

 <p>S P Jain School of Global Management</p> <p>DUBAI • MUMBAI • SINGAPORE • SYDNEY</p>	<h2>Staff Equity, Diversity and Fair Treatment Policy</h2>
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### 1. Purpose

The purpose of the Staff Equity, Diversity and Fair Treatment Policy is to articulate S P Jain School of Global Management’s (S P Jain / the School) commitment to promote and support an environment which values and affirms equal opportunity, diversity and inclusivity in accordance with universal principles of equity, fairness and social justice, whilst ensuring that the School complies with its legal responsibilities in accordance with relevant legislation.

### 2. Scope

This policy applies to all employees, agents and contractors (including temporary contractors) at all campuses of S P Jain.

This Policy is not limited to the workplace or work hours. It extends to all functions and places that are work related. For example, work lunches, events, conferences, religious celebrations and client functions. Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

This Policy does not form part of workplace participant’s contract of employment or contract for service.

### 3. Policy Principles

The School is actively committed to promoting the principles of equal opportunity and strives to support employees to achieve their full potential in an environment which is fair, inclusive, diverse and supports the health and wellbeing of its employees.

The School will strive to enhance the workforce representation of under-represented diversity groups through supportive strategies and programs which recognise the

needs of these individuals and provide proactive responses to enable employees to integrate their personal responsibilities with the demands of the workplace.

The School is actively committed to the prevention of discrimination, bullying, harassment, victimisation and vilification in the workplace, and will take all reasonable steps and actions to ensure that employees are treated fairly, and with dignity and respect, whilst working at the School.

S P Jain adheres to the principles set out under the Commonwealth Disability Discrimination Act (1992) and the Disability Standards for Education (2005) and Higher Education Standards Framework (2021) to ensure a commitment to equity and diversity.

- a. In support of these commitments, the School will endeavour to:
  - i. foster a culture which values and responds to the rich diversity of its community
  - ii. provide an inclusive and flexible environment for employees by identifying and removing any remaining systemic barriers to equitable access, participation and progression in employment so that all employees have the opportunity to fully contribute to School life
  - iii. ensure that employees are aware of their rights and their responsibilities
  - iv. use non-discriminatory, inclusive language and practices
  - v. develop proactive plans and programs to increase access and promote success in employment for designated under-represented groups in order to overcome disadvantage
  - vi. ensure that all employees have fair access to benefits and services in an equitable manner, including assistance to reasonably accommodate a person's disability
  - vii. educate the School community on the goals and philosophy of equal opportunity, equity and social justice including provision of training and professional development opportunities
  - viii. develop and promote processes that support the systematic implementation, monitoring, reporting and management of equal opportunity and eliminate unlawful direct and indirect discrimination and harassment, and workplace bullying
  - ix. provide effective mechanisms to resolve complaints of unlawful discrimination, bullying, harassment, vilification and victimisation
  - x. create a culture of support for employees affected by domestic and family violence.

A full list of the grounds of discrimination which operate federally and, in the State, and/or Territories in which workplace participants undertake their work for S P Jain may be relevant and are listed below.

Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)	Religious belief, affiliation, conviction or activity
Sex	Marital status, domestic status, relationship status
Pregnancy (including potential pregnancy)	Homosexuality, transsexuality, sexuality, sexual preference/orientation, lawful sexual activity, gender identity
Carers' responsibilities, family responsibilities, carer or parental status, being childless	Disability/impairment, including physical, mental and intellectual disability
Breastfeeding	Age (including compulsory retirement)
Physical features (VIC only)	Profession, trade, occupation or calling (ACT only)
Industrial/trade union membership, non-membership or activity	Political belief, opinion, affiliation, conviction or activity
Employer association membership, non-membership or activity	Irrelevant criminal record (NT and TAS only)
Employment activity (VIC only)	Irrelevant medical record (NT and TAS only)
HIV/AIDS	Defence service
Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)	Religious appearance or dress (in work or study) (SA only)
Gender history (WA only)	Association with a child (in customer service) (SA only)
Spent convictions (ACT only)	

All employees are responsible for understanding and applying the principles of equal opportunity, equity and social justice. Supervisors and managers are particularly responsible for taking reasonably practicable steps to ensure that the learning and working environment is safe, inclusive and free from discrimination, bullying and harassment.

The School will ensure that staff are provided with relevant information during orientation and within the Staff Handbooks.

## **b. Equity and Diversity Groups**

Diversity involves recognising the value of individual differences in the workplace and educational settings. Diversity in this context for the School includes age, cultural background, disability, ethnicity, family responsibilities, gender, language, religious belief and sexual orientation. Diversity also refers to the other ways in which people are different, such as educational level, life experience, work experience, socio-economic background, personality and marital status.

Equity relates to fair treatment. The School's objective is to ensure that people from all groups in society have the opportunity to participate successfully in post-secondary education and employment. Target groups include, but are not limited to, Aboriginal and Torres Strait Islander peoples, people with disabilities, women in areas where they are currently under-represented, people of diverse sexual orientation, sex or gender identity (e.g. LGBTI), and people from culturally and linguistically diverse backgrounds.

The School is committed to providing policies and procedures which facilitate social inclusion by recognising and addressing the character and needs of the people in the regions in which it operates.

## **c. Gender equality in the workplace**

The School aims to fulfil its obligations under the Gender Equality Act 2012 (Cth) (the Act) by developing and implementing a workplace program which will attempt to eliminate discrimination and contributing to gender equality in employment and in the workplace.

The aim of the Act is to:

- i. promote and improve gender equality (including equal remuneration without bias) in employment and in the workplace
- ii. support employees to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters
- iii. promote, amongst employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities)
- iv. foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace, and
- v. improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace.

These actions are about attempting to achieve the potential of all workplace participants. It has direct benefits throughout the organisation. These benefits include increased productivity, increased morale, reduced absenteeism, and higher retention rates of employees.

**d. Equal opportunity, Harassment and Discrimination**

Equal opportunity is about ensuring that everyone has equal access to, and opportunity to take part in, areas of public life such as education and employment.

To support this goal, S P Jain will aim to support equality in all areas of employment including, but not limited to:

- i. recruitment
- ii. retention
- iii. resignation and turnover
- iv. performance management
- v. promotion and career progression
- vi. talent identification and management
- vii. succession planning, and
- viii. learning and development.

The School is committed to taking all reasonable steps to prevent and eradicate unlawful discrimination, bullying and harassment against individuals in the work and learning environment.

**e. Health and Wellbeing**

The School aims to create a workplace culture and environment that values, supports and promotes programs and strategies that improve the physical and mental health and wellbeing of employees as detailed in the Health and Wellbeing Policy.

**f. Domestic and Family Violence**

The School aims to create a working environment that allows employees to safely seek support to address issues arising from domestic and family violence.

The School recognises that employees may face situations of domestic and family violence that may have an impact on their attendance and productivity at work. The School is committed to providing support to employees who are affected by domestic and family violence.

#### **4. Rights and Responsibilities**

All employees must:

- a. understand and comply with this Policy;
- b. ensure they do not engage in any unlawful conduct towards other workplace participants, customers/clients or others with whom they come into contact through work;
- c. ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- d. follow the complaint procedure in this Policy if they experience any unlawful conduct;
- e. report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy; and
- f. maintain confidentiality if they are involved in the complaint procedure.

Workplace participants should be aware that they can be held legally responsible for their unlawful conduct.

Workplace participants, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

#### **5. Breach of this Policy**

- a. All employees are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with S P Jain terminated or not renewed.
- b. If a person makes an unfounded complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else into trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

#### **6. Complaint handling procedure**

- a. If an employee feels that they have been subject to any form of unlawful conduct contrary to EEO laws or this Policy, they should not ignore it but should register their grievance as detailed in the Staff Grievance Policy and Procedures.
- b. For any instances of Sexual Harassment or Sexual Assault the Procedure for handling Sexual Harassment complaints as detailed in the Staff Sexual Harassment or Sexual Assault Policy should be followed.

## 7. Questions

If an employee is unsure about any matter covered by this Policy, they should seek the assistance of the Director - Human Resources / HR Department.

## 8. Related legislation, laws and guidelines related to access and equity:

- a. Age Discrimination Act 2004
- b. Anti-Discrimination Act 1991
- c. Australian Human Rights Commission Act 1986
- d. Disability Discrimination Act 1992
- e. Disability Standards for Education (2005)
- f. Equal Opportunities (Commonwealth Authorities) Act 1987
- g. Fair Work Act 2009
- h. Higher Education Standards Framework (2021)
- i. Human Rights and Equal Opportunity Commission Act 1986
- j. Racial Discrimination Act 1975
- k. Racial Hatred Act 1995
- l. Sex Discrimination Act 1984
- m. World Health Organisation Healthy Workplaces

## 9. Definitions

- a. **Bullying** occurs where an individual or group of individuals repeatedly behaves unreasonably towards a person or group of persons and that behaviour creates a risk to health and safety
- b. **Discrimination** occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being denied entry to public places and other facilities.
- c. **Domestic and Family Violence** behaviour includes, but is not limited to, physical or sexual violence, emotional or psychological abuse, financial abuse or any behaviour that is threatening or coercive or in any other way controls or dominates an individual which causes safety or well-being concerns for that individual.
- d. **Harassment** occurs when a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-discrimination or human rights legislation. Harassment may include behaviour, comments or images which a reasonable person would consider to be offensive, humiliating, intimidating or threatening.
- e. **Sexual Harassment**
  - i. Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.

- ii. Sexual harassment does not have to be directed at a particular individual to be unlawful. Behaviour which creates a hostile learning environment for others can also be unlawful.
  - iii. More detailed and pertinent information on Sexual Harassment is available in the Staff Sexual Harassment and Sexual Assault Policy.
- f. Sexual Assault**
- i. Sexual assault can include but, is not limited to sexual act, sexual touching, sexual assault and aggravated sexual assault.
  - ii. More detailed and pertinent information on Sexual Assault is available in the Staff Sexual Harassment and Sexual Assault Policy.
- g. Victimization** includes any unfavourable treatment, or threats of unfavourable treatment against a person as a result of their actual or intended involvement in a complaint under the Anti-Discrimination Act 1991 or under any of these procedures. The involvement might include making a complaint, supplying information and producing documents to someone making a complaint or appearing as a witness in a proceeding under the Act. Unfavourable treatment may include adverse changes to their work environment, denial of access to resources, work opportunities or training, ignoring the person or lower assessment of their work. Victimization is an offence under the Anti-Discrimination Act 1991.
- h. Vilification** is the public incitement of hatred, serious contempt or severe ridicule of a person on the basis of the race, religion, sexuality or gender identify of a person or members of a group. It can take several forms including hate-speech, graffiti, websites and the distribution of propaganda or other forms of offensive literature. Vilification includes threatening physical harm to a person or their property or inciting others to threaten physical harm to a person or to their property. Vilification is an offence against the Anti-Discrimination Act 1991.
- i. Workplace Bullying and Harassment**, under the Fair Work Act 2009, occurs where an individual or group of individuals repeatedly behaves unreasonably towards an employee or group of employees at work, and that behaviour creates a risk to health and safety. Within this definition:
- i. repeated behaviour refers to the persistent nature of the behaviour and can range in behaviours over time.
  - ii. unreasonable behaviour is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable. This may include but is not limited to behaviour that is victimising, humiliating, intimidating or threatening.
  - iii. a risk to health and safety means the possibility of danger to health and safety, and is not confined to actual danger to health and safety.
- j. Disability** in relation to a person is defined by the Disability Discrimination Act 1992 as:
- i. total or partial loss of the person's bodily or mental functions
  - ii. total or partial loss of a part of the body
  - iii. the presence in the body of organisms causing disease or illness
  - iv. the presence in the body of organisms capable of causing disease or illness
  - v. the malfunction, malformation or disfigurement of a part of a person's body

- vi. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
- vii. a disorder, illness or disease that affects a person's thought processes, perceptions of reality, emotions or judgement or that results in disturbed behaviour

The definition refers to a disability that presently exists, previously existed but no longer exists, or may exist in the future. A disability is defined by the Disability Discrimination Act 1992 to include:

- physical
- intellectual
- psychiatric
- sensory
- neurological
- learning disabilities
- physical disfigurement
- the presence in the body of disease-causing organisms.

The Act covers a disability which people have now, have had in the past, may have in the future, or are believed to have.

- k. **Disability Discrimination** – the Disability Discrimination Act 1992 makes it unlawful to discriminate against a person because of their disability. This includes people who are relatives, friends, and carers of people with a disability.
  - i. Direct disability discrimination occurs when a person with a disability is treated less favourably than a person without a disability would be treated in the same or similar circumstances.
  - ii. Indirect disability discrimination occurs when there is a requirement, condition or practice that is the same for everyone but has an unfair effect on a particular group of people.

### **Related Documents**

- a. Staff Code of Conduct Policy
- b. Staff Grievance and Complaints Policy and Procedures
- c. Staff Handbook
- d. Staff Sexual Assault and Sexual Harassment Policy