

Policy number 32: Human Rights and Equal Opportunity Policy *(Previously Equal Opportunity Policy and Diversity Policy)*

Version No. 05

Established: 2019

Present Version Passed: 8.3.22

Next Scheduled Review: 2023

PURPOSE

NGRHC recognises that the Victorian Charter of Human Rights and Responsibilities Act 2006 (the Charter) is a Victorian Act of Parliament that protects and promotes civil and political rights. The Charter is based on the seven core international human rights treaties adopted by the United Nations. The Charter states that “all people are born free and equal in dignity and rights”.

As a public authority Northern Geelong Rental Housing Co-operative (NGRHC) recognises that Equal Opportunity is a matter of obligation for employees and renter-members and can lead to social justice outcomes.

This policy has been designed to recognise human rights and facilitate the creation of a workplace culture that values, and maximises the benefits of the diversity of its staff and membership.

NGRHC recognises that there is a need to ensure that whilst in the workplace, renter-members, staff and visitors are not subjected to offensive or disruptive behaviour.

NGRHC shall make decisions regarding employment or membership of the Co-operative based on the Charter and Equal Opportunity legislation.

RELEVANT CO-OPERATIVE OBJECTIVES

Housing Registrar Performance Standards for Registered Housing Providers.

SCOPE

- NGRHC Commitment to staff and renter members
- Women’s Equality and Safety
- Commitment to Aboriginal Self Determination
- Inclusive Employment practices

POLICY STATEMENT

NGRHC is committed to ensuring that all Co-op renter-members, their households and staff are treated with respect and dignity and are provided the opportunity to work in a safe and respectful environment.

NGRHC values and respects difference in order to achieve a diverse housing Co-operative. Diversity may result from a range of factors, including the following: origin, age, gender, race, cultural heritage, lifestyle, education, physical ability, appearance, language or other factors. This requires that we actively and flexibly seek to accommodate the unique needs of the many different individuals and families who make up the Co-op.

The Committee of Management accepts they shall be responsible for leading the way in developing and encouraging a positive environment where all renter-members and staff are treated as equal.

NGRHC COMMITMENT

NGRHC will provide equal opportunity, workplace diversity and gender equality in the selection and review of all staff and renter-members.

Staff: Primarily, performance and competence are to be used as the basis for assessment, training and development opportunities, promotions, and salary reviews. However, there are other factors to consider in achieving social justice and sustainable outcomes in the recruitment process and daily operations of the NGRHC.

All employees shall be given equitable access to training, promotion, appointment, or any other employment opportunities.

Renter-Members: In all cases, eligibility for housing shall be used as the basis for selection of renter-members. All renter-members, meeting eligibility requirements and with a willingness to abide by the Co-operative's Rules and Policies, shall be given equal access to membership and ongoing housing, including all related activities of the Co-operative.

Should there be a grievance and staff or renter-members believe that they have been treated without equal opportunity the individual is welcome to lodge a complaint as per the NGRHC Complaints and Appeals policy. If the matter remains unresolved, the individual may consider taking the grievance to the Victorian Equal Opportunity and Human Rights Commission.

NGRHC must be compatible with the rights contained in the Charter in all governance and operational matters.

Women's Equality and Safety

In order to achieve equality and respect for all women, gender inequality cannot be seen as separate from other forms of discrimination and disadvantage that women face.

Gender inequality is not experienced in the same way by all women (or men). While gender needs to remain at the centre of efforts to prevent violence against women, to achieve equality and respect for all women, gender inequality must be addressed concurrently with other forms of discrimination and disadvantage such as racism, colonisation, ableism, homophobia and religious discrimination. Intersectionality is a topic which deals with the more subtle and systemic areas of discrimination. <https://workplace.ourwatch.org.au/resource/practice-guidance-workplace-support-for-staff-who-experience-family-violence>

What is intersectionality?

Gender inequality is not experienced the same way by all women, nor expressed the same way in all contexts. For example, an Anglo-Australian, able-bodied woman, is likely to have a vastly different experience of sexism in the workplace than a recently arrived refugee or a woman living with a disability.

To achieve equality and respect for all women, gender inequality cannot be seen as separate from other forms of discrimination and disadvantage that women face. Everyone's identities, social

positions and experiences are shaped not just by gender, but by a range of other social categories of difference, such as: Aboriginality, culture, race, ethnicity, faith, socio-economic status, ability, sexuality, gender identity, education, age, and migration status.

It is important that Committee members and staff leading workplace equality and respect initiatives understand intersectionality, in order to focus their efforts and tailor work accordingly.

NGRHC demonstrates our commitment to Women's Equality and Safety by adhering to the following protocols.

- Allows for Domestic and Family Violence leave
- Ensure that 50% of the Committee of Management as a minimum are female
- Provide training and development opportunities for all committee members and employees
- Allow applicants for Community housing to have a support person present in interviews
- Ensure that Gender Equality training is mandatory for all new Staff and Committee of Management.

Commitment to Aboriginal Self Determination

NGRHC recognises that Self-determination is a Victorian Government policy commitment enshrined in legislation. Section 12 of the Victorian Children, Youth and Families Act 2005, for example, recognises the principle of Aboriginal self-management and self-determination as a key principle when determining decisions that concern Aboriginal children and families.

The Victorian Charter of Human Rights and Responsibilities Act 2006 recognises that Aboriginal people hold distinct cultural rights, including the right to:

- Enjoy their identity and culture
- Maintain and use their language
- Maintain their kinship ties
- Maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs

The Victorian Aboriginal Affairs Framework (VAAF) is underpinned by self-determination and is driven by 11 self-determination guiding principles, which set the minimum standard for all work with Aboriginal Victorians. <https://vpvc.vic.gov.au/html-resources/aboriginal-cultural-capability-toolkit/aboriginal-protocols/>

NGRHC demonstrates our commitment to Aboriginal Self Determination by adhering to the following protocols.

- Begin organisational meetings and community forums with an Acknowledgment of the Traditional Owners
- Invite Elders from the local Aboriginal community to conduct a Welcome to Country to begin any ceremony to mark the opening of premises, new programs or major events and provide payment for the local Aboriginal community to perform this ceremony for NGRHC
- Ask for advice from an Aboriginal person to ensure NGRHC are following correct protocols.

- Understand that creating relationships when working with Aboriginal communities/organisations and partnerships takes time
- Agree to pay a fee-for-service when seeking cultural advice/support from Elders and Aboriginal community-controlled organisations.
- Ensure that Cultural Awareness Training is a mandatory requirement for new Staff and Committee of Management
- Provision of Cultural Leave.

Inclusive Employment practices

NGRHC agrees that diversity and inclusion are fundamental pillars of a caring, strong and understanding employer.

Diversity has been defined as the “full spectrum of human differences” and Inclusion could be described as a “cultural and environmental feeling of belonging” in the workplace.

True inclusive employment practices occur when Diversity and Inclusion intersect.

Equality of opportunity in employment is enshrined in federal and state legislation in Australia. The Disability Discrimination Act 1992 makes it unlawful to discriminate against a person because of disability.

https://www.leapin.com.au/wp-content/uploads/2020/12/901_Leap-in-eBook_Employment_webversion.pdf

NGRHC demonstrates our commitment to Inclusive Employment Practices by adhering to the following protocols.

- Allow for Reasonable Adjustments to accommodate a person’s disability so that they enjoy equal opportunity with others which may include, altered work hours or methods, modifying equipment and Training
- Allow for flexible leave
- Allow for flexible working conditions
- Provide for personalisation of supports eg accessibility and physical layout of the workplace
- Provide an inclusion champion – selected staff member to champion a sense of belonging for everyone in the workplace in a day-to-day context
- Provide assistive technology
- Opportunity to progress towards identified career goals.

Charter of Human Rights and Responsibilities summary

The Charter applies to:

- a. the Parliament,
- b. courts and tribunals
- c. public authorities

Human rights protected by the Charter

1. Recognition and equality before the law
2. Right to life
3. Protection from torture and cruel, inhumane or degrading treatment
4. Freedom from forced work
5. Freedom of movement
6. Privacy and reputation
7. Freedom of thought, conscience, religion and belief
8. Freedom of expression to hold an opinion without interference
9. Peaceful assembly and freedom of association
10. Protection of families and children
11. Freedom to take part in public life
12. Cultural rights
13. Property rights
14. Right to liberty and security of person
15. Humane treatment when deprived of liberty
16. Protection for children in the criminal process
17. Fair hearing
18. Rights in criminal proceedings (including presumed innocent until proved guilty according to the law)
19. Right not to be tried or punished more than once
20. Retrospective criminal laws

Obligations on NGRHC:

The Charter imposes an obligation on all public authorities to act in a way that is compatible with human rights. Section 38 of the Charter provides that subject to that section, it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.

It is probable that NGRHC would be considered a public authority for the purposes of the Charter. Refer *Goode v Common Equity Housing* which sets a precedent.

DEFINITIONS

Equal Opportunity	The right to be treated without discrimination, especially on the grounds of one's sex, race, or age.
Gender Equity	Provisions of fairness and justice in the distribution of benefits and responsibilities between women and men
Gender Equality	When people of all genders have equal rights, responsibilities, and opportunities
Human Rights	A right which is believed to belong to every person

Workplace Diversity	Diversity in the workplace refers to an organisation that intentionally employs a workforce comprised of individuals of varying gender, religion, race, age, ethnicity, sexual orientation, education and other attributes.
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RELATED DOCUMENTS

NGRHC Rules
NGRHC OH&S Policy
NGRHC Complaints and Appeals Policy
Housing Registrars Regulatory Framework

LEGISLATION AND STANDARDS

Equal Opportunity Act 2010 (previously Discrimination Act 1975)

<https://www.humanrightscommission.vic.gov.au/the-law/equal-opportunity-act>

Racial and religious tolerance Act 2001

<https://www.humanrightscommission.vic.gov.au/the-law/racial-and-religious-tolerance-act>

Racial and Religious Tolerance Amendment Bill 2019

http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/PubPDocs.nsf/ee665e366dcb6cb0ca256da400837f6b/5427bc7c551a2a6aca258463001eb278/%24FILE/591PM60bi1.pdf

Sex Discrimination Act 1984

<https://www.legislation.gov.au/Details/C2014C00002>

Disability Discrimination Act 1992

<https://www.legislation.gov.au/Details/C2018C00125>

Charter of Human Rights and Responsibilities Act 2006

[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/54D73763EF9DCA36CA2571B6002428B0/\\$FILE/06-043a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/54D73763EF9DCA36CA2571B6002428B0/$FILE/06-043a.pdf)

Housing Registrars Regulatory Framework

[file:///C:/Users/Owner/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Regulatory-framework-series-whole-updated-on-2.07.2019%20\(1\).pdf](file:///C:/Users/Owner/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Regulatory-framework-series-whole-updated-on-2.07.2019%20(1).pdf)

Victorian Public Sector Commission – Aboriginal Self Determination

<https://vpssc.vic.gov.au/html-resources/aboriginal-cultural-capability-toolkit/aboriginal-self-determination/>

Gender Equity Act 2020

<https://www.legislation.vic.gov.au/as-made/acts/gender-equality-act-2020>

