpose of this policy is to promulgate the Archdiocese's Anti-discrimination in the Workplace Policy and procedures to be followed by parishes and diocesan agencies.

This policy is not a term of any contract, including any contract of employment. This policy may be varied by the Archdiocese from time to time.

## **Background**

The Church teaches that each person has an intrinsic value and dignity. The exposure of an individual to various forms of discrimination and/or harassment is incompatible with these teachings. Such conduct is unlawful under both Commonwealth and Victorian legislation and is not tolerated in parishes and diocesan agencies.

This policy is to be read in conjunction with the Sexual Harassment Policy and the Workplace Bullying Policy which specifically address those matters.

## **Application**

This policy applies to all workplace participants including staff (e.g. priests, brothers, sisters, seminarians and employees), volunteers, contractors, agents and clients of the Archdiocese while at any workplace of a parish or diocesan agency within the Catholic Archdiocese of Melbourne and/or engaged in any work-related activity connected with such a workplace.

## **Prohibition of unlawful discrimination**

All people to whom this policy applies are prohibited from engaging in unlawful discrimination in relation to any other person while at a parish or diocesan agency workplace and/or engaged in any work-related activity.

This prohibition applies to all at a common workplace. It is irrelevant whether each person is an employer, an employee or neither. If they are employees, it is irrelevant whether their employers are the same or different.

## **Consequences for breach of policy**

Where a person is found to have breached any of his or her obligations under this policy, disciplinary action may be taken. This may include the termination of his or her employment.

## **Definition of unlawful discrimination**

Any practice that involves treating one person or group less favourably than another, or causing them disadvantage, is discrimination. Such discrimination will be unlawful if it is based on a ground or grounds which the law has identified as being unacceptable, unless a relevant exception applies.

The prohibited grounds of discrimination include sex, marital status, pregnancy, family responsibilities, race, disability and age. Other prohibited grounds of discrimination are set out in applicable legislation.

## **Preventing unlawful discrimination**

Bearing in mind the values of Catholic social teaching, employers to whom this policy applies will endeavour to prevent unlawful discrimination and aim to:

- take positive, reasonable and proportionate action to eliminate discrimination, sexual harassment and/or victimisation in the workplace;
- make reasonable adjustments for a person offered employment or for an employee with an impairment;
- promote the development of a culture supportive of employment equality and diversity;
- provide equal employment opportunities by identifying and removing unlawful barriers to participation and progression in employment;
- appoint and advance workers on the basis of merit, having regard to the need to accelerate the promotion of some employees to meet the future requirements of well qualified and experienced lay leaders;
- prevent unlawful discrimination against workers on the grounds outlined in Commonwealth and Victorian legislation; and
- treat seriously all reported incidents of alleged unlawful discrimination and take appropriate steps in response to such incidents.

### **What can you do if you consider you are the subject of unlawful discrimination?**

Complainants are encouraged to use the internal processes to address concerns regarding discriminatory conduct, but are free to refer the matter to an external body such as the Equal Opportunity and Human Rights Commission at any time.

The complainant may raise the issues with their agency head or the parish priest/administrator or the Archdiocese's Human Resources Manager. If the matter is raised with the agency head or parish priest/administrator, the Archdiocese's Human Resources Manager is to be informed. If the complaint relates to a priest, brother, sister or seminarian, the Vicar General is to be informed.

The complainant will be asked to provide an account of the allegation/s. The person with whom the issues were raised will then take appropriate steps to investigate the allegations or to refer the matter to an appropriate person for investigation.

Any investigation will include putting the allegations to the person whose actions are alleged to have breached this policy. In addition, witnesses or other relevant people may be interviewed regarding aspects of the complaint.

A finding will be made regarding whether this or any other Archdiocesan policy has been breached. Recommendations for action will then be made and implemented.

Where the human resources management function is undertaken internally by a diocesan agency, the role identified for the Archdiocesan Human Resources Manager will be allocated to a person internal to that agency.

This complaint procedure has the following features:

- *Confidentiality*: Ordinarily only the people directly involved in the investigation or attempted resolution of a complaint will have access to information about the complaint. Procedural fairness will require that the accused person be told of the matter at an

appropriate stage of the investigation. This will be handled sensitively. There will be exceptional circumstances when information cannot be kept completely confidential (for example when physical threats are involved, when the matter has been referred to an external body and/or when it is necessary to disclose information to conduct the investigation to protect the interests of other members of staff or people in the workplace).

- *Impartiality:* All parties will have a chance to tell their side of the story. No assumptions will be made and, to the extent possible, no action will be taken until all relevant information has been collected and considered.
- *No Repercussions:* No action will be taken against anyone for making or helping someone to make a genuine complaint. Steps will be taken to ensure that anyone making such a complaint is not victimised.
- *Promptness:* All complaints will be dealt with as quickly as possible.
- *Outcome:* The outcome of a complaint could take a variety of forms, including: no further action, an apology, alteration of behaviour, removal of offending material, conciliation, training or counselling, re-assignment of one or both parties to another position or location, or even termination of employment. At any stage during the investigation, the investigating person may determine that the complaint warrants no further action, or refer it to the police as a criminal matter.
- *Follow up:* Once the complaint has been determined, arrangements may be made for ongoing counselling and support for the complainant and the person who was found or not to have engaged in the discriminatory conduct, where appropriate.