



# Merit and Equity Policy

(Ratified by School Council: November 2017)

## 1. PURPOSE

The quality of the workforce is the major factor driving improvement in schools. Upwey South Primary School is committed to excellence and equity, to ensure fair and transparent processes in staff selection, career development opportunities and negotiated work life arrangements.

We support a culture of leadership, learning and renewal with opportunities for staff development and advancement, while meeting guidelines outlined in relevant legislation and Ministerial Orders.

Excellent service provision can only happen when the right people are attracted, recruited, and supported to do their jobs as effectively as possible.

## 2. GUIDELINES

The principles and legislative requirements of merit, equity and equal opportunity are fundamental to making staffing decisions at Upwey South Primary School. These principles are promoted amongst staff and form the basis for all recruitment processes and staff provisions.

### 2.1 Advertising Vacancies

When externally advertising vacant positions at Upwey South Primary School we must use the Department's Recruitment Online (ROL) system.

All vacancies must satisfy the requirements of Part 2.4 of the *Education and Training Reform Act 2006* and be filled in accordance with the Department's selection procedures set out in relevant guidelines and relevant [Ministerial Orders](#).

### 2.2 National employment standards and fair work

The [Fair Work Act 2009](#) provides employees with a legal right to request flexible working arrangements if they have certain care responsibilities (e.g. child under school age, disabled child under 18). Employers may refuse a request on reasonable business grounds.

### 2.3 Equal opportunity

The [Equal Opportunity Act 2010](#) (Vic) makes it unlawful to discriminate against a person because they have family responsibilities; for example, in determining who should be offered a job or given a promotion.

## **2.4 Sex Discrimination Act (1984)**

Legislation provides employees with further protection from discrimination on the grounds of breastfeeding and family responsibilities

## **2.5 Disability Discrimination Act (1992)**

Protects individuals from direct and indirect discrimination in employment matters

## **2.6 Public Administration Act (2004)**

Section 8 of the Act sets out public sector employment principles including fair and reasonable treatment of employees, equal employment opportunity and recognition of human rights.

## **2.7 Enterprise agreements**

Employers and employees need to be aware of relevant enterprise agreements applying to their workplace. Agreements may contain clauses relating to workload or hours of work

## **3. IMPLEMENTATION**

All staff/applicants must receive fair and equitable treatment regardless of age, breastfeeding, carer status, disability, employment activity, gender identity, industrial activity, lawful sexual activity, marital status, parental status, physical features, political belief or activity, pregnancy, race (including colour, nationality, ethnicity and ethnic origin), religious belief or activity, sex, sexual orientation, or personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

### **3.1 Fair & Reasonable Treatment\***

- a) Decision making processes are to be fair, accessible and applied consistently in comparable circumstances.
- b) Decision making criteria are to be relevant, objective and readily available to the people subject to the decision.
- c) Decisions and actions are to be free of bias and unlawful discrimination.
- d) Documentation is to be clear and comprehensive where possible, to render decisions transparent and capable of effective review.
- e) Employment decisions are to be based on the proper assessment of individuals' work related qualities, abilities and potential against the genuine requirements of the employment opportunity.

\*Public Sector Employment Principles Standard (No 1) 2006

### 3.2 Employment Selection panels

Departmental staffing policy seeks to balance the obligation to select staff through open merit-based processes with the legitimate expectations of employees with priority status. An employee with priority status (those who are [excess to workplace requirements](#), have [compassionate transfer](#) status or are [disability](#) retirement benefits pensioners found fit for employment) who is an applicant for an advertised vacancy at or below her or his current classification level and salary range must be interviewed and considered on merit against other applicants in accordance with the selection procedures.

The principal is responsible for the selection decision at each school and must ensure that, as part of the selection process, a selection panel of at least three people is established for each advertised vacancy.

Principals should ensure that members of the selection panel comprise people who between them possess the following qualities:

- detailed knowledge of the position requirements
- an understanding of the position and its relationship with other organisational functions within the school
- selection skills and an understanding of the selection process.

In determining the composition of selection panels, principals must ensure that:

- at least one member of the panel is a person trained by the Merit Protection Boards in the principles of merit and equity
- provision is made for gender representation.

The purpose of the selection panel is to recommend to the principal, the best applicant on the basis of the evidence available. The role of the selection panel is to objectively assess each applicant's skills, knowledge and capacity against the selection criteria and to rank in priority order the applicants who best meet the criteria. The selection panel may use other appropriate selection tools determined by the panel provided that they are applied consistently to all applicants.

When assessing applicants, selection panel members must ensure that they do not directly or indirectly discriminate. Panel members should be aware of individual bias, assumptions and stereotyping which may impede the selection of the best applicant for the position.

Panel members should be aware that Department has a positive duty under the *Equal Opportunity Act 2010* to provide reasonable and proportionate measures to eliminate discrimination and a duty to provide reasonable adjustments for people with a disability.

Panel members should also be aware it is unlawful to discriminate against an applicant on the ground of an attribute or ask a discriminatory question, in contravention of the *Equal Opportunity Act 2010*.

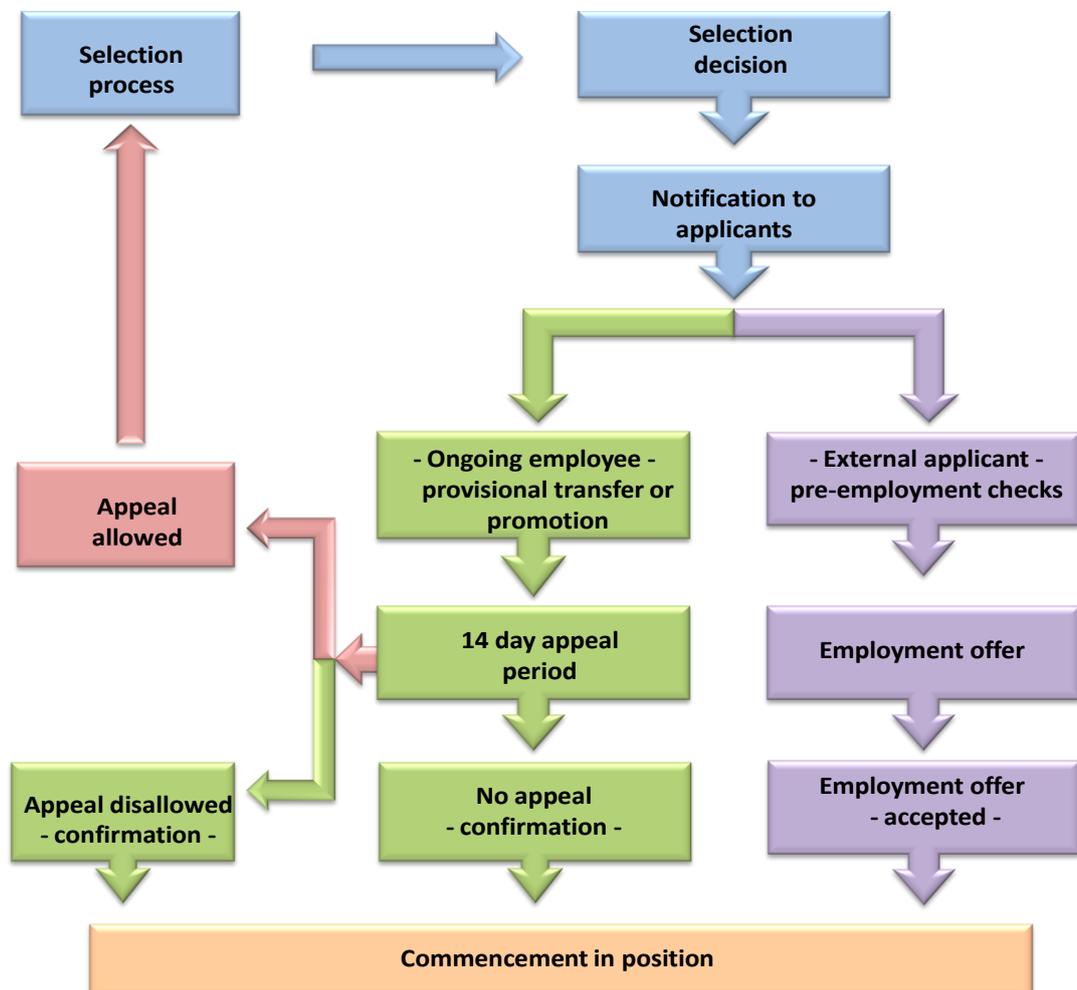
### 3.3 Selection decision

Under the *Education and Training Reform Act 2006*, the power to employ, transfer or promote has been delegated to principals. Principals have a professional responsibility for ensuring that all parts of the selection process have been undertaken correctly.

In considering the recommendation of the selection panel, principals should ensure that the applicant who best demonstrates that he/she meets the selection criteria and is capable of performing the duties of the position is selected.

Where the Principal's decision does not concur with the panel's recommendation, reasons for this decision must be recorded.

The processes following the selection decision can be illustrated as follows:



#### **4. RELATED LEGISLATION**

Public Administration Act 2004

Equal Opportunity 2010

Education and Training Reform Act 2006

Ministerial Order 199

Ministerial Order 200

Ministerial Order 2 (Principal Class)

#### **5. RELATED POLICIES**

Leave Policy

Equal Opportunity Policy

#### **6. POLICY EVALUATION**

Evaluation will be conducted every two years by the Educational Policies Subcommittee.

#### **7. DUE DATE FOR REVIEW**

This policy is due to be reviewed in November 2019.