

# Inclusive Workplaces Guide



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# Overview

The Inclusive Workplace Guide supports and aids the implementation of the Department of Education and Training's (the Department's) Equal Opportunity and Anti-discrimination Policy, bringing together available resources to assist principals/managers and employees to create inclusive and respectful workplaces.

Equal opportunity is an integral part of the employment life cycle applicable to recruitment, retention, performance management, promotion, remuneration, professional development and end of employment stages.

Equal opportunity is about giving and getting a fair go. It does not assume everyone is the same and it does not mean treating everyone the same. In some circumstances, treating everyone the same is unfair due to differences in personal circumstance -such as disadvantage or needs. This then prevents them from accessing government services or receiving fair and equitable outcomes from those services. Substantive equality involves achieving equitable outcomes as well as equal opportunity by accounting for different circumstances. It means that in order to treat people equally we may have to treat them differently.

This guide aligns with the Department's VPS Workforce Diversity and Inclusion Strategy (the Strategy). A key focus of the Strategy is to foster inclusion in the workplace by addressing broad issues that underpin and support change whilst concurrently addressing specific barriers that exist for some members of the workforce. The Strategy outlines the Department's commitment to building a workforce and workplaces that are grounded in respect, foster inclusion, promote diversity and embrace the unique skills and qualities of all employees. The Strategy also supports work underway to implement the Department's Investing in our People Strategy.

This is consistent with the Department Values – Responsiveness, Integrity, Accountability, Impartiality, Respect, Leadership and Human Rights. The Department Values are the foundations for respectful and inclusive workplaces that underpin equal employment opportunities. Managers, principals and employees are expected to model these behaviours in the workplace.

The Department is committed to diversity and inclusion, both in terms of providing the highest level of service to the Victorian community and in reflecting the diversity of the community in our workforce.

## HOW TO USE THIS GUIDE

This guide has been developed to assist everyone at Department workplaces to support employees with diverse and intersecting identities. It gives practical tips to implement best practice in diversity and inclusion across teams, and to support staff to bring their whole selves to work.

The guide is designed so that you can read it as a whole to make your work environment more inclusive or, once reading this introductory section on equal opportunity and general discrimination, focus in on particular areas. Each area of the guide goes into depth about what discrimination looks like and easy actions we can take to foster inclusion. There are also links to further resources and department policies.

This guide does not include information on inclusive recruitment, flexible work arrangements, workplace adjustments or gender affirmation. For information on these topics refer to the A-Z topic list on [HRWeb](#) for corporate staff or the [Policy and Advisory Library](#) for school staff.

## LEGISLATIVE AND POLICY FRAMEWORK

The Department is committed to eliminating unlawful discrimination, workplace bullying, sexual harassment and vilification or victimisation through modelling inclusive leadership, and promoting an inclusive and respectful workplace culture

Everyone in the workplace has rights and responsibilities under equal opportunity and anti-discrimination legislation to prevent discrimination, sexual harassment, vilification or victimisation.

Each section of this guide references the legislation and related policies for each diversity focus area. The overarching legislation and policy is the [Equal Opportunity Act 2010](#) (Vic), and the [Charter of Human Rights and Responsibilities Act 2006](#) (Vic) and the Department's [Equal Opportunity and Anti-discrimination Policy](#). This guide supports the Department in implementing this policy. These acts and policies ensure that allegations of discrimination and vilification against any Victorian are taken very seriously, and those responsible are held to account according to the law.

The [Code of Conduct for Victorian Public Sector Employees](#) also provides a framework for employees to understand their obligations to behave in accordance with the high standards the community expects. It describes the behaviours

that promote the values contained in the [Public Administration Act 2004 \(Vic\)](#), and it provides employees with guidance if they are faced with an ethical dilemma or a conflict of interest in their work.

## POSITIVE DUTY

Under the [Equal Opportunity Act 2010 \(Vic\)](#) (the Act), the Department has a positive duty to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation as far as possible<sup>1</sup>. This means that positive action should be taken to prevent these behaviours - regardless of whether someone has made a complaint.

In determining whether measures are 'reasonable and proportionate', factors such as the size of the organisation, its resources and the practicability and cost of the measures will be considered.<sup>2</sup>

The positive duty is about addressing the systemic causes of [discrimination](#), [sexual harassment](#) and [victimisation](#). The Victorian Equal Opportunity and Human Rights Commission has identified [six minimum standards](#) that all organisations must meet to comply with their positive duty under the Act. The standards are: 'Knowledge', 'Prevention Plan', 'Organisational Capability', 'Risk Management', 'Reporting and Response' and 'Monitoring and Evaluation'.

The standards require actions to be taken to both *prevent* and *respond* to discrimination, sexual harassment and victimisation.

## DEFINITIONS

### Discrimination

Discrimination is treating someone unfavourably in an area of public life due to one of their personal characteristics.

The Act covers discrimination in employment, education, accommodation, clubs, sport, goods and services, land sales and transfers, and local government.

Types of unlawful discrimination

The Act lists two types of unlawful discrimination: direct discrimination and indirect discrimination.

**Direct discrimination** happens when a person or group of people treats (or proposes to treat) a person with a personal characteristic unfavourably, because of that characteristic. The characteristic (or presumed) characteristic must be a substantial reason for the unfavourable treatment, it does not have to be the dominant reason.

Direct discrimination often occurs because people make unfair assumptions about what people with certain personal characteristics can and cannot do. For example, refusing to employ someone on the basis of their age because the hiring manager believes they are too old to learn new skills.

**Indirect discrimination** happens when an unreasonable requirement, condition or practice is imposed that disadvantages a person or group due to the personal characteristic. This often occurs when a workplace policy, practice or behaviour seems to treat all workers the same way, but it actually unfairly disadvantages someone because of a personal characteristic protected by law. Examples include:

- advertising a job with strength or height requirements may indirectly discriminate against women, unless setting requirements in relation to strength and height is reasonable given the inherent requirements of the job.
- not providing a means for any employee to update the gender identify in their employee records. This indirectly discriminates against an employee undergoing gender transition.

*For more information and resources, refer to [Equal Opportunity](#) on HRWeb.*

Personal characteristics

Under the Act, it is against the law to discriminate against a person on the basis of:

- age
- breastfeeding
- carer and parental status
- disability
- employment activity
- gender identity (which includes gender expression)

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<sup>1</sup> Section 15 of the *Equal Opportunity Act 2010 (Vic)*

<sup>2</sup> Section 15(6) of the *Equal Opportunity Act 2010 (Vic)*

- industrial activity
- lawful sexual activity
- marital or relationship status
- physical features
- political belief or activity
- pregnancy
- race (including colour, nationality, ethnicity and ethnic origin)
- religious belief or activity
- sex
- sexual orientation
- expunged homosexual conviction
- personal association with someone who has, or is assumed to have, any of these personal characteristics

It is also against the law to sexually harass someone.

These personal characteristics are based on a legal framework which supports diverse and inclusive workplaces which are free from discrimination and harassment.

**No protected personal characteristics?** It may still be against the Department's policies to treat someone unfavourably, even if it is not discrimination under the *Equal Opportunity Act 2010*. The Department internal complaint process allows staff and others to raise concerns about the implementation of policies, decisions or actions.

If such treatment is repeated, unreasonable and creates a risk to health and safety (including emotional or psychological health) it may be **bullying** under the Occupational Health and Safety Act 2004.

For more information and resources, refer to [Workplace Bullying](#) on HRWeb.

## Human Rights

Human Rights are protected by the *Victorian Charter of Human Rights and Responsibilities Act 2006*, which contains 20 rights reflecting four basic principles of Freedom, Respect, Equality and Dignity.

Human Rights is one of the Department Values and provides the foundation for the Department's Workforce Diversity and Inclusion and Investing in Our People strategies.

For further information on the Human Rights Charter, see [Human Rights Charter](#) on HRWeb.

## Intersectionality

Intersectionality refers to the ways in which different aspects of a person's identity can expose them to overlapping forms of discrimination and marginalisation. Aspects of a person's identity can include all social characteristics listed as personal characteristics above and more. Attitudes, systems and structures in society and organisations can interact to create inequality and result in exclusion.

Family Safety Victoria created the [Everybody Matters: Inclusion and Equity Statement](#) to build an inclusive, safe, responsive and accountable system for all Victorians.

## Microaggressions

Employers should be encouraged to be aware of their actions, statements, tones and body language that may be regarded as an instance of indirect, subtle and unintentional discrimination against members of marginalised groups, including trans and gender diverse people.

Microaggressions are difficult to define, and therefore it is difficult to create awareness about them. Please see these examples:

- Beth, a ciswoman and Alice, a trans woman, step into an elevator, with John already in it. When they arrive to the ground floor John gives way to Beth, and then moves to step out, hitting Alice accidentally. Alice knows that John habitually gives way to women and interprets John's behaviour to mean that John does not view Alice as a woman. John may or may not be aware of his behaviour in this instance
- Michael, Sandra, Janine and Bowie, a trans man, are in the office working on their projects. When James walks into the office Michael gets excited and states 'James, yay you are here, I was left all alone waiting for another guy!'. In this instance Michael may indeed be feeling alone, yet his statement translates to Bowie that Michael is not regarding him as a man.
- Sonia, a guest speaker at an event opens the panel by addressing the crowd by saying 'Ladies and gentlemen, boys and girls, brothers and sisters, grandmothers and grandfathers, we welcome you all to the first ever ...' This

statement in a heavily binary language clearly leaves out non-binary, agender and gender fluid people. It translates to them that their identities do not exist and/or does not matter to the panellists.

- 'We welcome transgender people to our women's working group'. This statement has likely been made with an intention of inclusivity; however, it positions transgender women in a place of 'other', while creating a power dynamic that is not equal. If there is a need to make a trans inclusive statement in this subject, a safer sentence would sound like; 'We welcome all women; cisgender and transgender'.

## Sexual Harassment

The Department is committed to providing safe, inclusive and respectful workplaces, which are free from sexual harassment. Sexual harassment is unlawful under the Sex Discrimination Act 1984 (Cth) and the Equal Opportunity Act 2010 (Vic). The Department's Sexual Harassment Policy sets out the rights and responsibilities of employees and our organisation in relation to sexual harassment. The Department has a zero-tolerance policy in regard to sexual harassment. All employees are required to comply with the legislation and the Department's Sexual Harassment Policy.

For further information and resources, refer to the [Sexual Harassment Policy](#) on HRWeb.

## Victimisation

Victimisation is subjecting, or threatening to subject, someone to something detrimental because they have asserted their rights under equal opportunity law, made a complaint, helped someone else to make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

Victimisation is against the law under the Equal Opportunity Act 2010.

The Department is committed to providing a safe, inclusive and respectful workplaces. The Department does not tolerate any form of victimisation in any of its workplaces.

## GRIEVANCES

Where an applicant or employee considers they have been treated unfairly or unreasonably in any matter related to their employment, they have access to the [complaints](#) or [grievance](#) processes to seek to resolve the issue.

[Workplace Contact officers](#) can also be contacted for a confidential discussion.

While the Department encourages its employees to use the internal complaints processes to resolve any complaints, employees may also lodge a complaints with external bodies such as the [Merit Protection Boards](#) and the [Victorian Equal Opportunity and Human Rights Commission](#).

## FURTHER ASSISTANCE

Department employees seeking advice or assistance can [Contact HR](#) and follow the prompts for corporate or school-based employees. For further enquiries about any of the focus areas, contact the Workforce Diversity and Inclusion team at [diversity@education.vic.gov.au](mailto:diversity@education.vic.gov.au).

## Employee Assistance Program

Employees can also access information on the [Employee Assistance Program \(EAP\)](#) in HRWeb.

Free, confidential over-the-phone counselling is available through EAP 24 hours a day, seven days a week, for all Department employees and their immediate family members (18 years of age and over) for any personal or work-related issues. Contact the EAP on 1300 361 008 to make a booking or use the live chat function by visiting the [LifeWorks website](#) and clicking on the 'chat' button at the bottom right of the screen.

This service also provides the Manager Assist program for management support and coaching.

## Facilitate ongoing learning opportunities for other employees

While most employees want to create a culture of respect, they often fail to achieve this due to not knowing how to articulate language and behaviour in areas they are not familiar with. Diversity focused communication and training should be ongoing and engaging, to assist senior employees not falling into old habits and to help new starters feel included in the culture of change.

The workforce of the future will be ever more adaptive to cultural and technological change. Therefore, continuous social and interpersonal development will not only help you create a positive culture, but an agile and connected one that is resilient to an ever-evolving world.

There are a range of Diversity and Inclusion learning resources on LearnED. Search for each of the diversity topic names to find the latest opportunities or see the diversity and inclusion calendar on the [Workforce Diversity and Inclusion](#) collaboration home page on the intranet (login required).

### **Workplace Contact Officers**

The Department has a network of trained [Workplace Contact Officers](#) (WCO).

The WCO network is a group of trained, regional and central Department employees who have volunteered to be a point of contact for colleagues experiencing harassment, discrimination, bullying, victimisation and family violence. A WCO can provide information, guidance and support on options to resolve or prevent issues or refer employees to other Department support services. WCOs do not manage or investigate complaints.

# Aboriginal<sup>3</sup> Inclusion

The Department is deeply committed to Aboriginal inclusion. Having a vibrant and growing Aboriginal workforce is an important part of achieving the Department's goal set in the [Marrung Aboriginal Education plan 2016–2026](#); ensuring that all Koorie Victorians achieve their learning aspirations.

This requires everyone working in education to reflect upon their knowledge, practices and behaviours, to show respect and support the realisation of genuine reconciliation and closing the gap in outcomes between Aboriginal and non-Aboriginal Victorians.

## LEGISLATIVE AND POLICY FRAMEWORK

### Aboriginal Employment

The Department is committed [Aboriginal Employment](#) through our commitment to the Victorian Aboriginal Affairs Framework 2018-2023 (VAAF) and the Self-Determination Reform Framework that places Aboriginal Victorians at the centre of decision-making where they will be better supported to be healthy, safe, resilient, thriving and culturally confident. It is also committed to the Victorian Public Service Aboriginal employment targets that set the goal of having a minimum of two per cent representation of Aboriginal and/or Torres Strait Islander people in our workforce. This aims to ensure that the Departments workforce represents the community it serves.

The Department works towards promoting Aboriginal inclusion through:

- [Marrung - Aboriginal Education Plan](#)
- [Wimalung Ganai - Aboriginal Inclusion Plan](#)
- [Barring Djinang - Aboriginal Employment Strategy](#)
- The Department's [Aboriginal Employment Plan 2020 – 2026](#)

The Department's Aboriginal Employment Plan aims make the Department an employer of choice for Aboriginal staff – one that easily attracts and retains Aboriginal employees and by doing so enhance the Department's work to benefit the community.

### WHAT DOES DISCRIMINATION LOOK LIKE?

Aboriginal people face discrimination in a wide range of contexts due to historical and systemic racism prevalent in Australian society. This discrimination can be direct or indirect and can occur at any stage throughout an individual's life. Furthermore, discrimination against Aboriginal people can occur in a range of different institutional settings.

A Beyond Blue<sup>4</sup> report into discrimination against Aboriginal people found this to be one of the most prevalent forms of discrimination in Australia. This has highly negative impacts on the mental health and wellbeing of those subjected to discrimination, and these impacts are poorly understood by the wider population.

Everyday forms of discrimination against Aboriginal people include:

- being avoided
- being treated suspiciously
- racist jokes
- missing out on jobs due to direct or indirect discrimination
- negative stereotypes perpetuated throughout society including a culture of low expectations for Aboriginal people

Beyond Blue's [Invisible Discriminator](#) campaign highlights the impacts of subtle or 'casual' racism on emotional and social wellbeing of Aboriginal people.

### FOSTERING INCLUSION

At the Department all employees have a responsibility to ensure that discrimination is not tolerated or condoned, as outlined in the Equal Opportunity and Anti-Discrimination Policy.

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<sup>3</sup> Whilst the terms 'Koorie' or 'Koori' are commonly used to describe Aboriginal people of southeast Australia, the guide uses the term 'Aboriginal' to include all Aboriginal and Torres Strait Islander people living in Victoria. Koorie is maintained when it is the name of a program or title.

<sup>4</sup> Discrimination against Indigenous Australians: [A snapshot of the views of non-Indigenous people aged 25–44](#)

As well as ensuring that discrimination does not occur against Aboriginal people at the Department, there are numerous ways to show your support and foster inclusion. These include:

### **Acknowledge formally recognised Aboriginal Traditional Owners**

Conduct an Acknowledgement of Traditional Owners at events and meetings and organise a Welcome to Country for major events. For more guidance, read the Department's [Welcome to Country and Acknowledgement of Country: A guide for the Department of Education and Training](#).

### **Positive sharing of Aboriginal inclusion**

Appreciative inquiry is a well-known tool to raise consciousness and change attitudes, confidence, and behaviour. In your stand-ups, division meetings include a positive story about Aboriginal Inclusion.

### **Review your writing to use inclusive language**

Have you used a Human Rights and inclusion lens? Have you avoided 'the otherness' in your writing? i.e.: not called Aboriginal people 'them', 'they'. Have you recognised that Aboriginal is a proper noun and ensured it is capitalised? Familiarise yourself with inclusive and respectful language by using the [Reconciliation Action Plan good practice guide](#).

### **Look at your work environment**

As a team talk about opportunities to create a more inclusive environment that recognises and celebrates Aboriginal cultures and histories. Act on your ideas. Discuss the intersections your work may have with Aboriginal people, including Aboriginal families/carers and community, and privilege consultation to ensure that policy, projects and implementation actions are culturally inclusive.

### **Review your work plan**

What can you do in your job, your team, unit or division? Talk and identify what you can do to progress Aboriginal inclusion – make a commitment in your work plan. For example, identify [social procurement opportunities](#) to engage potential Aboriginal suppliers within your work.

### **Commemorate significant dates**

Know these [significant dates](#) are coming – plan ahead to avoid an ad-hoc approach. Plan an event or a way to recognise the event in your work area. Keep it simple, do your research. Attend other events organised in the Department and the local community. Examples include: a morning tea with shared information, a short film watched together, a guest speaker, a trivia/quiz time over lunch, a book club discussion of an Aboriginal author's work, attending a NAIDOC march.

### **Identify learning in your PDP plan**

Everyone is at a different place on their pathway towards Aboriginal cultural competence. Identify training and development opportunities to increase your knowledge about the community you work in, Aboriginal cultures and histories. Attend Aboriginal cultural awareness training on offer via webinars.

### **Talk**

Are the conversations you have about work inclusive? How will you ensure Aboriginal perspectives? Do you have relationships with Aboriginal community members, networks and organisations that are respectful and natural? Do you spend time in community – perhaps meetings can be at organisation offices, rather than the Department? Discuss with your colleagues the intersections your work may have with Aboriginal and Torres Strait Islanders and privilege consultation to ensure that policy, projects and implementation actions are culturally inclusive.

### **Recruitment**

When possible to do so, advertise vacancies in the Aboriginal media (Koori Mail), circulate through Koorie Staff Network (through Koorie Outcomes Division), Aboriginal Units at TAFE and universities or local Aboriginal networks and include an Aboriginal person on your selection panel. Ask yourself - Do your recruitment approaches attract Aboriginal applicants and lead to recruitment of Aboriginal staff? See [Recruiting and Inducting Aboriginal staff](#) for further advice.

## Aboriginal cultural capabilities

The [Barring Djinang Aboriginal Cultural Capability Toolkit](#) provides information on how to build the cultural capability of public sector workplaces. It discusses key concepts and understandings of Aboriginal culture and cultural capability. There are also learning resources on LearnED to support development of aboriginal cultural capabilities.

## Learn more about Aboriginal inclusion

For more actions and learning resources to create a more inclusive culture in the workplace, see the [Koorie page](#) of the Workforce Diversity and Inclusion site.

## FURTHER ASSISTANCE

- [Aboriginal Cultural Rights in Victoria](#) (VEOHRC)
- [Aboriginal employment](#)
- [Aboriginal Languages](#)
- [Cultural and Ceremonial Leave](#)
- [Deadly questions](#): learn from Aboriginal Victorians about the oldest continuous cultures on earth
- [Equal opportunity](#)
- [Koorie Outcomes Division](#) (intranet)
- [Koorie Heritage Trust](#)
- [Reconciliation Victoria](#)
- [Reconciliation Australia](#)
- [Respectful workplaces](#)
- [Victorian Aboriginal Education Association Incorporated](#)
- [Victorian Aboriginal cultures and histories](#)

# Cultural Diversity

## OVERVIEW

Victoria is home to one of the most culturally diverse societies in the world. The Department recognises that education and early childhood development are critical to the success of multicultural communities.

The Department promotes and celebrates the value of cultural, religious, racial and linguistic diversity, and embrace equal opportunity for all employees so that they may participate freely in all areas of the workplace. Racism, race-based discrimination or bullying, racial or religious vilification are not tolerated in any of the Department's workplaces

In support of cultural diversity, the Department:

- Promotes the use of the Language Allowance to staff as well as the availability and use of Language Aides
- raises awareness on cultural diversity through the annual promotion of cultural diversity week and other observance days and a range of actions in the Workforce Diversity and Inclusion Strategy.

## LEGISLATIVE AND POLICY FRAMEWORK

The Victorian Government recognises the importance of multiculturalism and of fostering respect for different cultures. [Victoria's Multicultural Policy Statement 2017](#) outlines the Government's commitments and strategies to support cultural diversity.

Managers, Principals, school councils, employees and students are required to act in accordance with the following principles of the [Multicultural Victoria Act 2011](#) (Vic):

- All Victorians are entitled to mutual respect and understanding regardless of their cultural, religious, racial and linguistic backgrounds.
- All individuals and institutions in Victoria should promote and preserve diversity and cultural heritage within the context of shared laws, values, aspirations and responsibilities.
- All individuals in Victoria (regardless of background) should work together to build a positive and progressive future and this co-operation is to be encouraged so as to enhance Victoria as a great place in which to live, work, invest and raise a family;
- All individuals in Victoria are equally entitled to access opportunities and participate in and contribute to the social, cultural, economic and political life of this State;
- All Victorians have a responsibility to abide by the State's laws and respect the democratic processes under which those laws are made.

The Act requires government departments to develop cultural diversity plans to facilitate targeted responses by departments to our communities when delivering services and programs.

The [Racial Discrimination Act 1975](#) (Cth) makes it unlawful to discriminate against a person because of their race, colour, descent, national and ethnic origin or immigrant status in many areas of public life including employment.

## DET Cultural Diversity Plan

The Department's [Cultural Diversity Plan for 2019-2021](#) sets out how the Department will be working to improve Victoria's learning and development services to meet the needs of families, children and young people from culturally and linguistically diverse (CALD) backgrounds, particularly recent immigrants. It also includes the work being undertaken to equip all Victorian children and young people to understand and navigate cultural and linguistic differences within an increasingly interconnected world.

## WHAT DOES DISCRIMINATION LOOK LIKE?

Many workplaces reflect the multiculturalism that is an integral part of Victoria. Inclusive workplaces where all employees are able to bring their authentic selves to work and celebrate their culture result from strong policies and leadership. However, discrimination due to culture and racial characteristics still occurs. It can be overt or very subtle and can take many forms. Examples of cultural discrimination include:

- insisting that employees speak English at all times, even during their breaks
- not employing someone from a particular racial group because of conscious or unconscious biases
- not employing or promoting someone because of assumptions they wouldn't fit in with colleagues
- unfair treatment in the course of work on the basis of race or culture, such as subjecting employees to negative comments about their race or culture

## FOSTERING INCLUSION

The Department's work plays a significant role in helping Victoria grow and develop as a multicultural community that values diversity and supports Victorians of all cultural backgrounds to prosper and flourish in our society. In the workplace, all employees have a responsibility to value others, and accept and celebrate their differences. There are many ways to demonstrate support for diversity and foster inclusion. These include:

### **Include diversity in images**

Drawing unnecessary attention to people's cultural backgrounds should be avoided, however it is important that images used in communications, marketing and promotion represent the Department's workforce and the diversity of the Victorian community we serve.

### **Celebrate days of significance**

Host an event with your team or participate in events celebrating days of significance such as Harmony Week (March), Cultural Diversity Week (March), World Refugee Day (20 June), International Day of Tolerance (16 November) and International Migrants Day (18 December)

### **Counter unconscious bias in recruitment**

People from culturally diverse backgrounds face extra barriers seeking employment. [Recruit Smarter](#) is a Victorian Government initiative to develop inclusive practices and address unconscious bias during recruitment. View the initiative's [Report](#), which includes best practice guidelines for inclusive recruitment.

### **Write in plain English**

The Department's [Style Guide](#) requires the use of plain English. By avoiding colloquialisms and buzzwords, you ensure that the widest range of people can engage with your writing.

### **Avoid stereotypes, even 'positive' ones**

Cultural stereotyping is common, and in the workplace can lead to false ideas about what role people from certain cultural backgrounds are suited to or capable of doing.

### **Learn more about cultural inclusion**

For more actions and learning resources to create a more inclusive culture in the workplace, see the [Cultural diversity page](#) of the Workforce Diversity and Inclusion site.

## FURTHER ASSISTANCE

- [Cultural and Linguistic Diversity](#)
- [Equal opportunity](#)
- [Multicultural Education](#)
- [Religious Observance](#)
- [Respectful Workplaces](#)
- [Victorian Multicultural Commission](#)

# Disability

## OVERVIEW

One in five Australians have some form of disability today (Australian Bureau of Statistics, 2016). A lack of awareness, stigma, and discrimination are additional barriers to employment for people with disability and lower employment outcomes when compared to the general population. The social model of disability (as opposed to the medical model) takes the view that disability is a result of the way society is organised, rather than by a person's impairment or difference. It looks at ways of removing barriers that restrict life choices for disabled people.

In the Department, disability is used as an umbrella term for any physical or function impairment, and limitations or restrictions to employment-related activities; and can be temporary, permanent or episodic in nature. These extend to chronic health conditions, mental health, and injury; and to carers for people with disability.

The Department values the unique skills and qualities of all employees and is committed to treating all employees, including those with disability, respectfully and equitably at all stages of the employment lifecycle

As one of the largest employers in Victoria, the Department has a significant opportunity to increase the number of people with disability it employs. In 2019, the Department launched its [Disability Employment Plan](#) to increase the employment outcomes of people with disability. This will help the Department to move towards the Victorian Public Service disability employment targets of 6 per cent by 2020, and 12 per cent by 2025.

In addition, the Department is working to improve its disability confidence. As well as building greater understanding of disability across the Department, this will equip hiring managers with strategies they can use in recruitment processes to support candidates with disability and ensure employees with disability can request and implement reasonable workplace adjustments successfully.

## LEGISLATIVE AND POLICY FRAMEWORK

Discrimination on the basis of disability is unlawful under the [Disability Discrimination Act 1992](#) (Cth).

According to the legislation, disability is defined broadly and includes:

- total or partial loss of a bodily function, or part of the body
- the presence in the body of organisms that may cause disease such as HIV or Hepatitis
- malfunction, malformation or disfigurement of a part of the body
- a mental or psychological disease or disorder, or other condition that may result in a person learning more slowly
- past disability or impairment which may include childhood illnesses, having had a broken leg or a period of psychiatric illness.

Under the Department's Equal Opportunity and Anti-Discrimination Policy, discrimination against employees with disability is prohibited. All employees, managers and school leaders should be aware of their rights and responsibilities covered in the Department's policy and ensure that these are upheld.

### Getting to Work – the Victorian public sector disability employment action plan

[Getting to work](#) is Victoria's long-term employment plan for people with disability in the public sector.

The plan is for people with disability at all levels of the public sector to:

- be employed more
- have successful careers
- have a fairer employment experience

This employment plan ensures that the Victorian public sector can take action in achieving the targets set by key state-wide policies:

- Enhancing the economic participation of people with disability is a priority of [Absolutely everyone: state disability plan 2017–2020](#).
- The development of [Every opportunity: Victorian economic participation plan for people with disability 2018–2020](#) is a key commitment in the state disability plan. Every Opportunity seeks greater effort by government in the employment of people with disability, particularly through setting a target across the Victorian Public Service of 6% by 2020 and 12% by 2025.

## WHAT DOES DISCRIMINATION LOOK LIKE?

Many people with a disability report positive experiences in workplaces which are inclusive due to a combination of policies and positive leadership. However, the rates of discrimination, bullying and harassment experienced by people with disability in the Department are materially higher when compared to the averaged rates of their peers.

Discrimination can be direct (when someone is treated unfavourably on the basis of a disability) and indirect (when an unreasonable requirement or condition is imposed on someone that could disadvantage a person with a disability). Also, discrimination can be overt or very subtle, and can take many forms.

Examples of discrimination against people with disability in the workplace include:

- being bullied, intimidated, harassed or threatened at work due to an actual, or perceived disability, even after notifying the manager about one's disability
- being unreasonably denied a workplace adjustment that was requested, such as flexible work arrangements
- rejection from a job even though the person's disability does not prevent them from performing the required duties with reasonable adjustments
- being denied a promotion or employment benefits due to a disability
- being excluded from workplace social events or off-site activities.

## FOSTERING INCLUSION

At the Department all employees have a responsibility to ensure that discrimination is not tolerated or condoned, as outlined in the Equal Opportunity and Anti-discrimination Policy.

As well as ensuring that discrimination does not occur against people with disability, there are numerous ways to demonstrate support and help build an inclusive culture.

### Disability Awareness / Confidence Training

Attend Disability Awareness / Confidence Training and encourage your team members to complete as part of their ongoing professional development. The aim of these sessions are to provide you with an understanding of accessibility and inclusion in the workplace, and to assist staff to identify ways to develop an inclusive and accessible environment for employees and those that the organisation comes into contact with. You can find out about the next available training sessions by emailing [diversity@education.vic.gov.au](mailto:diversity@education.vic.gov.au).

### Make your information accessible

Follow the Department's guide for [Accessible Communications](#), to ensure your information is available to everyone, as per the [Victorian Government Digital standards](#) and [Web Content Accessibility Guidelines](#) (WCAG) 2.0. Simple steps like ensuring text is a reasonable size and a high level of contrast between text and background can make a big difference for people with low vision.

### Disclosure – Sharing disability or personal health information

Gently encourage people to share their disability or other health information only where it is likely to impact their ability to meet the inherent requirements of the job, the ability to work safely, and the safety of co-workers.

### Understand and Implement Workplace Adjustments

Familiarise yourself with the Department's [Workplace Adjustment Guidelines](#) for implementing workplace adjustments.

### Use Person-centred language

Person-first language is the most widely accepted terminology in Australia. Examples of person-first language include: "person who is deaf", or "people who have low vision". Put the person first, and the impairment second (when it's relevant). Other phrases that are growing in popularity and acceptance are: "person living with disability", and "person with lived experience of disability". [AND's Inclusive language](#) webpage includes a range of suggestions to write in person-centred and inclusive language for people living with a disability.

### Use appropriate body language

Always ensure you speak directly to the person and not anyone else who may be accompanying them such as Auslan interpreters, and carers.

## **Inclusive meetings**

Ensuring that meetings are inclusive of everyone is critical to ensure that all staff and external visitors can contribute effectively to meetings. With so much of our work now taking place online, it is even more important than ever that we plan to be inclusive. Remember, that not everyone shares their disability information.

There are some simple steps that can be taken to help make meetings more inclusive, including:

- asking all attendees what they need to be able to contribute to the meeting effectively, prior to the meeting
- ask what a person's preferred method of communication is, highlighting the inclusivity options available on Webex, such as transcription
- make sure any documents are [accessible](#) and are sent out ahead of time
- organise any adjustments ahead of time, such as captioning or interpreters.

Refer to the [Information Sheet – Inclusive online meeting practices](#), developed by the DET Enablers Network for more tips and advice.

## **Premises and buildings**

Ensure staff know the location of accessible entrances and exits, toilets and bathrooms, First Aid rooms and sick bays, and defibrillators. Also having a Personal Emergency Evacuation Plan is important in making the Department safe and it demonstrates our commitment to ensuring accessibility for everyone.

## **Support the Enablers Network**

Join, participate, and promote the Department's Enablers Network. This is a staff-led network that advocate for members, raise awareness and provide peer support and advice to people managers, including an Induction Pack and a Buddy Program for new starters with disability. For more information contact:

[det.enablers@education.vic.gov.au](mailto:det.enablers@education.vic.gov.au)

## **Recruit**

Ensure that your job ads are accessible when undertaking recruitment and encourage people with disability to apply. Consider recruiting a person with disability using [special measures](#), such as identified/designated roles.

## **Promote the Mental Health and Wellbeing Charter**

Familiarise yourself with the Department's [Mental Health and Wellbeing Charter](#). Promote it to your work area and reflect on how you can incorporate the charter into your everyday work.

## **Celebrate days of significance**

Promote and participate in departmental initiatives for days of significance such as World Autism Day (2 April), World Mental Health Day (10 October), AccessAbility Day (23-27 November) and International Day of People with Disability (3 December).

## **Learn more about inclusion for people living with a disability**

For more actions and learning resources to create a more inclusive culture in the workplace, see the [Disability page](#) of the Workforce Diversity and Inclusion site.

## **FURTHER ASSISTANCE**

- [Australian Network on Disability](#) (contact [Workforce Diversity and Inclusion](#) for access to member resources)
- DET Enablers Network: [Information Hub](#)
- [Disability and Reasonable Adjustment](#)
- [Equal opportunity](#)
- [JobAccess](#)
- [Mental Health and Wellbeing Charter](#)
- [Respectful workplaces](#)

# Gender Equality

## OVERVIEW

Workplace gender equality is achieved when people are able to access and enjoy the same rewards, resources and opportunities regardless of gender. Despite there being progress in recent years, the gender gap in the Australian workforce is still prevalent. Women continue to earn less than men, are less likely to advance their careers as far as men and accumulate less retirement or superannuation savings.

Alternately, men have had less access to family-friendly policies such as parental leave and flexible working arrangements than women.

The aim of gender equality in the workplace is to achieve broadly equal outcomes for everyone, regardless of gender, where all can achieve their ambitions, experience gender-balanced leadership and value everyone's contributions equally.

The Department is committed to ensuring gender equality by:

- challenging conscious and unconscious bias
- removal of barriers to the full and equal participation of women in the workforce
- access to all occupations including leadership roles, regardless of gender
- elimination of discrimination on the basis of gender, particularly in relation to family and caring responsibilities
- flexible working arrangements for employees experiencing or caring for someone experiencing family violence

Some ongoing and planned initiatives promoting gender equality in the Department's workplaces include:

- raising awareness of the importance of gender equality through communication channels and events such as International Women's Day and promoting intersectionality in other events
- offering employees programs that focus on gender equality such as Workplace Equality and Respect training and the Parental Support Program Pilot
- monitoring and tracking the Department's workforce gender profile in order to measure progress against whole-of-government gender equality initiatives such as a 50/50 gender target at Executive Officer level.

## Gender equality and family violence

Gender equality has a strong relationship with a range of types of violence, especially sexual violence and family violence. These forms of violence are generally considered inherently gendered due to the overwhelming perpetration of the violence by men towards women and children throughout the world. When addressing gender equality, we must also be cognisant of this interrelated relationship and ensure that our actions to address gender equalities also address this treatment of women.

## LEGISLATIVE AND POLICY FRAMEWORK

The [Sex Discrimination Act 1984](#) (Cth) protects people from unfair treatment on the basis of their sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy and breastfeeding. It also protects workers with family responsibilities and makes sexual harassment against the law.

The [Gender Equality Act 2020](#) (Vic.) aims to improve workplace gender equality across the Victorian public sector, universities and local councils. It will also lead to better results for the Victorian community through improved policies, programs and services. Gender equality benefits people of all genders. The Act aims to level the playing field so that Victorians can have equal rights, opportunities, responsibilities and outcomes.

The Victorian Government has made gender equality a priority with the publication of [Safe and strong: A Victorian Gender Equality Strategy](#) which aims to change stereotyped attitudes towards women, contribute to the prevention of family violence and work towards gender equality.

The [Free from Violence: Victoria's Strategy to Prevent Family Violence](#) is Victoria's plan to break the cycle of family violence and violence against women. Primary prevention requires social and cultural change. Everyone has a role to play in challenging the drivers of violence where they live, work, learn and play. Preventing violence before it starts reduces pressure on early intervention and crisis response.

## WHAT DOES DISCRIMINATION LOOK LIKE?

Discrimination based on gender does still occur. It can be overt or subtle, and could include the following:

- not hiring a person because the employer thinks they may not fit into a 'traditionally male/female' workplace

- not being hired, or being given a lower-paying position because gender (for example, when an employer refuses to hire women, or only hires women for certain jobs)
- having a gender pay gap, or not providing the same opportunities for training, mentoring or promotion to all employees, regardless of gender
- allocating work tasks based on a person's gender
- being held to different or higher standards, or being evaluated more harshly, because of gender, or because they don't act or present themselves in a way that conforms to traditional ideas of femininity or masculinity. For example, if a worker who identifies as a woman receives a negative performance evaluation that criticises her for being too "aggressive" (while men who behave the same way are praised for showing "leadership"), or if she wears her hair short and is told she needs to be more "presentable," she may be experiencing discrimination based on sex stereotypes, which is a form of gender discrimination
- being insulted, called derogatory names or slurs because of gender, or hearing hostile remarks about people of a certain gender identity
- being intentionally or repeatedly called by a name or referred to as a different gender that they don't identify with – as when a transgender man is called by his former (female-associated) name or referred to as "Miss"
- being subject to unwelcome sexual advances, requests for sexual favours, or other verbal or physical harassment of a sexual nature
- being rejected for a job, forced out on leave, or given fewer assignments because they are pregnant

## FOSTERING INCLUSION

All employees can show their support and foster an inclusive culture in a number of ways to support gender equality. Some suggestions include:

### **Attend training, events and social activities that support gender equality**

Educate yourself on the topics such as unconscious bias and stereotyping, celebrate events such as International Women's Day, and volunteer in projects fostering empowerment of women or gender equality in the workplace and our society.

### **Use gender-inclusive language**

Try replacing masculine pronouns, with non-gender specific words and don't be afraid to correct those around you. Pay attention to expressions that are often used about individuals of a specific gender but not others.

### **Listen and ensure everyone's voice is heard**

Don't judge anyone by gender and support creating a safe space for everyone to voice their ideas or concerns. Give credit and recognise the contribution.

**Aim for balance** When forming project or collaboration teams, interview panels and working groups, conferences or speaking events, aim to have a gender balance.

### **Avoid stereotypes**

It is important to avoid stereotypes based on gender. A person's gender identity is an important part of but does not define who they are.

### **Support equal access**

Promote and facilitate equal access to flexible working arrangements and parental leave for all employees regardless of their gender.

### **Learn more about gender equality**

For more actions and learning resources to create a more inclusive culture in the workplace, see the [Gender equality page](#) of the Workforce Diversity and Inclusion site.

## FURTHER ASSISTANCE

- [Equal opportunity](#)
- [Family Violence](#)
- [Flexible Work for Work Life Balance](#)
- [Part-time employment](#)

- [Parental Absence](#)
- [Respectful workplaces](#)
- [Sexual harassment](#)

# Generational Diversity

## OVERVIEW

Age based stereotypes about people's abilities to undertake tasks can apply to people of all generations. Age discrimination has the potential to shape how people are treated and perceived by others, limit a person's potential and can impact on their health and wellbeing. Addressing ageism upholds a person's rights and enables their full contribution to work and job satisfaction.

Recent research confirms that workplaces will be increasingly generationally diverse. This has the potential to amplify generational-based differences in the workplace.

Avoiding bias and stereotyping is essential to ensure that a generationally diverse workplace function well. Every employee's contribution is valued in order to ensure effective working relationships are formed between employees from different generations.

## LEGISLATIVE AND POLICY FRAMEWORK

Under the [Age Discrimination Act 2004](#) (Cth), age-based discrimination in the workplace is prohibited. Age discrimination in the act is defined as: a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of the age of the aggrieved person if:

- the discriminator imposes, or proposes to impose, a condition, requirement or practice; and
- the condition, requirement or practice is not reasonable in the circumstances; and
- the condition, requirement or practice has, or is likely to have, the effect of disadvantaging persons of the same age as the aggrieved person.

## WHAT DOES DISCRIMINATION LOOK LIKE?

Discrimination based on age can be subtle or overt and could include situations where a person, because of their age has been:

- refused employment
- dismissed
- not offered or denied a promotion, transfer or other employment-related benefits
- given less favourable terms or conditions of employment
- denied equal access to training opportunities
- selected for redundancy
- scaled back work hours against employee's wishes
- questions about retirement or an expectation that the employee will retire
- harassed
- allocated menial tasks
- age-based bullying or harassment

## FOSTERING INCLUSION

Everyone can help build a culture that values the benefits of our intergenerational workforce. Some suggestions include:

### **Ensure PDPs include professional development**

All employees regardless of age are entitled to opportunities for professional development.

### **Avoid stereotypes**

Remember not to make assumptions about your colleagues' skills and capabilities based on their age. Stereotypes relating to productivity and change readiness can marginalise older workers. Likewise stereotypes about younger workers attitudes towards work or workers in the 'family rearing' age group can be just as damaging and untrue. In fact, workers across diverse ages have many more things in common than they have that are different from each other including value positive relationships at work, job security and having stimulating work.

### **Listen and ensure everyone's voice is heard**

Make an effort to ensure everyone has an opportunity to contribute to team discussions and their input is valued regardless of their age or level of seniority.

### **Aim for a diversity of ages**

When forming project or collaboration teams, interview panels and working groups, aim to have a mix of ages represented to benefit from a diversity of views and experience.

### **Take advantage of the skills you have across the team**

Try informal mentoring between colleagues of different ages. This gives colleagues of different ages the opportunity to share their knowledge where the other may be lacking and helps to break down stereotypes.

### **Show empathy**

Try stepping into the shoes of another person, understand their feelings and perspectives and use that to understand and guide your actions.

### **Recognise that employees of different ages may have different motivations**

Depending on someone's life stage, their motivations at work may vary between factors like income, career progression, opportunities for diverse experiences, job flexibility, values, and job satisfaction. Ensure everyone is treated equally regardless of their life stage.

### **Learn more about generational diversity**

For more actions and learning resources to create a more inclusive culture in the workplace, see the [Generational diversity page](#) of the Workforce Diversity and Inclusion site.

### **FURTHER ASSISTANCE**

- [Equal opportunity](#)
- [Family Violence](#)
- [Flexible Work for Work Life Balance](#)
- [Mature-age workers and the Equal Opportunity Act](#)
- [Part-time employment](#)
- [Respectful workplaces](#)

# LGBTIQ

## OVERVIEW

These guidelines will assist in ensuring that our workplaces are safe, supportive and inclusive of lesbian, gay, bisexual, transgender and gender diverse, intersex, and queer and questioning (LGBTIQ) employees and to help build a culture of respect and dignity for all. LGBTIQ employees are entitled to fully participate in the workplace without being subjected to behaviour that is offensive, harassing, bullying or discriminatory.

LGBTIQ communities experience poorer health outcomes and reduced social engagement due to actual or perceived prejudice. Respectful, inclusive language lessens the fear of prejudice, whilst thoughtless or disrespectful language heightens them. It is important to show respect to how people describe their own bodies, genders and relations even when the individual is not present.

Inclusive language ensures everyone is treated with respect. It is free from words or tones that belittle, prejudice, discriminate or stereotype whether intentionally or not. Gender and sexuality are experienced and expressed in many ways and using language that excludes or stereotypes can cause unintentional harm to LGBTIQ individuals. This includes 'positive' stereotyping of LGBTIQ people.

## Definitions

Terminology for LGBTIQ communities is complex and evolving and raising awareness of key terms is important to achieving LGBTIQ inclusion in the workplace. For the purposes of this guide the definitions applied are the same as those outlined in the Victorian [LGBTIQ+ Inclusive Language Guide](#). It is important to keep in mind that the definitions are not mutually exclusive. Being a man or a woman or a non-binary person can be embodied and interpreted by each individual very differently.

## LGBTIQ intimate partner violence

Intimate partner violence in LGBTIQ relationships has been under acknowledged and misunderstood in policy, practice and judicial responses until relatively recently. This has largely been because intimate partner violence has predominately been understood from within a heteronormative framework in which men feature as perpetrators and women as victims. The Department acknowledges that intimate partner violence can occur in any intimate relationship and that [family violence supports](#) are available to all employees regardless of gender identity, sexual orientation or other characteristics.

## LEGISLATIVE AND POLICY FRAMEWORK

The [Sex Discrimination Act 1984](#) (Cth) protects people from unfair treatment on the basis of their sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy and breastfeeding. It also protects workers with family responsibilities and makes sexual harassment against the law.

The [Gender Equality Act 2020](#) (Vic.) aims to improve workplace gender equality across the Victorian public sector, universities and local councils. It will also lead to better results for the Victorian community through improved policies, programs and services. Gender equality benefits people of all genders. The Act aims to level the playing field so that Victorians can have equal rights, opportunities, responsibilities and outcomes.

The Victorian Government is creating the state's first whole of government strategy for lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+) individuals and communities. The [Victorian Government LGBTIQ+ Strategy](#) will guide the Government's continued efforts to achieve equality for LGBTIQ+ people for years to come.

## Information sharing, privacy and confidentiality

An employee has the right to reasonably share information about their sexual orientation, gender identity, gender expression and intersex status in the workplace. A good guide for what is 'reasonable' is to reflect on the nature and amount of personal information that non-LGBTIQ employees customarily share in the workplace with colleagues and students.

An employee may also choose not to share their personal information. It is the decision of the employee when, with whom, and how much personal information they share in the workplace.

Disclosure of information received by the Department from an employee in the context of their employment must be in accordance with the Department's [Policy for the Collection and Reporting of Staff Gender Information, Information](#)

[Privacy Policy](#) and must not breach the provisions of the [Privacy and Data Protection Act 2014](#) (Vic) or the [Health Records Act 2001](#) (Vic).

## WHAT DOES DISCRIMINATION LOOK LIKE?

Many LGBTIQ people have positive experiences in workplaces where they feel safe, welcomed and able to be themselves. Often, these workplaces have been shaped by a combination of inclusive policies and positive leadership. However, discrimination on the grounds of sex, sexual orientation, gender identity or intersex status can and does still occur.

Discrimination can be direct – when someone is treated unfavourably on the basis of a personal characteristic (for example, refusing to hire someone because they are lesbian) and indirect – when an unreasonable requirement or condition is imposed on someone that could disadvantage a person with a personal characteristic (for example, where a parental leave arrangement is only available for a husband or wife). It can be overt or very subtle and can take many forms, including:

- harassment of LGBTIQ employees through name-calling, jokes, bullying or teasing about their sexual orientation, gender identity or intersex status
- treating partners of LGBTIQ employees differently to partners of non-LGBTIQ employees
- showing disrespect towards the lives and relationships of LGBTIQ employees
- excluding employees from, or making it more difficult for employees to participate in staff meetings, social events or career advancement opportunities such as professional development or higher duties assignments
- not respecting an employee's gender identity by repeatedly using the incorrect pronoun or former name, or denying access to toilets and other facilities that are appropriate to the employee's affirmed gender
- otherwise making LGBTIQ employees feel that they cannot be open about their sexual orientation, gender identity or intersex status.

Some groups within LGBTIQ communities face distinct issues which are less commonly known or understood. Bisexual people sometimes face biphobia for their attraction to and relationships with people of more than one gender. Even if a workplace is inclusive of lesbian and gay people, it can still feel unwelcoming for bisexual people. Biphobia can make bisexual people feel invisible and uncomfortable about disclosing their sexuality or talking about a relationship.

Transgender and gender diverse people can face a number of barriers to inclusion and wellbeing in the workplace. Transphobia can mean that transgender people miss out on employment opportunities, including promotion, or even be socially excluded. Transgender and gender diverse people may also face questioning of their gender or a lack of recognition of their gender, including in records and systems.

While there is overlap between the issues faced by LGBTIQ communities, it is important to recognise that intersex variations sit separately from gender and sexuality. As with other LGBTQ people, intersex people often encounter false assumptions around their bodies, their gender and their sexuality. In a workplace context, a key concern of intersex people is confidentiality. Intersex people may find that their sex characteristics are disclosed or discussed by their colleagues without their consent. Intersex people often find that service delivery is neither inclusive nor respectful of intersex people and their experiences particularly in a medical context.

## FOSTERING INCLUSION

### Using inclusive language

Language among LGBTIQ communities is constantly evolving; no two LGBTIQ people will describe themselves in the same way. Using inclusive language is a simple and easy way of making the workplace more inclusive.

In general, you should avoid language that assumes all people are women or men – so you could use “everyone” instead of “ladies and gentlemen”. Employees (including people who identify as transgender or gender diverse, and those affirming their gender) must be acknowledged as the gender with which they identify.

This includes use of a new name, appropriate pronouns, and any necessary changes to email addresses, computer login details, employment records and security access to reflect this.

There are a few small things you can do to make sure you are using inclusive language include:

- Don't assume that everyone is heterosexual. You might consider using the word 'partner' instead of 'husband/wife' where the gender of someone's partner is unknown.
- Avoid asking people what terms they 'prefer'. Having a 'preference' can sound as if it's a choice and most people do not feel as if they have a choice in these matters. If you need to, simply ask the person what terms they use.

- Avoid using written examples which include he/she; these can often be replaced using a non-gendered approach.
- You should always avoid LGBTIQ terminology being used in a derogatory way, e.g. the word 'gay' when used in a negative way to refer to a situation or event unrelated to sexuality. You should not use words you've heard being used to put down or attack LGBTIQ people.

For more information about inclusive language, including terminology and how to use inclusive language see: [Victorian Government LGBTIQ+ Inclusive Language Guide](#).

## Pronouns

To create an inclusive workplace, it is important to use correct pronouns for employees affirming their gender identity and avoid making assumptions when a new employee starts. Pronouns are personal because they refer to a unique individual. Sometimes there is a layer of gender identity that their pronouns aim to highlight and other times there is not. A person can be a man, a woman or may identify in another way, while using a set of personal pronouns that may or may not align with the expectations that are associated with that gender identity.

Some of the most common pronouns in the English language that cover majority of people are she/her, he/him and they/them, however only they/them can save you from making assumptions when meeting new people.

Singular they/them pronoun can be used to refer to a person, while written and spoken in plural form. This is grammatically correct, and it can be a great placeholder until you know the person's individual pronoun.

The manager may wish to consider discussing the use of gender-neutral pronouns where all staff share their pronoun in meetings, email signatures and events.

For more tips around pronouns, see the [personal pronoun tip sheet](#).

## Be supportive to colleagues affirming their gender

The Victorian [LGBTIQ+ Inclusive Language Guide](#) defines Gender Transition or affirmation as “the process where a trans or gender diverse person takes steps to socially and/or physically feel more aligned with their gender. There is a wide range of ways this process differs between people. Some people may change how they interact with others, and others may change their appearance or seek medical assistance to better express their gender.”

The [Victorian Public Service Enterprise Agreement 2020](#) provides provision for Gender Transition leave at clause 58. Employees seeking to access this leave should seek advice from the [Workforce Diversity and Inclusion team](#). Staff in schools should discuss appropriate leave with their Principal or the Workforce Diversity and Inclusion team.

A successful gender affirmation in the workplace can only occur with commitment and understanding of all parties involved. The following principles will support the most positive transition:

- Understanding that the process will be different for everyone. In some cases, it may be supporting an employee who is transgender, gender diverse or non-binary to simply be themselves at work, while some employees will seek to transition to the gender they identify with. Everyone's needs will be different.
- Sensitivity, open-mindedness and respect. The process to transition is often a new experience not only for the workplace but also for the individual. There will be many unknowns and new experiences to understand and adapt to.
- Employee driven. The safety and wellbeing of the employee is paramount. As such, this procedure is intended to be flexible and adjusted to suit individual circumstances.

An employee affirming their gender will communicate how best to support them in their process to affirm their gender, in line with their gender identity affirmation plan and timeline. The best thing you can do is listen, empathise and continue to treat the individual how you would like to be treated, in line with the [Victorian Public Sector Values](#). A recommended gender affirmation plan is available at **Appendix 1**.

Employees are entitled to use toilets and other facilities that are appropriate to their affirmed gender. Any staff members who have concerns about the use of toilets and facilities should raise these concerns with their manager/principal.

## Be an ally

An LGBTIQ Ally is an advocate for LGBTIQ inclusion – a supporter, a friend, a person who wants to see change and is prepared to help bring it about. To be an ally you can:

- Make time to talk to members of the LGBTIQ community about their experiences.
- Be yourself, ask yourself how you would like to be treated in your workplace, in the community.

- Be visible, make clear public statements about the importance of LGBTI equality to you. Use the “I Support Pride at DET” email signature or wear a Pride lanyard.
- If you hear discriminatory comments or jokes, make it known that it’s not acceptable in an appropriate way.
- Make it clear that employees are free to bring their partner to work related events where partners are invited, regardless of their or their partner’s gender identity, sex or sexual orientation.

### **Celebrate days of significance**

Celebrate [LGBTIQ diversity days](#), attend LGBTIQ inclusion events and bring your colleagues. Observe and celebrate important events, such as [MidSumma Festival](#), [Wear it Purple Day](#), [International Day Against Homophobia, Biphobia, Discrimination against people with an intersex variation and Transphobia \(IDAHOBIT\)](#) and the Victorian Pride March.

### **Use the LGBTIQ conversation guide and scenarios**

Discussing LGBTIQ topics can be challenging for some people. Asking questions is an important way we can learn to understand and respect the people we work with. The LGBTIQ conversation guide (**Appendix 2**) provides examples of respectful ways for all employees to discuss potentially challenging issues.

Five scenarios (**Appendix 3**) have also been developed to demonstrate the legal framework and supporting resources available to executives, principals and managers when creating a safe and inclusive workplace and protecting the human rights of LGBTIQ employees. While they cannot encompass all the complex and difficult situations that may occur day-to-day, they aim to provide guidance to meet workplace obligations and protect the health and wellbeing of employees.

### **Remember that the L, G, B, T, I and Q are different**

The VPS uses LGBTIQ, which stands for Lesbian, Gay, Bisexual, Trans and gender diverse, Intersex and Queer or Questioning, as an inclusive umbrella abbreviation to encompass a range of diverse sexualities, genders and sex characteristics. When writing about LGBTIQ people it is best to use the term ‘communities’, as these are many separate and distinct communities within this umbrella term.

It is important to remember that people may fit more than one of these terms. Heterosexual and cis-gender people can be part of LGBTIQ communities. For example, there are straight trans and intersex people.

While LGBTIQ communities often work together, for example to advocate for equal rights, they are multiple communities with their own distinct experiences, needs and priorities. Some communities face greater barriers and discrimination in the workplace than others.

### **Support the DET Pride Network**

The DET Pride Network is a peer-led network created to connect and support the Department’s Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and Questioning (LGBTIQ), gender-diverse employees and their allies. The network also promotes understanding of issues faced by LGBTI staff in the workplace and helps make the Department a safe and inclusive work environment. The Network understands and appreciates the unique challenges faced by our Intersex employees and those who are transitioning and provides a supportive and safe peer environment.

The Network is also able to provide an advisory service to program areas on policy and projects that may affect the LGBTIQ community and employees.

To contact the DET Pride Network, email [det.pride@education.vic.gov.au](mailto:det.pride@education.vic.gov.au)

### **Promote and use the VPS LGBTIQ Helpline**

A dedicated LGBTIQ support service is available to Victorian Public Service (VPS) employees. The service is confidential, safe and well equipped to meet the needs of LGBTIQ staff and allies in the VPS. Counselling services can be tailored to meet individual needs. To access this service, call 1300 542 874.

### **Be supportive of the unique risks present when LGBTIQ employees travel overseas**

All travellers face risks overseas and we know that risks can be higher for LGBTIQ employees or employees with LGBTIQ dependents in some countries. Every country is unique in its approach to LGBTIQ people. It’s the employee’s responsibility to get the facts first and take steps to reduce risks.

Before they travel LGBTIQ staff should read the travel advisories available on [smarttraveller.gov.au](http://smarttraveller.gov.au), discuss any concerns with their manager or Principal and consider contacting the embassy or consulate for each of their destinations for specific advice.

Things to be mindful of:

- Laws of the country
- Being social safely
- Be aware of the risks of violence & discrimination
- Looking after your health

For more information specific to LGBTIQ travellers and some of the ways you can reduce your risks, see: [Advice for LGBTI travellers](#)

## **FURTHER ASSISTANCE**

- [Equal opportunity](#)
- [LGBTIQ](#) (HRWeb)
- [LGBTIQ rights](#)
- [Respectful workplaces](#)
- [Safe Schools](#)
- [Sexuality Education](#)
- [Transgender people at work](#)
- [Transgender Victoria](#)
- [Workforce Diversity and Inclusion – LGBTIQ resources](#) (intranet)

# Appendix 1 – Gender affirmation plan

Question	Action
<b>Support team</b>	
<p>Who will support you in the workplace? e.g. Director, manager, workforce diversity and inclusion, Pride in Diversity.</p>	
<p>Does the employee want a support person to be involved in discussions about the gender affirmation plan (e.g. a workplace union representative, a Workplace Contact Officer or a close co-worker)? If yes, who will this be?</p>	
<p>Explain the training options available for the support person.</p>	
<p>How frequently and where would you like to meet with this team in the planning of your gender affirmation?</p>	
<b>Timeframes/notice</b>	
<p>When does the employee wish to present at work as their true gender? What will this involve?  The employee only needs to disclose information they feel comfortable with and which might be necessary to ensure they are supported at work during their gender affirmation.</p>	
<p>When does the employee plan to update their details on Department/School systems?</p>	
<p>If applicable, what will the employee's new name be? When should others start using it?</p>	

<p>What pronouns would the employee like to go by?</p>	
<p>When will the immediate team be notified?</p> <p>Note that if the manager has not been informed that one of their employees are affirming their gender, the manager should be informed prior to the team.</p>	
<p>Who, outside of the immediate team, should be notified in order to continue effective working relationships, and when?</p>	
<p>How will other people, including external stakeholders, be advised about the employee's gender affirmation and by whom?</p> <p>What resources will be made available to other people who have questions about the employee's gender affirmation?</p>	
<p>What questions or topics of discussion about the employee's gender affirmation are acceptable/unacceptable?</p> <p>Which aspects of the gender affirmation can be discussed directly with the employee? Which aspects should be discussed with someone else and who?</p>	
<p><b>Facilities</b></p>	
<p>When will the employee commence using toilets and facilities that are appropriate to their affirmed gender, for non-binary people – are there appropriate non-binary facilities for them to use?</p>	
<p>Would the employee like to have assistance in communicating use of toilets and facilities appropriate to their affirmed gender to other staff members?</p> <p>If yes, explain how the employee would like to be assisted in communicating use of toilets and facilities appropriate to their affirmed gender to other staff members?</p>	

<b>Leave and flexible work arrangements</b>	
<p>Would the employee like to have adjustments made to their working conditions to support mental, emotional or physical safety?</p> <p>If yes, explain the adjustments required.</p>	
<p>Does the employee seek any periods of leave?</p> <p>Discuss the leave options available for employees affirming their gender.</p>	
<b>Wellbeing supports</b>	
<p>Would the employee like to access therapy and counselling support?</p> <p>If yes, explain the process for supporting therapy and counselling.</p>	
<b>Reporting unacceptable behaviour</b>	
<p>Who will be the direct contact for handling unwanted/unacceptable behaviour such as repeated or deliberate mis gendering, misnaming or other discriminative actions?</p>	
<p>What will be the consequence of unwanted/unacceptable behaviour or discriminative actions?</p>	
<b>The transition</b>	
<p>How would the employee like their gender affirmation in the workplace to be acknowledged by their team?</p>	

## Appendix 2 – LGBTIQ Conversation Guide

ADAPTED FROM PRIDE IN DIVERSITY A MANAGER'S GUIDE TO LGBTIQ WORKPLACE INCLUSION

A respectful work environment is positive for everyone. When we are engaged with, and feel supported by, our workplace environment we tend to be our most productive and innovative.

This conversation guide is included to provide examples of respectful ways to discuss potentially challenging issues.

ISSUE: This is offensive to teachers, parents and students with different views/beliefs

Initiatives to improve workplace LGBTIQ inclusion are not about trying to change individual values or beliefs. People's personal views, values and beliefs are their own. However, the very nature of diversity means that we will have cultural, religious and attitudinal differences amongst our employees. DET is committed to upholding human rights, which can never be taken away, but they can be balanced against each other.

Workplace inclusion is about moderating workplace behaviour and professional interactions between employees. As an employer, we have a duty of care to provide a work environment in which all employees can thrive. Moreover, it is against the law to discriminate against individuals because of their individual difference.

Supporting LGBTIQ workplace inclusion, opposes harmful, discriminatory or exclusive behaviour targeting some individuals based on their orientation, gender identity, expression or intersex status. The organisation is similarly opposed to destructive behaviours targeting persons of particular faiths, beliefs and/or cultural backgrounds (or any other personal characteristics).

ISSUE: Sexual orientation shouldn't be on display in schools

While sexual orientation is a personal thing, it is on display in the workplace in ways that we might take for granted. For example, we talk about our families, bring our partners to events, place photos on our desks, wear wedding rings, and talk about our weekends.

These are all displays of sexual orientation. While they may not be a cause of concern for heterosexual people who feel accepted and normal when they talk about such things, they may be very stressful for LGBTIQ people who are concerned about how their sexual orientation will be perceived by their peers. LGBTIQ people may seek to avoid revealing these kinds of details about themselves in fear of negative consequences.

The reason we encourage open and respectful attitudes towards sexual orientation is to encourage everyone to bring their whole selves to work, so that no one has to hide who they really are when they come to work every day, or be fearful of negative consequences if they do.

ISSUE: I don't agree with preferential treatment for one group of people.

Diversity and inclusion initiatives are not about raising one group over another, they are about bringing everyone up to a level playing field.

LGBTIQ people do not enjoy many of the same privileges that heterosexual people enjoy. For example, they may not feel comfortable talking openly about their partner or family or their sexual orientation whilst at work, and/or they may experience discrimination or harassment based on their sexual orientation.

Efforts to support LGBTIQ people are not about giving them an advantage over others, but rather about helping them to have an equal opportunity. It's about ensuring that everyone can come to work every day and feel safe, comfortable and able to perform to the best of their ability.

ISSUE: Workplaces are not the right place to explore LGBTIQ issues

The Equal Opportunity Act 2010 (Vic) necessitates the provision of equal opportunity to all employees regardless of age, ethnicity, disability, gender or sexual orientation. Furthermore, the Australian Human Rights Commission can now investigate and conciliate complaints of alleged discrimination and human rights violation under federal law. The Victorian Equal Opportunity and Human Rights Commission can also conciliate complaints of alleged discrimination and human rights violation under Victorian Law.

This means that cases of discrimination, harassment and victimisation must be addressed as a matter of law. Employers can be held responsible for the actions of their employees in certain circumstances, so schools and workplaces must protect themselves from legal action by creating a safe and respectful environment to all staff and students.

ISSUE: We don't have that many LGBTIQ Employees, so it doesn't matter

While it might not be obvious, the LGBTIQ community in your school/workplace is probably bigger than you think.

Typically, statistics indicate between 6-10% of the population identify as LGBTIQ.

Often LGBTIQ people choose not to risk being "out" in the workplace for fear of discrimination and harassment. Consequently, they may spend copious amounts of time and energy editing conversations and avoiding any real workplace relationships or conversations through fear. Messages of inclusion from the school/workplace can help these people to feel that their sexual orientation won't be an issue and make them feel more comfortable to come out in the workplace if that is their preference.

Young LGBTIQ people in particular may struggle to be 'out' in the workplace due to fears of bullying and discrimination. LGBTIQ young people are often at risk of mental health issues that can stem from their perceived lack of acceptance.

LGBTIQ inclusion seeks to make it easier for everyone to feel comfortable being themselves when they come to work.

ISSUE: Lots of people I've spoken to don't think there is a problem

While it is wonderful to hear that some people are not experiencing problems, it is important to remember that everyone's experience is different, and we may not hear from people who do not feel accepted.

Also, it is good to acknowledge the personal lens that we may be looking through. Our perception of how things are will be influenced by our own experiences and may not be the most accurate representation of someone else's reality.

LGBTIQ people have varying degrees of self-comfort with being out in the workplace. A lack of complaints is not an indication of workplace inclusivity, especially for a population such as LGBTIQ people who may remain silent out of fear, or because they have no confidence in an organisation's ability to deal with discriminating behaviour if it occurs. Furthermore, reporting discriminatory behaviour would be "outing yourself" to another person and some LGBTIQ people may wish to avoid this.

## Appendix 3 - LGBTIQ Scenarios

Five scenarios have been developed to demonstrate the legal framework and supporting resources available to executives, principals and managers when creating a safe and inclusive workplace and protecting the human rights of LGBTIQ employees. While they cannot encompass all the complex and difficult situations that may occur day-to-day, they aim to provide executives, managers and principals with guidance to meet workplace obligations and protect the health and wellbeing of employees.

### Scenario 1

***A teacher tells her class that she is in a same-sex relationship. The principal finds that the Department's Equal Opportunity Policy and Ministerial Order 1038 may provide assistance on how to manage this disclosure.***

Maggie is a Grade 6 teacher. Her female partner, Stella, is pregnant and Maggie is planning to take six weeks of parental leave when the baby arrives.

Many of the students and parents are surprised that Maggie is taking parental leave, as she has not been visibly pregnant. In response, Maggie tells her class that her partner, Stella, is carrying the baby. Some of the parents are unhappy and one parent complains to Maggie that the children now 'know too much about her private life'.

While Maggie feels that she has not done anything wrong, she approaches the principal, for advice. The principal assures Maggie that she has not acted inappropriately by responding to questions and telling the class she is in a same-sex relationship.

The Department's Equal Opportunity Policy articulates Maggie's right not to be discriminated against or harassed because of her sexual orientation or lawful sexual activity (Equal Opportunity Act 2010, s. 6).

This policy covers all Department employees and under this policy, every member of the school has the right to work in a safe and inclusive environment free of discrimination, harassment, bullying, vilification and victimisation. Along with this right comes the responsibility to respect and promote human rights and responsibilities by behaving according to this policy.

Furthermore, Ministerial Order 1038 Part 10 'Merit, Equity and Employment Principles' provides protection against unfair treatment on the basis of a person's sexual orientation:

In the administration of this Order the following principles must be observed:

(3) All employees will receive fair and equitable treatment in all aspects of personnel management without regard to age, breastfeeding, gender identity, disability, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race (including colour, nationality, ethnicity and ethnic origin), religious belief or activity, sex, sexual orientation an expunged homosexual conviction or personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above characteristics (s. 10.1.1).

Consider if Maggie had been in a heterosexual relationship and informed the class of a pregnant partner. It's likely that there would not have been a complaint at all. To treat Maggie differently in these circumstances would infringe her right to fair and equitable treatment in the workplace.

The principal makes it clear that the school's leadership takes these matters seriously and that Maggie will be supported should any member of the school's community engage in any discriminatory or harassing behaviour.

The principal would like to show support for Maggie and Stella amongst the school community. The school has previously run a short announcement in the school newsletter congratulating employees and welcoming new babies to their families. The principal asks Maggie if she and Stella would be comfortable with the school including an announcement in the next newsletter, to which they both agree. Maggie feels reassured that the school leadership is supportive and that she can be open about her relationship and the birth of her new baby while at work.

## Scenario 2

**An intersex teacher is harassed by students. The principal turns to the *Department's Safe Schools and Respectful Relationships resources and the school's employees who teach the sexual health curriculum for guidance in changing the school's culture towards gender-based harassment and discrimination.***

Ravi is a 38-year-old science teacher at a secondary school. Ravi was born intersex and from an early age was raised by his parents as male. Ravi has identified as male his whole life, uses the male pronouns 'he'/him' and dresses in a way that is stereotypically 'male'. Ravi is comfortable identifying as male and hasn't felt the need to disclose his intersex status to the school as his employer. A group of Year 10 boys decide that there is something 'funny' about Ravi and begin a campaign of abuse and harassment. Ravi overhears the boys calling him 'gay' and 'girly' behind his back, and he feels embarrassed and harassed.

Ravi decides to discuss these experiences with his principal. The principal informs Ravi that the school's policies on bullying and harassment are clear and that abusive and harassing behaviour by any member of the school community towards any other person is unacceptable. The incident is investigated, and the principal speaks directly to the students responsible. In speaking to the students, the principal realises their behaviour is based on some uninformed beliefs and negative stereotypes.

The principal discusses the matter with her peers at a regional network meeting, and she is encouraged to take more comprehensive steps to address underlying values and attitudes. The principal recognises that an intolerant school culture can seriously impede the development of a healthy learning environment and that there are wider implications of the gender-based bullying and harassment experienced by Ravi.

The principal investigates the resources available to teachers to discuss and explore issues of bullying and gender-based harassment more broadly. She promotes the Department's [Bully Stoppers](#) website, and encourages teachers to find out more about dealing with bullying by creating a positive school culture. The principal recognises the importance of a whole-school approach where the school values, such as respect are modelled and demonstrated in the actions of staff and how they are taught in the classroom.

The principal works with year level coordinators and the teachers delivering the school's sexuality education program to ensure that respect for sexual diversity is comprehensively covered at all year levels. The school uses resources on the Department's [Safe Schools](#) website such as the 'Guide to Kickstarting Safe Schools' as well as Respectful Relationships [Teaching and Learning Materials](#) to refresh and strengthen the school's education programs to include gender diversity and the effect of gender-based harassment.

The school has a journey ahead of it, but the principal feels confident that using a 'whole-school' approach can assist the school's community to become more respectful of sexual diversity and the right to non-discrimination and equality.

## Scenario 3

**A manager is asked by an employee, who has strong views opposing same - sex relationships, to require a gay colleague to take down photos of his family. The manager refers to the *Public Administration Act and the DET Values for guidance.***

Salvador is a policy officer at the Department. Salvador is gay and is comfortable being 'out' at work. Salvador has a framed photograph on his desk of two women, each of whom is holding a young child. If asked about the photo, Salvador proudly explains that the children are his son and daughter, whom he fathered with the same-sex couple in the photograph.

Desks in the office are arranged in an open plan format and team members are able to see family photos and other personal items kept on their colleagues' desks. One employee, Irina, complains to the manager, Brian, about Salvador's family photo. Irina says that the sight of the photo makes her 'sick' and asks Brian to require Salvador to remove the photo.

Brian asks Irina to join him in his office to discuss her complaint in private.

Brian makes it clear to Irina that the Department considers a culture that respects employee diversity and human rights to be very important, and that this environment has enabled Salvador to feel he can be honest about his life and family. He points out that this culture of respect for human rights has contributed to great employee morale, and that workforce diversity is not about valuing one employee over another—it is simply about trying to create an inclusive environment for all employees.

In the meeting with Irina, Brian points out that many employees choose to display pictures of their families at their workstations and that specifically asking Salvador to remove his photo could be potentially discriminatory. Brian explains to Irina that while she may have her own personal views, sharing these views at work have a detrimental effect on Salvador and could be considered harassment, and may result in a discrimination complaint being made against Irina.

Brian also informs Irina that if she were to make her views known to Salvador, she could be breaching her obligations under the public sector standards and the Public Administration Act 2004 (Vic) (PA Act):

- (e) respect: public officials should demonstrate respect for colleagues, other public officials and members of the Victorian community by—
  - (i) treating them fairly and objectively; and
  - (ii) ensuring freedom from discrimination, harassment and bullying; and
  - (iii) using their views to improve outcomes on an ongoing basis;
- (g) human rights: public officials should respect and promote the human rights set out in the Charter of Human Rights and Responsibilities by—
  - (i) making decisions and providing advice consistent with human rights; and
  - (ii) actively implementing, promoting and supporting human rights. (s. 7.1)

The obligations in the PA Act are reflected in the DET Values that provide a framework to guide the way employees work with each other and with those to whom they provide advice and services.

The [DET Values](#) apply to all corporate employees and include:

- Respect: we value others and accept their differences
- Human Rights: we uphold and respect the rights of others

While Irina maintains that she is entitled to her views, she agrees that she is also required to treat others respectfully in the workplace. Irina agrees that asking Salvador to remove his photo could amount to discrimination. She also acknowledges that sometimes her right to expression may be limited where a good reason for doing so exists.

Brian and Irina agree to check back in with each other in a couple of weeks, and in the meantime Brian provides Irina with some information about the [Employee Assistance program](#) under A-Z HRWeb, which Irina can access if she wants to talk through her concerns with someone. Brian also recommends that Irina do the [Respectful Workplaces eLearning modules](#) and considers undertaking LGBTIQ Awareness training when it is next offered through the Department.

#### Scenario 4

***A teacher is receiving messages from the school principal that he should not talk about being in a same-sex relationship. The principal and teacher refer to relevant legislation, the Department's Equal Opportunity, Human Rights and Respectful Workplaces online modules and the Department's Respectful Workplaces website for guidance.***

David is the biology teacher at a large high school, where Jenny is the new principal. As part of Jenny getting to know the teaching staff at her new school, she is having informal coffees with three or four staff members, a few times a week. During one of these 'get to know you' meetings David mentions his partner, Simon, as part of a friendly conversation about the employees' partners and families. David feels that Jenny retreats from the conversation after he mentions Simon but continues to engage with the other staff present. David notices that Jenny also avoids eye contact with him.

The following morning, David sees Jenny in the school car park. Greeting Jenny with a cheery "good morning", Jenny says hello and then mentions to David that she feels it best if staff did not discuss their private lives at school, particularly their relationship status. David feels angry and embarrassed as a result of Jenny's comments. This feeling persists, especially as David becomes aware that Jenny has not cautioned any other staff members about discussing their relationships at work.

David is unsure whether Jenny is aware of her discriminatory behaviour, or whether she is acting out of bias. While neither of these make it acceptable for Jenny to discriminate against David, David decides that the best course of action would be to raise his concerns directly with Jenny as a first step, and to bring her attention how her behaviour is making him feel.

David sets up a meeting with Jenny to discuss his concerns and brings a friend, Sarasi, as a support person.

Before the meeting, David prepares by becoming acquainted with the Department's policy on [Complaints – information for employees](#), (see Complaints under [A-Z HRWeb](#)) which provides information for employees seeking to raise concerns and provide feedback about their workplace. He reads the '[Tips for having difficult conversations](#)' available on the Department's [Respectful Workplaces Portal](#) and takes some notes about what he plans to say in the meeting.

At the meeting, David uses clear and concise statements to describe Jenny's behaviour (asking him not to discuss his personal relationships at school) and the impact that it had on him (making him feel unwelcome in the workplace). Jenny is surprised that she made David feel angry and embarrassed. While she initially disagrees with David's assessment, on reflection she accepts that she has not asked any heterosexual employees to refrain from discussing their personal relationships at school. Jenny apologises to David for making him feel uncomfortable and thanks him for bringing the issue to her attention. Jenny agrees that she will find out more about unconscious bias and providing a supportive work environment to all employees. She completes the Department's [Equal Opportunity Online module](#), and reviews resources available on the [Safe Schools](#) website for creating a whole of school approach to LGBTIQ inclusion.

David is glad that Jenny heard and accepted his feedback and that he raised it with her in the first instance. However, if Jenny was not willing to accept his feedback, or he was not happy with her response, David might have decided to raise the complaint with the regional office, or to seek further advice on unprofessional conduct from the Department's Employee Conduct Branch.

While David does not take Jenny up on her offer to make a formal written apology, he does agree that it would be a good idea to raise awareness and support for LGBTIQ staff and students at the school. He works with Jenny to organise an event for '[Wear it purple](#)' day, providing an opportunity for students and staff to show their support for LGBTIQ youth.

## Scenario 5

***A teacher is affirming her gender and works with the school principal and the regional office to develop a transition plan for the broader school community, relying on guidance in the LGBTIQ Inclusive Workplaces Guidelines for further information.***

Alex has been a teacher at a primary school for 10 years. While Alex was raised as a male in childhood, she lives now as a female and has commenced a process to affirm her gender. Although Alex was initially apprehensive about discussing her gender affirmation with the principal of her school, who has been very supportive of Alex and together they have developed a transition plan to map out the process and timeframes for Alex's transition in the school environment and workplace.

Alex and the principal consulted the LGBTIQ section of the Inclusive Workplaces Guide (this guide) before drafting the plan. They worked together closely on the plan, which includes details about changing Alex's employee records, the use of toilets and timing around when Alex would start to wear more 'feminine' workplace attire, if she wishes.

The principal also consulted with Alex about developing a management plan for the whole school and workplace. Alex agreed that she would like the school to support her transition with:

- a process for providing information about Alex's gender affirmation to all employees, including a discussion about inclusive language and terminology and assuring staff that it's ok to make a mistake by using the wrong gender pronouns or words, as long as this is not deliberate and repeated;
- supports for all employees, including access to the Employee Assistance Program if any staff wish to talk through the process
- an information session for the students and parents of Alex's Grade 5 class
- a clear process for any employees, students or parents to raise questions or concerns with the principal in the first instance.

The principal is aware that protecting Alex's privacy and confidentiality is important and so the principal makes sure that information is only communicated with the school community and employees with Alex's consent and in accordance with the timelines mapped out in the transition management plan.

During the parent information session, several parents raise their concerns about Alex's gender affirmation process. The parents advised that they do not have a problem with transgender people in general, they just don't want their children to have a transgender teacher.

The principal listens to the parents' concerns and recognises that many misconceptions are caused by insufficient or inaccurate information. The principal assures the parents that their concerns about Alex are unfounded and refers them to the Department's Inclusive Workplaces Guide.

The principal provides the parents with copies of the information sheets that will be provided to Alex's class, and invites the school's sexuality education teacher to meet with parents to discuss the information that will be given to students about Alex's gender affirmation process. A number of the parents feel better having this additional information but requested more time to discuss Alex's gender affirmation with their children, before Alex fully transitions in the workplace.

The principal agrees that this would be reasonable and, once Alex agrees, works with her to adjust the transition plan accordingly. The principal also provides information to the parents, and other employees about the process for raising questions and concerns going forward. The parents and employees are also informed that if they have any residual concerns about the process, they can contact the Department's regional office.

Alex has felt supported by the school leadership throughout her gender affirmation process and is confident that she will be able to work with the principal to continue finding solutions to any issues as they arise.