



## EQUITY, DIVERSITY AND INCLUSION POLICY

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| <b>Responsible Division &amp; Unit:</b>               | Human Resources Division                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                               |                                                       |
| <b>Supporting documents, procedures &amp; forms:</b>  | <a href="#">Bullying Prevention Policy</a><br><a href="#">Conflict of Interest Policy</a><br><a href="#">Delegations of Authority Policy</a><br><a href="#">Disability Action Plan</a><br><a href="#">Disability Policy – Staff</a><br><a href="#">Grievance Policy</a><br><a href="#">Indigenous Employment Strategy</a><br><a href="#">Procedures for Investigating Grievances</a><br><a href="#">Recruitment and Selection Policy</a><br><a href="#">Reference Check Policy</a><br><a href="#">Respect for Diversity Policy</a><br><a href="#">Sexual Harassment Prevention Policy</a><br><a href="#">University Code of Conduct</a><br><a href="#">UOW Strategic Plan</a> |                                                                               |                                                       |
| <b>Relevant Legislation &amp; External Documents:</b> | <a href="#">Age Discrimination Act 2004</a><br><a href="#">Anti-Discrimination Act 1977 (NSW)</a> <a href="#">Australian Human Rights Commission Act 1986</a><br><a href="#">Disability Discrimination Act 1992</a><br><a href="#">Racial Discrimination Act 1975</a><br><a href="#">Sex Discrimination Act 1984</a><br><a href="#">Workplace Gender Equality Act 2012 (Commonwealth)</a>                                                                                                                                                                                                                                                                                     |                                                                               |                                                       |
| <b>Audience:</b>                                      | Public                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                               |                                                       |

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## 1 Purpose of Policy

1. This policy seeks to uphold the values set out in the UOW Strategic Plan 2016-2020, which includes:
  - a. Intellectual openness, collegiality and connectivity;
  - b. Empowerment, flexibility and cultural diversity;
  - c. Mutual respect and the promotion of equity and social justice;
  - d. Working towards reconciliation and the success of our Aboriginal and Torres Strait Islander communities;
  - e. Recognition and celebration of initiative and enterprise, and agility in decision-making;
  - f. Staff and students who are recognised and appreciated for their contributions;
  - g. Workforce with strong performance expectations.
2. This policy also seeks to support the achievement of goals and objectives set out in the UOW Strategic Plan 2016-2020, which include:
  - 2.1. Align our outstanding academic community and graduates with national priorities, opportunities arising from our global relationships and initiatives supported by governments and industry;
  - 2.2. Deliver student-centred, intellectually challenging programs to the highest standard in technology-rich and immersive environments, and develop students for their roles in society and a global workplace;
  - 2.3. Continuously improve the standing of the University by rewarding initiative, creativity and performance of all our staff in environments featuring modern processes and outstanding infrastructure;
  - 2.4. Engage with our networks of academic, business and community partners to ensure that the contributions of our students and researchers are effectively disseminated and have an impact at global and regional levels;
  - 2.5. Maximise our capacity to deliver our mission by seeking out opportunity and continuing to invest and transform the University through growth, better process and enhanced built environments;
  - 2.6. Create an environment where our staff, students and stakeholders can explore new ideas and technologies, and their uptake and impact on social and economic wellbeing.
3. This policy underpins the Equity, Diversity and Inclusion Strategy.
4. This policy outlines the principles of managing diversity in the workforce and has evolved from the preceding Equal Employment Opportunity and Affirmative Action Policy.
5. Compliance with this policy is a requirement of all staff where stated in position descriptions and performance plans.
6. The University is committed to being an employer of choice in the higher education sector.



## 2 Definitions

| Word/Term          | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Affirmative action | <p>Action taken to help redress an imbalance, e.g. promoting nursing positions to male networks and promoting engineering positions to female networks.</p> <p>Affirmative Action is legislated for the Workplace Gender Equality Act 2012 and the Anti-Discrimination Act 1977 (NSW).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Discrimination     | <p>The Fair Work Ombudsman defines discrimination as when someone is not treated fairly or given the same opportunities because of their race, colour, sex, sexual orientation, age, gender identity, gender expression, intersex status, marital or relationship status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin. disability or physical or mental disability, which includes:</p> <ul style="list-style-type: none"><li>- physical, intellectual, psychiatric, sensory, neurological or learning disabilities; physical disfigurement; disorders, illness or diseases that affect thought processes, perceptions of reality, emotions or judgement, or results in disturbed behaviours; presence in body of organisms causing disease or illness (e.g. HIV virus).</li></ul> |
| Diversity          | <p>The Australian Government defines diversity as recognising employees from a wide range of backgrounds.</p> <p>For example, this can include having employees of different ages, genders, ethnicity, backgrounds, physical ability, sexual orientation, marital status, physical qualities, life experience, political and religious beliefs, work experience or educational background.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Equity             | <p>Providing a workplace free from unlawful discrimination and harassment protecting all staff. Our inclusive values empower all staff to achieve their full potential and remove actual or perceived barriers to participation regardless of gender, age, race, disability, orientation or economic background. Treating people equitably does not mean treating all people the same.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Equity group       | <p>The following are equity groups for the purpose of this plan include:</p> <ul style="list-style-type: none"><li>• People with disability</li><li>• Men and women in areas where either gender is traditionally under-represented</li><li>• Aboriginal and Torres Strait Islander People</li><li>• People whose first language is not English</li><li>• People who are lesbian, gay, bisexual, transgender, intersex, queer or other (LGBTIQ+)</li></ul>                                                                                                                                                                                                                                                                                                                                                                                            |
| LGBTIQ+            | <p>Acronym for people who are lesbian, gay, bisexual, transgender, intersex, and/or queer. The + incorporates a broader acceptance of all gender expressions/identities and sexualities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Workforce equity imbalance | <p>The NSW State Government provides equity targets so that employers can benchmark their performance against State standards. The difference between the State targets and the actual workforce composition, where the actual composition does not meet the targets provided, is often referred to as an equity gap.</p> <p>The University has chosen to use the more proactive term “workforce equity imbalance” in recognition that the State targets are generally the minimum standard that the University wishes to achieve. From time to time UOW targets may vary from the State targets depending on desired workforce composition and opportunities to build workforce diversity.</p> |
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### 3 Application & Scope

1. This policy applies to all job applicants and current staff of the University of Wollongong at campuses located within Australia and to all staff of the University of Wollongong employed within Australia undertaking activities overseas.
2. This policy relates to all aspects of employment, including sourcing, attraction and selection, progress, retention, talent identification/identification of high potentials, staff training and development succession planning, performance management, resignations, job classification, reward, resolution of conflict and interpersonal relationships.

### 4 Legislative Requirements: Equal Opportunity, Affirmative Action and Managing Diversity

1. The University respects and adheres to Commonwealth legislation requirements of the Workplace Gender Equality Act 2012, Age Discrimination Act 2004, Australian Human Rights Commission Act 1986, Disability Discrimination Act 1992, Racial Discrimination Act 1975, Sex Discrimination Act 1984 and New South Wales legislation including the [Anti-Discrimination Act 1977 \(NSW\)](#).
2. The University has a longstanding commitment to the elimination of unlawful direct and indirect discrimination and harassment on the basis of:
  - a. race, colour, descent, national or ethnic origin, religion;
  - b. sex;
  - c. marital or relationship status;
  - d. pregnancy (including potential pregnancy and breastfeeding);
  - e. family responsibility;
  - f. carers' responsibilities;
  - g. criminal record;
  - h. disability: - physical, intellectual, psychiatric, sensory, neurological or learning disabilities; physical disfigurement; disorders, illness or diseases that affect thought processes, perceptions of reality, emotions or judgement, or results in disturbed behaviours; presence in body of organisms causing disease or illness (e.g. HIV virus).
  - i. medical record;



- j. age;
- k. sexual orientation and/or identities;
- l. homosexuality;
- m. transgender status;
- n. trade union activity; and
- o. political opinion.

## **5 Policy Principles of Equal Opportunity, Affirmative Action and Managing Diversity**

1. “Equal opportunity”, the previous paradigm, was somewhat perceived as externally driven based on legal and moral obligations. Managing diversity, the new paradigm, is driven internally, follows on from progress made with Equal Employment Opportunity and Affirmative Action policy and reflects workforce diversity as an asset, not a cost.
2. Affirmative action supports the principles of equal opportunity by redressing the imbalances of past inequity. The University operates in a diverse community and is committed to reflecting this diversity in its employment practices and its workforce. In place of a specific affirmative action strategy the University has an Equity, Diversity and Inclusion Strategy. The terms “affirmative action” and “employment diversity” do not mean preferential treatment for minority groups but rather positive action to manage workforce diversity and where possible, rectify imbalance.
3. The principles of the “best person for the job” still apply and all applicants, regardless of equity status, are required to satisfy competitive recruitment processes.
4. Treating people equitably does not mean treating all people the same way.
5. Equality of opportunity and employment diversity will be actively supported by:
  - a. Creating an environment free of discrimination and harassment;
  - b. Providing clear and accountable policies and practices;
  - c. Developing, implementing, monitoring and reporting on diversity strategies and plans;
  - d. Developing and implementing employment diversity programs to increase access and promote success in employment for designated under-represented equity groups;
  - e. Providing the campus community with comprehensive learning and awareness programs on equity and diversity issues, and;
  - f. Providing effective mechanisms to resolve complaints.

## **6 Building Workforce Diversity**

1. Equitable employment results when the person best qualified for the position is successful without discrimination through processes that are open, transparent, competitive and based on merit.
2. The University is committed to policies and programs that enable persons with equivalent skills and qualifications to have an equal chance of obtaining a position; advancing within the University; and being rewarded appropriately.



3. The University is committed to providing employment opportunities for people in equity groups who are under-represented in the workforce: that is, people with disability, Aboriginal and Torres Strait Islander people, people whose first language is not English, people who are lesbian, gay bisexual, transgender, intersex and queer (LGBTIQ+), and people of a gender which is traditionally under-represented, according to relevant benchmarks, in a particular area.
4. At the point where any vacant position or future opportunity is identified (for example, an individual giving notice of retirement) managers and team leaders are required to consider whether the opportunity can be used to redress an equity imbalance and whether specific sourcing methods are appropriate to attract applicants from an equity group.

## **7 Facilitating Workforce Diversity**

1. The following steps are to be taken to source, attract, select and progress employees within the principles of affirmative action and the management of workforce diversity.
2. The Executive Dean or Director must identify that there is a business need to create a position, or a need to fill a vacant position and identify the skill set required.

### **Source and Attract**

3. Sourcing strategies, as specified in the Equity, Diversity and Inclusion Strategy and the Recruitment and Selection Policy, should be used where appropriate, to promote employment opportunities to members of targeted equity groups.
4. If the skill sets match, the Executive Dean or Director, in conjunction with the Recruitment Unit, may seek to employ a person currently employed at UOW, or a person who has previously worked at the University, or, has applied for a similar position at the University and has been deemed appointable.
5. The candidate should have gained access to employment at UOW, or have applied for employment at UOW through:
  - a. a pre-employment program or provider;
  - b. a specialist recruitment agency/group;
  - c. extensive work experience;
  - d. targeted advertisement; or,
  - e. the talent pool for equity groups.

### **Select**

6. The candidate should have undergone a selection committee based interview, based on merit, on at least one occasion and have been deemed appointable prior to appointment in a similar continuing or fixed term position.
7. A standard probationary period must be successfully completed in any appointment prior to a continuing or fixed-term appointment.
8. Any employment at UOW prior to a continuing or fixed term appointment must be satisfactory in all aspects.



9. Direct appointment of a candidate into a new continuing or fixed term position may be made (please refer to UOW Recruitment and Selection Policy for conditions) without consideration of other candidates, if all the above conditions have been met and in addition:
  - a. the candidate has completed a period of employment (or extensive work experience) of at least 6 months in the specific work area or a similar work area;
  - b. the candidate meets the inherent requirements of the position;
  - c. the Executive Dean/Director is satisfied with all aspects of the candidate's performance during this period; and,
  - d. there is a record of regular feedback between the candidate and supervisor or program provider, which the Executive Dean/Director considers reflects positively on the candidate.
10. Alternatively an Executive Dean/Director may call for expressions of interest from other candidates in the equity group who have met the conditions specified above:
  - a. candidates should have completed a period of employment (or extensive work experience) in a similar work area at the University or at another organisation;
  - b. eligible candidates must attend a standard recruitment interview and may be asked to complete competency based testing or assessment;
  - c. references must be sought in accordance with the Recruitment and Selection Policy and the Reference Check Policy;
11. The Executive Dean/Director or their delegated representative must be satisfied that the candidate has the knowledge, skills and attributes required for the appointment and must be satisfied with the referees' feedback.
12. All appointments must be endorsed by the Executive Dean/Director of the work unit.
13. Final approval is determined in accordance with the Delegations Policy.

## **Progress**

14. When opportunities for professional development and progression arise, for example secondment, reclassification and promotion opportunities, the Faculty/Division should refer to the Faculty/Division Business Plan and consider whether any equity imbalance can be addressed by following the aforementioned steps.
  - 14.1. Career Development Planning will consider the opportunity for all staff to undertake training and development to enhance their performance and career progress. Annual analyses of trends in training participation by gender should be undertaken to ensure staff from all equity group are presented with equal opportunity to undertake staff development activities.
  - 14.2. The Strategic Retention Planning process will support Divisions and Faculties with the identification of high performers and high potential staff, retention planning and succession planning. A review of the distribution of targets and associated rewards from this process should reflect the profile of the faculty, specifically in the representation of staff from equity groups.





15. Similarly, analyses of staff performance management and resignations should be conducted to identify equality of practice. Alarming trends will be investigated to ensure the absence of bias in decision making or discriminatory practice.

## Conflict

16. Where complaints arise regarding inconsistency, bias or discrimination in job classification, opportunity, reward, relationships or responsibilities, staff should follow the formal grievance policy. Where alleged bias or discrimination is systematic, for example, the language used in Policy documents, concerns should be reported to the relevant Policy Owner.

## 8 Roles & Responsibilities

1. Senior Executive and Executive Deans have particular responsibilities for employment equity and management of employment diversity.
2. Development, coordination and implementation of the employment equity and workforce diversity policy is the responsibility of Director, Human Resources Director (in consultation with the EED Committee and the Workforce Diversity Reference Group).
3. Accountability for ensuring that equal employment opportunity is implemented throughout faculties, schools, departments and divisions rests with all Executive Deans, Associate Deans, Directors and unit Heads.
4. Adherence to equal employment opportunity legislation, policy and principles is the responsibility of all staff.
5. All recruitment, selection and progression activities must be conducted in accordance with the Delegations Policy and other relevant policies.
6. Heads of units, managers and supervisors are required to demonstrate and promote equity, and support diversity in the workplace on a day-to-day basis. In practice, this includes but is not limited to:
  - a. positively promoting actual examples of imbalance redress and workforce diversity outcomes;
  - b. taking active steps to prevent and eliminate discrimination and harassment;
  - c. dealing fairly and equitably with complaints or grievances from staff;
  - d. managing staff fairly, including consulting staff about decisions affecting them;
  - e. providing all staff with equitable access to development opportunities (i.e. training, study leave) to achieve career goals;
  - f. conducting recruitment and selection processes fairly and in accordance with correct procedures;
  - g. forward-planning of workforce changes and requirements so that development and succession opportunities can be identified and acted upon;
  - h. considering whether an employment diversity strategy can be used to potentially redress an imbalance in the work unit; and,
  - i. providing support and assistance to members of equity groups.



## 9 Version Control and Change History

| Version Control | Date Effective   | Approved By                     | Amendment                                                                                                                                                     |
|-----------------|------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1               | 13 August 1982   | University Council              | New Policy.                                                                                                                                                   |
| 2               | 9 October 1987   | University Council              | Adopted amended policy.                                                                                                                                       |
| 3               | 26 November 2004 | University Council              | Adopted amended policy.                                                                                                                                       |
| 4               | 6 May 2009       | Vice-Principal (Administration) | Migrated to UOW Policy Template as per Policy Directory Refresh.                                                                                              |
| 5               | 9 March 2010     | Vice-Principal (Administration) | Future review date identified in accordance with Standard on UOW Policy.                                                                                      |
| 6               | 3 September 2013 | Finance and Resources Committee | Major re-write.                                                                                                                                               |
| 7               | 15 July 2015     | Vice-Chancellor                 | Alignment of Policy with Workplace Gender Equality Act 2012 and Workplace Gender Equality Agency reporting and amendments to accommodate removal of EED Unit. |
| 8               | 8 March 2019     | Vice-Chancellor                 | Minor updates to definitions, terminology, policy references and formatting to be more inclusive of LGBTIQ+.                                                  |