

# Equal Employment Opportunity



Review Date: 28/11/2027

## Introduction

Evans Head Preschool Association Inc. recognises that equal employment opportunity is an employment obligation, legal responsibility and social justice issue, and sees prohibiting of discrimination is sound management practice.

## Goals – What are we going to do?

To foster a workplace culture that maximises organisational performance through employment decisions based upon the provision of quality early education and care, disregarding non-relevant criteria or distinctions.

To ensure that all decisions relating to employment are based on merit.

To ensure that Evans Head and Evans Head-Woodburn Preschools comply with all regulatory and legislative obligations to current and potential employees, students and volunteers.

## Definitions

**Discrimination** occurs when an individual, or group of people, with an attribute are treated, or proposed to be treated, unfavourably because of that attribute. It may also occur when a person or organisation impose, or proposes to impose, a requirement, condition or practice which could unreasonably disadvantage people with that attribute.

**Equal Employment Opportunity** consists of ensuring that all employees are given equal access to training, promotion, appointment or any other employment related issue without regard to any factor not related to their competency and ability to perform their duties.

**Victimisation** includes subjecting a person to their detriment or threatening to do so due to their:

- Assertion of their rights under Equal Opportunity Law;
- Making a complaint;
- Assisting an associate to make a complaint; or
- Refusing to carry out a practice because it would be discriminatory, sexual harassment or victimization;
- Gender or Transgender;
- Pregnancy or potential pregnancy;
- Marital/domestic status;
- Disability;
- Race, colour, national extraction, social origin, descent, and ethnic, ethno-religious or national origin;
- Age;
- Family responsibilities, family status, status as a parent or carer;
- Racial classification;
- Sexuality or Transsexuality;
- HIV/AIDS status;
- Religious belief or activity;
- Political belief or activity;
- Industrial activity;
- Physical features;
- Breastfeeding;
- Profession, trade, occupation or calling;
- Medical record;
- Criminal record (unrelated to Working with Children Check)

## Responsibilities

### **It is the responsibility of the Nominated Supervisor and Approved Provider to ensure that:**

- All educators and contractors are committed to principles and legislation relating to equal opportunity and apply these within the service;
- All decisions relating to appointment, promotion and career development are made without regard to any matters other than the individual's inherent ability to carry out the job;
- The service provides a workplace climate which supports equal employment opportunities starting with the positive example set by management.

### **It is the responsibility of the Nominated Supervisor to ensure that:**

- All educators and contractors are aware of their obligations, responsibilities and rights in relation to equal employment opportunity;
- Any matter which does not comply with the principles of equal employment opportunity are identified and addressed as promptly and sensitively as possible;
- Ongoing support and guidance is provided to all employees in relation to equal employment opportunity principles and practice.

### **It is the responsibility of all educators, contractors and volunteers to ensure that:**

- They treat all colleagues, families, students and volunteers with respect and professionalism without regard to non-relevant criteria or distinctions;
- Inform the Nominated Supervisor if they believe that they, or anyone else, has been treated unfairly.

## Statutory Legislation & Considerations

Anti-Discrimination Act 1977 (NSW)

### Sources

Our Community Policy Bank  
[ourcommunity.com.au](http://ourcommunity.com.au)

### Related Policies

- Complaints & Feedback Policy
- Inclusion Policy
- Staff Code of Conduct Policy
- Volunteers & Students Policy

## Procedures

The Nominated Supervisor and Approved Provider must make all decisions relating to appointment, promotion and career development without regard to any matters, other than the individual's inherent ability to carry out the position.

Employees who believe they are being treated unfairly as a result of discrimination should notify the Nominated Supervisor.

Any complaint of discrimination, harassment or bullying will be investigated in a confidential and procedurally fair manner. If proven, a performance management plan will be initiated. In serious cases, this may warrant dismissal.

<p><b>Approved Provider Representative:</b></p> <p><b>Name:</b>.....</p> <p><b>Role:</b> .....</p> <p><b>Signature:</b> .....</p> <p><b>Date Adopted:</b> .....</p>
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**REVIEW DATE:** .....

POLICY REVISIONS		
Policy Reviewed/ Adopted	Approved Provider Representative	Review Date
25/06/2018	Belinda Fayle	25/06/2020
13/07/2021	Keiran O'Reilly	13/07/2023
28/11/2023	Narissa Cuskelly	28/11/2025
28/11/2025	Ashliegh Mitchel	28/11/2027

# Re-written using NSW legislation, and current social justice language via AI

## Policy Statement

Evans Head and Evans Head–Woodburn Preschools are committed to fostering a **fair, inclusive, and culturally safe workplace** where every person is treated with dignity, respect, and equity.

We recognise that equity is not the same as equality — true inclusion requires identifying and removing barriers that prevent full participation. We are committed to employment practices that value diversity, promote social justice, and reflect the communities we serve.

We reject discrimination, harassment, victimisation, and bias in all forms and uphold our responsibilities under NSW and Commonwealth law to ensure every person has equitable access to employment, learning, and leadership opportunities.

## Policy Goals

Our goals are to:

1. **Foster a workplace culture grounded in equity, respect, and social justice**, where employment and organisational decisions are made on the basis of merit and the delivery of quality early education and care — not on irrelevant personal characteristics.
2. **Ensure all employment decisions** (including recruitment, promotion, training, and conditions of work) are made **fairly, transparently, and based on capability, performance, and potential**.
3. **Comply with all relevant legislation** and regulatory obligations in relation to equal employment opportunity, diversity, and inclusion for employees, students, and volunteers.
4. **Model inclusive and equitable practice** in our employment culture to reflect the values of fairness, belonging, and respect that underpin our work with children and families.

## Legislative and Regulatory Framework

This policy is informed by the following legislation and frameworks:

### Commonwealth Legislation

- *Fair Work Act 2009 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*

- *Age Discrimination Act 2004 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth)*

## NSW Legislation

- *Anti-Discrimination Act 1977 (NSW)*
- *Work Health and Safety Act 2011 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*

## Early Childhood Frameworks

- *Education and Care Services National Law and Regulations (2011)*
- *National Quality Standard (NQS) – Quality Area 7: Governance and Leadership*
- *Early Years Learning Framework (EYLF) Version 2.0 – Principles: Equity, Inclusion, and Respect for Diversity*

## Definitions

**Discrimination** occurs when a person or group is treated less favourably, or experiences a disadvantage, because of an attribute such as race, sex, disability, age, or other protected characteristic. Discrimination may be **direct** (explicit treatment) or **indirect** (a requirement or practice that unfairly impacts a particular group).

**Equal Employment Opportunity (EEO)** means that all employees, students, and volunteers have fair and equitable access to employment, development, and advancement opportunities — free from discrimination, bias, or barriers not related to their skills or ability to perform the role.

**Victimisation** occurs when someone is treated unfairly or subjected to harm or disadvantage because they:

- Assert their rights under discrimination law,
- Make or assist with a complaint,
- Refuse to participate in discriminatory or harassing behaviour, or
- Are perceived to have done any of the above.

**Protected Attributes** under NSW and Commonwealth law include (but are not limited to):

- Sex, gender identity, or transgender status
- Intersex status
- Pregnancy or potential pregnancy
- Marital or domestic status
- Disability or medical condition
- Race, colour, descent, national or ethnic origin, or ethno-religious background
- Age
- Family or carer responsibilities
- Sexual orientation
- HIV/AIDS status
- Religious or political belief or activity
- Industrial activity
- Breastfeeding
- Profession, occupation, or trade
- Criminal record (where unrelated to a Working with Children Check requirement)

# Responsibilities

## Approved Provider and Nominated Supervisor

- Lead a culture of equity, respect, and inclusion across all service operations.
- Ensure compliance with all relevant EEO and anti-discrimination legislation.
- Make employment, promotion, and development decisions solely on the basis of merit and role requirements.
- Model inclusive leadership and set expectations of fair, ethical, and non-discriminatory behaviour.
- Provide ongoing education and professional learning about EEO, anti-discrimination, and inclusive practice.

## Nominated Supervisor

- Ensure all staff, students, and volunteers are informed about their rights and responsibilities under this policy.
- Address any breaches or concerns relating to discrimination, harassment, or victimisation promptly and confidentially.
- Support staff to access guidance, advocacy, or mediation if required.
- Monitor workplace practices to identify and remove barriers to participation and advancement.

## All Educators, Staff, Contractors, and Volunteers

- Treat colleagues, families, students, and visitors with respect, fairness, and professionalism.
- Value the diversity of others and contribute to a culturally safe and inclusive environment.
- Refrain from discriminatory, harassing, or victimising behaviour.
- Report any concerns or incidents of unfair treatment to the Nominated Supervisor.

# Procedures

### 1. Decision-Making and Recruitment

- a. Appointment, promotion, and career development decisions will be based on demonstrated ability, experience, and alignment with the service's values and goals.
- b. Recruitment materials will use inclusive language and reflect a commitment to diversity.
- c. Where possible, recruitment panels will include diverse representation.

### 2. Raising Concerns or Complaints

- a. Employees or volunteers who believe they have experienced or witnessed discrimination, harassment, or victimisation should notify the Nominated Supervisor or Approved Provider.
- b. Concerns will be handled confidentially, with procedural fairness and respect for all parties.

### 3. Investigation and Resolution

- a. Complaints will be investigated promptly and impartially.
- b. Where a complaint is substantiated, appropriate action will be taken — which may include mediation, training, performance management, or disciplinary action (including termination in serious cases).

### 4. Education and Awareness

- a. EEO principles and anti-discrimination obligations will be discussed at staff induction and revisited regularly through professional development and reflective team meetings.
- b. The service will encourage dialogue about social justice, privilege, and bias to strengthen collective awareness and accountability.

## Review

This policy will be reviewed **annually**, or earlier if legislation, regulation, or service needs change. All staff will be invited to contribute to the review to ensure the policy continues to reflect our shared values of **equity, inclusion, and respect**.

## Related Documents

- Staff Code of Conduct
- Grievance and Complaints Policy
- Recruitment and Selection Policy
- Cultural Safety and Inclusion Policy
- Quality Improvement Plan (QIP)
- Reconciliation Action Plan (RAP)

## References

- Anti-Discrimination Board of NSW – *Equal Employment Opportunity Guidelines*
- Australian Human Rights Commission – *Workplace Discrimination and Equality Resources*
- ACECQA – *Guide to the National Quality Framework*
- NSW Department of Education – *Early Childhood Education Directorate*
- *Early Years Learning Framework V2.0 (2022)*

# Equal Employment Opportunity & Cultural Inclusion Policy

For [Preschool Name], New South Wales

## 1. Purpose

[Preschool Name] is committed to creating a safe, inclusive, and equitable workplace that reflects the diversity of our community. This policy affirms our dedication to equal employment opportunity and cultural

inclusion, with particular respect for Aboriginal and Torres Strait Islander peoples, in line with the *Anti-Discrimination Act 1977 (NSW)*, *Fair Work Act 2009*, and the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*.

## 2. Scope

This policy applies to all employees, contractors, volunteers, and job applicants engaged with [Preschool Name].

## 3. Policy Statement

We embrace diversity and uphold the right of every individual to work in an environment free from discrimination, harassment, and exclusion. Employment decisions will be based on merit, capability, and alignment with our values. We do not tolerate discrimination based on:

- Race, ethnicity, or cultural identity
- Sex, gender identity, or sexual orientation
- Age
- Disability or health status
- Marital, parental, or carer status
- Religion or spiritual belief
- Political opinion or union affiliation

## 4. Cultural Inclusion and Respect

We recognise Aboriginal and Torres Strait Islander peoples as the First Nations of Australia and commit to:

- **Respecting cultural protocols** and embedding culturally safe practices in our workplace
- **Acknowledging Country** in meetings and events, and displaying symbols of respect such as the Aboriginal and Torres Strait Islander flags
- **Engaging with local Elders and communities** to inform inclusive practices and curriculum
- **Providing opportunities for Aboriginal and Torres Strait Islander employment, leadership, and cultural education**
- **Upholding the principles of UNDRIP**, including the right to maintain and strengthen Indigenous institutions, cultures, and traditions

## 5. Inclusive Recruitment and Development

We ensure recruitment and promotion practices are transparent, inclusive, and free from bias. We actively seek diverse candidates and provide reasonable adjustments to support access and participation.

## 6. Training and Awareness

All staff will receive ongoing training in cultural competency, anti-bias education, and inclusive practice. We promote reflective practice and encourage staff to challenge systemic barriers and unconscious bias.

## 7. Complaints and Resolution

Any concerns regarding discrimination or exclusion will be addressed promptly, confidentially, and respectfully. We are committed to restorative approaches and continuous improvement.

## 8. Review and Accountability

This policy will be reviewed annually and updated to reflect legislative changes, community feedback, and evolving best practices. Leadership is accountable for its implementation and for fostering a culture of equity and belonging.