

Policy Name	ACCESS AND EQUITY POLICY - STAFF
Policy Number	G022_PO (Governance)
Purpose	This policy outlines the commitment by Whitehouse Institute of Design, Australia (Whitehouse) to ensure that the structures and practices of the Institute uphold the principles of access and equity.
Scope	This policy applies to all staff employed by Whitehouse across all Campuses.
Policy Statement	<p>Whitehouse as an employer, values fairness in the workplace and ensures that:</p> <ul style="list-style-type: none"> • Its services and information in relation to employment are developed and delivered on a fair basis to those who are eligible to receive them; and that • Employees participate and benefit to the same level of fairness. <p>This policy and its procedures <i>for staff</i> provide a framework and a process to ensure that Whitehouse's practices are non-discriminatory, reflect the ethics and values of Whitehouse, and comply with the equity principles of relevant legislation.</p> <p>This policy identifies the relevant legislation and a summary of Whitehouse's obligations as it relates to each one. Whitehouse is aware that anti-discrimination laws operate at a Federal and State level and that the Australian Human Rights Commission has statutory responsibilities under Federal legislation. Whitehouse also recognises that Commonwealth laws and the State Territory laws generally cover the same grounds and areas of discrimination. There are some 'gaps' in the protection that is offered between different States and Territories and at a Commonwealth level. In addition, there are circumstances where only the Commonwealth law would apply or where only the State law would apply.</p> <p>Whitehouse complies with Commonwealth and State legislation including and not limited to that which pertains to different forms of discrimination, human rights, equal opportunity and privacy.</p> <p>Obligations of Whitehouse:</p> <ol style="list-style-type: none"> 1. Australian Human Rights Commission Act 1986 (as amended 2010) An Act to establish the Australian Human Rights Commission, to make provision in relation to human rights and in relation to equal opportunity in employment, and for related purposes. Under this Act it is unlawful for Whitehouse to discriminate against a person on the grounds that any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (except for provisions as allowed for in the Act). The terms "employment" and "occupation" include access to vocational training, access to employment and to occupations, and terms and conditions of employment. 2. NSW Anti-Discrimination Act 1977 (as amended 2007) An Act to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons.

In relation to employment and staff participation, under this Act, it is unlawful for Whitehouse to discriminate against a person on the grounds of:

- Race; sex; transgender; marital status; disability; homosexuality; status as a carer; compulsory retirement; age; HIV/AIDs status.

In the arrangements, it makes for the purpose of determining who should be offered employment; or the terms on which the employer offers employment; and in the terms or conditions of employment which the employer affords the employee, opportunities for promotion, transfer or training, or to any other benefits associated with employment; it also makes for the purpose of denying the employee access, or limiting the employee's access, or by dismissing the employee or subjecting the employee to any other detriment (except for provisions as allowed for in the Act).

Refer *Whitehouse Bullying, Harassment and Discrimination Policy and Procedure*

3. Victorian Equal Opportunity Act 1995 (as amended 28 April 2010)

Under this Act it is unlawful for Whitehouse to discriminate against any of the following:

- Age; breastfeeding; gender identity; impairment; industrial activity; employment activity; lawful sexual activity; marital status; parental status or status as a carer; physical features; political belief or activity; pregnancy; race; religious belief or activity; sex; sexual orientation; personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

4. Age Discrimination Act 2004 (as amended 2010)

An Act relating to discrimination on the ground of age.

Under this Act it is unlawful for Whitehouse to discriminate against someone on the ground of age in respect of the following (except for provisions as allowed for in the Act):

- employment and related matters; education; access to premises; provision of goods, services and facilities; provision of accommodation; disposal of land
- administration of Commonwealth laws and programs
- requests for information on which age discrimination might be based.

5. Disability


5.1 Discrimination Act 1992 (DDA) (as amended 2009)

An Act relating to discrimination on the ground of disability

5.1.1 It is unlawful for Whitehouse to discriminate against a person on the ground of the person's disability or a disability of any of the other person's associates by:

- (i) preparing materials and advertising for employment with Whitehouse that would exclude the person from eligibility to apply
- (ii) refusing or failing to accept the person's application for employment, or
- (iii) in the terms or conditions on which it is prepared to de-select a candidate from interview, or
- (iv) refusing to admit a person as an employee, or

	<p>(v) denying or limiting the staff member’s access to any benefit or service as detailed in their Terms of Employment, or legislation.</p> <p>5.1.2 Whitehouse complies with the requirements of the act, with the exception where:</p> <ul style="list-style-type: none"> - the requirements impose unjustifiable hardship on the Institute https://www.humanrights.gov.au/quick-guide/12105 <p>5 National Disability Insurance Scheme (NDIS)</p> <p>5.2.1 The NDIS operates under the key principle that individuals with a disability have an equal right of access to services.</p> <p>5.2.2 The NDIS does not replace the obligations of mainstream services, including educational services or reasonable adjustment, so Whitehouse is obligated to support staff with disabilities, as specified in relevant legislation.</p> <p>Refer <i>Whitehouse Bullying, Harassment and Discrimination Policy and Procedure</i>.</p>
<p>Relevant Legislation</p>	<ul style="list-style-type: none"> • The National Employment Standards <p>Commonwealth Anti-Discrimination Legislation</p> <ul style="list-style-type: none"> • Australian Human Rights Commission Act 1986 • Age Discrimination Act 2004 • Disability Discrimination Act 1992 https://www.education.gov.au/disability-standards-education-2005 • Racial Discrimination Act 1975 • Sex Discrimination Act 1984 • Privacy Act (Cwlth) 1988 • National Disability Insurance Scheme Act 2013(Cth): https://www.legislation.gov.au/Details/C2013A00020 <p>State Anti-Discrimination Legislation</p> <ul style="list-style-type: none"> • Privacy and Personal Information Protection Act 1998 (NSW) • State Records Act 1998 (NSW) • Crimes Act 1900 (NSW) • NSW Anti-Discrimination Act 1977 • The Equal Opportunity Act 2010, (Victoria) • Racial and Religious Tolerance Act 2001 (Victoria) • Information Privacy Act 2000 (Victoria)
<p>Key Related Documents</p>	<ul style="list-style-type: none"> • Code of Conduct (Staff) • Privacy Policy and Procedure • Staff Handbook

	<ul style="list-style-type: none"> • Employment (Staff) • Bullying Harassment and Discrimination Policy and Procedure • Staff Grievances and Complaints Resolution Policy and Procedure • Critical Incidence Policy and Procedure 					
Responsible Officer	Executive Director					
Approval Authority/ Authorities	Board of Governors					
Date Approved	02/12/2019					
Date of Commencement	03/12/2019					
Date for Review	02/12/2022					
Documents superseded by this Procedure	Access and Equity Policy and Procedure, April 2017					
Amendment History	<p>November 2019</p> <p>This is a new policy</p>					
Signed and dated for Whitehouse Pty Ltd						
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INFORMATION FOR PUBLISHING ON POLICY REGISTER	
Category	Governance
Stakeholders	Academic Board Executive Management Academic Staff Applicants for Employment Administration Staff