

23. Anti-Discrimination Policy

"A just society can become a reality only when it is based on the respect of the transcendent dignity of the human person". Compendium of the Social Doctrine of the Church c.132 p66

23.1. Background

The Catholic Diocese of Ballarat is committed to providing a work environment that supports knowledge of and respect for equal opportunity and cultural inclusion and is free from unlawful discrimination.

23.2. Application

This policy applies to all people in diocesan workplaces including staff (priests, seminarians and employees), volunteers, contractors and agents of the Diocese.

23.3. Definition

Broadly, Commonwealth and state legislation prohibit discrimination on the basis of various protected attributes (e.g. race, disability). While there are subtle differences between the various legislative schemes, the below is a summary of what constitutes unlawful discrimination in Victoria.

The Victorian *Equal Opportunity Act 2010* categorises discrimination into two categories.

1. **Direct discrimination** – treating a person less favourably because they have a certain attribute.
2. **Indirect discrimination** – imposing an unreasonable requirement, condition or practice that is likely to disadvantage people with a certain attribute.

The following is a list of some of the key attributes that are protected under the Equal Opportunity Act:

- age;
- gender identity;
- disability;
- lawful sexual activity;
- marital status;
- parental status;
- political beliefs;
- pregnancy;
- race;
- religious belief or activity; and
- sexual orientation.

Generally, it is unlawful to discriminate on any of the above bases against employees, contractors, club members, consumers or someone in an education context. However, the law recognises exceptions for religious bodies such as the Catholic Diocese of Ballarat. For example, under the Equal Opportunity Act, it is lawful for a religious body to discriminate against someone because they have a certain attribute, provided the discrimination is to conform with the principles of the religion. This means it would be lawful for the Catholic Diocese of Ballarat to discriminate against people on the basis of their sexual orientation, marital status, or gender if the discrimination is necessary to comply with Catholic teachings.

In pursuit of its desire for equal opportunity and cultural inclusion, the Diocese will, to the extent that it is consistent with Catholic teachings, endeavour to:

- Promote the development of a culture supportive of equal opportunity and diversity;
- Provide equal employment opportunities;
- Appoint and advance staff on the basis of merit;
- Prevent unlawful discrimination;
- Ensure that all of its organisational policies and practices reflect and respect the social and cultural diversity contained within the Catholic Diocese of Ballarat and the community it serves; and
- Treat seriously all reported incidents of alleged unlawful discrimination. In the first instance, they will ordinarily be dealt with through internal processes.

23.4. Roles and Responsibilities

Parish priests or administrators/agency heads/managers are responsible for ensuring that personnel are aware of and adhere to the organisation's policies and procedures. They should:

- be aware of the signs of and take reasonable steps to ensure there is no discrimination in the workplace;
- encourage all staff to behave in accordance with the principles of dignity and equal opportunity in the workplace;
- provide leadership and role modelling in relation to equal opportunity; and
- respond promptly, sensitively and confidentially to all situations where discrimination is observed or alleged to have occurred.

Staff, volunteers, agents and contractors have a responsibility to:

- keep themselves familiar and comply with this policy;
- model appropriate behaviour;
- treat information in relation to discrimination allegations with appropriate confidentiality;
- report observations of unlawful discrimination to their priest or manager; and
- ensure that a person is not victimised for making or being involved in, a complaint of unlawful discrimination.

23.5. What can you do if you believe you are the subject of unlawful discrimination?

Complainants are encouraged to use the below process to resolve any concerns of unlawful discrimination they have. However, complainants have the right to refer their concerns to an appropriate body, such as the Victorian Equal Opportunity and Human Rights Commission.

Where appropriate, the complainant is encouraged to raise the complaint directly with the person/people against whom the allegations are made.

If the above step is not appropriate, or is unsuccessful in resolving the complaint, the staff member with the complaint may raise the issues with their parish priest or administrator/agency head/manager. If the matter is raised with the parish priest or administrator or agency head, the Vicar General is to be informed.

23.6. Process

The complainant will be asked to provide an account of the allegation. The investigation will be put in place, which will include putting the allegations to the person whose actions are alleged to have breached this policy. In addition, witnesses or other relevant people may be interviewed regarding aspects of the complaint.

A finding will be made regarding whether this or any other Diocesan policy has been breached.

Recommendations for action will then be made and implemented.

Documents will only be kept on employee files where allegations are found to have occurred. Where any investigation is undertaken by a lawyer, legal/professional privilege may apply to such documents.

This complaint procedure has the following features:

- **Confidentiality:** Only the people directly involved in the investigation or attempted resolution of a complaint will have access to information about the complaint. There will be exceptional circumstances when information cannot be kept confidential, e.g. when physical threats are involved and the matter has been referred to an external body such as the police.
- **Impartiality:** All parties will have a chance to tell their side of the story. No assumptions will be made and, to the extent possible, no action will be taken until all relevant information has been collected and considered.
- **No Repercussions:** No action will be taken against anyone for making or helping someone to make a genuine complaint. All reasonable steps to ensure that anyone making a complaint is not victimised.
- **Promptness:** All complaints will be dealt with as quickly as possible.
- **Outcome:** The outcome of a complaint could take a variety of forms, including: no further action; an apology; alteration of behaviour; adjustments to a person's role or physical environment; conciliation; training or counselling for either party; re-assignment of one or both parties to another position or location; or, in appropriate cases, termination of employment. At any stage during the investigation, the investigator may determine that the complaint warrants no further action.
- **Follow up:** Once the complaint has been determined, arrangements may be made to ensure that no further discrimination is occurring.

For further information, please contact the Professional Standards Coordinator or Vicar General.