

Policy Statement 1.6 – Equal Opportunity

Position Summary

Employers, including the Australian Dental Association, should have bullying, discrimination and harassment policies and processes in place and must respond quickly and appropriately to any equal opportunity issues raised.

1. Background

- 1.1. All persons have the right to an equal opportunity environment.
- 1.2. All persons have an obligation to act in accordance with the law and their professional and ethical obligations with regard to equal opportunity.
- 1.3. There are national equal opportunity laws and state and territory health and safety bodies that provide mechanisms to help people subject to bullying, discrimination and harassment in the workplace.
- 1.4. The Board's Code of Conduct requires that dental practitioners behave in a respectful way towards others.

Definitions

1.5. BOARD is the Dental Board of Australia.

1.6. BULLYING is when:

- A person or group of people repeatedly act unreasonably towards another or others;
- The behaviour creates a risk to health and safety;
- Unreasonable behaviour includes victimising, humiliating, intimidating or threatening behaviour;
- Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

Examples include but are not exclusive to:

- Behaving aggressively
- Teasing or practical jokes
- Pressuring someone to behave inappropriately
- Excluding someone from work-related events or
- Unreasonable work demands.

1.7. DISCRIMINATION is when an employer takes adverse action against another or others.

1.7.1. 'Adverse action' includes doing, threatening or organising any of the following:

- dismissing an employee
- injuring the employee in their employment, e.g. not giving an employee legal entitlements such as pay or leave
- changing an employee's job to their disadvantage
- treating an employee differently than others
- not hiring or treating someone unfavourably due to protected attributes

This Policy Statement is linked to other Policy Statements: 5.4 Complaints Resolution, 5.8 Dental Acts and Boards, 5.21 Regulatory Authorities, 6.3 Dental Health Care Workers [Incl. Students] and Blood-borne Viruses, 6.4 Management of Impaired Dental Practitioners, 6.6 Work Health and Safety & 6.20 Social Responsibility

- offering a potential employee different and unfair terms and conditions for the job compared to other employees.

1.7.2. 'Protected attributes' include:

- race
- colour
- sex
- sexual orientation
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy
- religion
- political opinion
- national extraction
- social origin.

1.7.3. Discrimination towards an employee can occur not only during employment but also during the pre-employment phase.

- 'Employee' includes full time, part time and casual employees, probationary employees, contractors, apprentices and trainees, and individuals employed for fixed periods of time or fixed tasks.

1.7.4. Certain actions may not be considered discrimination if they:

- are allowed under state or federal anti-discrimination law
- are taken against an employee of a religious institution to avoid harming the organisation's religious beliefs
- do not relate to one of the protected attributes (but may instead constitute bullying and harassment) or
- relate to the necessary requirements of the job

1.8. EQUAL OPPORTUNITY is the right to be treated fairly and so encompasses bullying, discrimination and harassment issues.

1.9. HARASSMENT is when:

1.9.1. A person is subjected to one-off or repeated behaviour or conduct of a sexual nature, by another person, including the person's employer or co-workers, that:

- Is unwelcome and unsolicited; and
- The person considers to be offensive, intimidating, humiliating or threatening;

2. Position

2.1. Employers should have bullying, discrimination and harassment policies and processes in place.

2.2. The principles and practices of equal opportunity are supported by enforcing them within the Association and by advocating their principles and practices to its members.

2.3. Employers should ensure that investigative and procedural mechanisms are expedient and performed in such a manner as to protect all staff.

- 2.4. Employers and principals must respond quickly and appropriately to any equal opportunity issues raised and try to address them within the workplace.
- 2.5. All persons should be encouraged to raise any equal opportunity issues.
- 2.6. Where the person does not believe the workplace will be able to address their concerns about discrimination, they have the right to raise their complaint directly with external anti-discrimination bodies including the Australian Human Rights Commission, and the relevant state and territory agencies.

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