

# EQUAL OPPORTUNITY POLICY

## SCOPE

This policy applies to staff, the associated workforce and students of the University.

For the purpose of this policy, references to 'the University' includes Monash University Australia, Monash University Malaysia, Monash University Indonesia, Monash College, Monash Suzhou and the Monash University Prato Centre, unless indicated otherwise.

## POLICY STATEMENT

This policy demonstrates the University's commitment to promoting equal opportunity in employment, education, service delivery, provision of accommodation, and sport in accordance with universal principles of equity, fairness and social justice and in accordance with anti-discrimination laws.

We are committed to equal opportunity in employment, education, service delivery, provision of accommodation, and sport.

Students, staff and the associated workforce are encouraged to bring their capabilities, approaches, experiences and ideas, which reflect our diverse and inclusive community and world.

The University environment should be free of unlawful of discrimination, harassment or bullying, where all students, staff and others participating in our community are treated with dignity, courtesy and respect.

To create the professional and supportive environment where you can thrive, we prohibit all forms of unlawful discrimination, harassment (including sexual harassment), vilification and victimisation. These will not be tolerated.

We strive to ensure our policies, procedures and practices incorporate the principles of equal opportunity. They reflect:

- the fair treatment of individuals without making judgments based on personal attributes which are protected under the Victorian [Equal Opportunity Act 2010](#) (Part 2, s.6) or similar legislation in another jurisdiction;
- that all participants in our community are entitled to work, study and be in an environment which is free from unlawful discrimination, harassment, vilification and victimisation;
- our [Ethics Statement policy](#); and
- equal access to benefits and services by students, staff and the associated workforce, including assistance to reasonably accommodate a person's disability.

We encourage everyone to seek advice and support when they feel they have been treated unfairly, or when they have experienced or witnessed concerning behaviour.

We have policies and procedures for the effective resolution of complaints, including how to make a report of concerning behaviour, which are detailed within the University's procedures and student conduct rules (via the [Safer Community Unit](#)).

The University treats any breach of its policies, procedures and schedules seriously; it encourages reporting of concerns about non-compliance, and manages compliance in accordance with the applicable [Enterprise Agreement](#), relevant instrument of appointment and/or applicable contract terms. A failure to comply with University policies may result in action by the University. Such action may include disciplinary and other action up to and including potential termination of employment for employees, or the cessation of engagements with the University for other persons.

## DEFINITIONS

Associated workforce	means any person appointed by the University to participate in University activities in an unpaid capacity and are not employees of the University. The associate workforce includes (but is not limited to), Honorary appointments such as Adjunct and Emeritus Professors, Conjoint Appointments, Contractors, University Visitors, and Affiliates.	
Enterprise Agreement	The Enterprise Agreement means the: <ul style="list-style-type: none"> <li>• <a href="#">Monash University Enterprise Agreement (Academic and Professional Staff) 2019</a> or the</li> <li>• <a href="#">Trades and Services staff (Building and Metal Trades staff) 2009</a> or the</li> <li>• <a href="#">Trades and Services staff (Catering and Retail, Cleaning and Caretaking, and Miscellaneous services staff) 2005</a></li> </ul> as applicable to the staff member in accordance with their contract of employment.	
Harassment	Unwelcome conduct that might reasonably cause a person to be offended, humiliated or intimidated because they have a protected attribute. Harassment can also happen if someone is working in an environment permeated by conduct or activities that make it hostile, or intimidating. The behaviour can be overt or subtle, verbal, non-verbal or physical.	
Protected attribute	<b>Australian Federal Law</b> <ul style="list-style-type: none"> <li>• age;</li> <li>• breastfeeding;</li> <li>• disability;</li> <li>• family responsibilities;</li> <li>• gender identity;</li> <li>• intersex status;</li> <li>• marital or relationship status;</li> <li>• pregnancy or potential pregnancy;</li> <li>• people with disabilities who have a carer, assistant, assistance animal or disability aid;</li> <li>• race, colour, descent or national or ethnic origin;</li> <li>• sex; and</li> <li>• sexual orientation;</li> <li>• Also falling within the definition of ‘unlawful discrimination’ is:</li> <li>• harassment of people with disabilities;</li> <li>• offensive behaviour based on racial hatred; and</li> <li>• sexual harassment.</li> </ul>	<b>Victorian Law</b> <ul style="list-style-type: none"> <li>• age;</li> <li>• carer and parental status;</li> <li>• disability;</li> <li>• employment activity;</li> <li>• <a href="#">gender identity</a> (which includes gender expression);</li> <li>• industrial activity;</li> <li>• intersex status;</li> <li>• <a href="#">lawful sexual activity and sexual orientation</a>;</li> <li>• marital status or relationship status;</li> <li>• physical features;</li> <li>• political belief or activity;</li> <li>• pregnancy and breastfeeding;</li> <li>• race;</li> <li>• religious belief or activity;</li> <li>• sex;</li> <li>• expunged homosexual conviction;</li> <li>• a spent conviction; and</li> <li>• personal association with someone who has, or is assumed to have, one of these personal characteristics.</li> </ul>
Staff	The University expects that its staff and students be free from discrimination based on these characteristics at any location.	
Staff	means paid, academic, professional and trades and services staff employed by the University: <ol style="list-style-type: none"> <li>under a relevant <a href="#">Enterprise Agreement</a>; or</li> <li>a contract or employment.</li> </ol>	
Student Conduct Rules	Refers to the: <ul style="list-style-type: none"> <li>• <a href="#">Student Charter</a></li> <li>• <a href="#">Monash University Statute, Section 16</a></li> <li>• <a href="#">Monash University Council Regulations, Part 7</a></li> </ul>	
Unlawful Discrimination	Treating or proposing to treat an individual unfavourably because they have an attribute protected by law. Discrimination can be direct or indirect: <ul style="list-style-type: none"> <li>• Direct discrimination can occur when a person or group is treated less favourably than another person or group in a similar situation, because of a protected attribute;</li> <li>• Indirect discrimination involves imposing a requirement, condition or practice that operates to</li> </ul>	

	disadvantage a person with a protected attribute, and it is not reasonable.
Victimisation	<p>Subjecting a person to negative treatment because they have:</p> <ul style="list-style-type: none"> <li>• asserted their rights under equal opportunity law</li> <li>• made a complaint under equal opportunity law</li> <li>• helped someone else make such a complaint; and refused to do something because it would be discrimination, sexual harassment or victimisation.</li> </ul> <p>The University expects that its staff and students be free from discrimination based on these characteristics at any location.</p>
Vilification	Any form of conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of a person or group of people because of their race or religion. Such conduct can be a single event or series of events over a period. It may include the use of internet, Facebook, Twitter and e-mail to publish or transmit statements.

## GOVERNANCE

Supporting procedures	<ul style="list-style-type: none"> <li>• <a href="#">Breastfeeding</a></li> <li>• <a href="#">Children in the Workplace</a></li> <li>• <a href="#">Family violence support</a></li> <li>• <a href="#">Gender Affirmation</a></li> <li>• <a href="#">Gender Representation on Decision-Making Bodies Procedures (Australia only)</a></li> </ul>
Supporting schedules	
Associated policies	<ul style="list-style-type: none"> <li>• <a href="#">Equal Opportunity</a></li> <li>• <a href="#">Integrity &amp; Respect</a></li> </ul>
Policy owner	Chief Human Resources Officer
Legislation mandating compliance	<p><b>Federal Legislation</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Age Discrimination Act 2004</a></li> <li>• <a href="#">Australian Human Rights Commission Act 1986</a></li> <li>• <a href="#">Disability Discrimination Act 1992</a></li> <li>• <a href="#">Racial Discrimination Act 1975</a></li> <li>• <a href="#">Sex Discrimination Act 1984</a></li> <li>• <a href="#">Fair Work Act 2009</a></li> </ul> <p><b>Victorian Legislation</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Equal Opportunity Act 2010</a></li> <li>• <a href="#">Racial and Religious Tolerance Act 2001 (VIC)</a></li> <li>• <a href="#">Spent Convictions Act 2021</a></li> </ul>
Category	Operational
Approval	Chief Operating Officer & Senior Vice-President
Endorsement	Chief Human Resources Officer
Date effective	12 February 2020
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Version	3.2 ( <i>minor amendments effective on 1 June 2021</i> )
Content enquiries	<ul style="list-style-type: none"> <li>• Monash University Australia &amp; Monash University Indonesia: <a href="#">Ask.Monash</a> or phone Monash HR on +61 3 990 20400</li> <li>• Monash University Malaysia: Access MUM HR (<a href="https://hrhelpdesk.monash.edu.my/">https://hrhelpdesk.monash.edu.my/</a>)</li> </ul>