

Workplace
Diversity Program
2015–2018



COMMONWEALTH
OMBUDSMAN

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OVERVIEW

Our business

The Office of the Commonwealth Ombudsman was established by the *Ombudsman Act 1976* and commenced operations on 1 July 1977.

The Office works to ensure fair and accountable administration by Australian Government agencies by investigating complaints, reviewing administrative action and providing assurances as to statutory compliance by government agencies.

To this end, the Office safeguards the community in its dealings with Australian Government agencies and related service providers by:

- correcting administrative deficiencies through independent review of complaints about administrative action of Australian Government agencies and related service providers
- assisting community members to resolve complaints about government administration action
- fostering good public administration that is fair, lawful, accountable and responsive
- developing policies and principles for accountability and
- assessing statutory compliance by relevant agencies through inspections.

Our commitment to workplace diversity

The Office's Workplace Diversity Program 2015 – 2018 articulates our ongoing commitment to workplace diversity and aims to foster a respectful, flexible and fair workplace that encourages and promotes diversity.

The Workplace Diversity Program will assist the Office in ensuring that the principles of workplace diversity are understood by employees, and are embedded in Office culture, practices and procedures.

The Workforce Diversity Program is complemented by the:

- Office [Multicultural Plan 2013 – 2015](#) – which has actions and measures that the Office can take to ensure access and equity for members of Australian's culturally and linguistically diverse communities
- Office [Reconciliation Action Plan 2013 – 2015](#) - which is a vital part of our commitment to improve communication and engagement with Aboriginal and Torres Strait Islander people and communities across Australia and
- [As One – Australian Public Service \(APS\) Disability Employment Strategy](#) - *As One* aims to strengthen the APS to be a progressive and sustainable employer of people with disability. It also aims to improve the experience of people with disability in the APS.

What is workplace diversity?

Workplace diversity is about creating an inclusive environment in which the diverse skills, cultural perspectives, and backgrounds of our people are valued. Perspectives are shaped and informed by a variety of characteristics, including age, ethnicity, gender, disability, language, religious beliefs, gender identity, intersex status, life stages, education, and sexual preferences.

Diversity recognises that our people also differ in regards to work experience, socio-economic background, geographic location, marital/relationship and parental status and family responsibilities.

Through valuing workplace diversity the Office can create a more inclusive and supportive work environment and achieve better outcomes for our client agencies, complainants and employees:

- for individuals, improved satisfaction and commitment through greater opportunity for participation in decision-making together with flexibility to better balance work and personal commitments
- for the Office, improved performance and greater innovation through harnessing the creativity that comes from teams of people with different ways of looking at things, and working cooperatively and
- for clients and complainants, better and more responsive services which recognise the diversity of contemporary Australia.

Objectives of the Workplace Diversity Program 2015 - 2018

The key objectives of the Workforce Diversity Program are:

- Corporate, business and human resource plans demonstrate that the Office values the diverse backgrounds of its employees and values, and is able to access and make use of, the diverse skills and experience of its employees.
- Workplace structures, systems and procedures assist employees to meet their cultural obligations and balance their work, family and other caring responsibilities effectively.
- Promote awareness and understanding of, and our commitment to, workplace diversity principles and practices to all employees within the Office.
- The diversity of the Australian community is reflected in strategies to attract, recruit and retain employees, in line with the organisational and business goals of the Agency and the skills required to perform the relevant duties.
- Promote, and strive to achieve, a work environment that is free from bullying, harassment and discrimination.
- Monitor and report against the Workplace Diversity Program actions.

The Workplace Diversity Action Plan at **Attachment A** has been developed to support and drive the achievement of the above objectives.

ROLES AND RESPONSIBILITIES

Executive and Senior Leadership Group

The Ombudsman, Deputy Ombudsman, Chief Operating Officer and Senior Assistant Ombudsmen will:

- lead by example by demonstrating a commitment to workplace diversity
- actively promote the benefits of diversity for the organisation and to encourage better utilisation of diversity and
- recognise and promote workplace diversity successes and ensure lessons are learnt from errors.

Supervisors

In addition to their responsibilities as employees:

- demonstrate appropriate behaviours consistent with the principles of workplace diversity
- actively encourage staff to contribute their ideas
- display a genuine commitment to workplace diversity by respecting differences and seeking a diverse range of views on issues
- promptly and appropriately deal with any complaints of bullying, harassment or discrimination observed in the workplace and
- support staff in balancing their work and personal lives.

All employees

Our people have an important role in creating an environment where diversity is valued. In particular, each employee will:

- act in accordance with the APS Values, Employment Principles and APS Code of Conduct
- work to build an environment in which everyone can fully participate
- be open minded, listen and respond to the views of others
- contribute ideas and draw on the skills, knowledge and background of other employees
- identify and cooperatively address barriers to diversity and participation and
- not tolerate bullying, harassment and discrimination.

Human Resources

Human Resources will:

- provide support and advice to teams on workplace diversity issues
- ensure awareness information is included in relevant development programs
- support Workplace Harassment Contact Officers in Office workplaces
- promote the Workplace Diversity Program and review workplace practices to ensure they support the intent of Program and
- collect information to monitor and evaluate progress against the program.

LEGISLATIVE FRAMEWORK

The Public Service Act 1999

- Subsection 10(3), APS Values - the APS respects all people, including their rights and their heritage.
- Subsection 10A(f) and (g), APS Employment Principles - the APS is a career-based public service that:
 - provides workplaces that are free from discrimination, patronage and favouritism and
 - recognises the diversity of the Australian community and fosters diversity in the workplace.
- Subsection 13(3), The APS Code of Conduct – An APS employee, when acting in connection with APS employment, treat everyone with respect and courtesy, and without harassment.
- Subsection 13(11)(a), The APS Code of Conduct – An APS employee must at all times behave in a way that upholds the APS Values and Employment Principles.
- The *Public Service Act 1999*, Section 18, Promotion of Employment Equity – An Agency Head must establish a Workplace Diversity Program to assist in giving effect to the APS Employment Principles.

Australian Public Service Commissioner's Directions 2013

- Direction 3.1, How an Agency Head upholds APS Employment Principle 10A(1)(f) (non-discrimination) - In upholding and promoting APS Employment Principle 10A(1)(f), an Agency Head must put in place measures in the Agency directed at ensuring that all relevant anti-discrimination laws are complied with.
- Direction 3.2, How an Agency Head upholds APS Employment Principle 10A(1)(g) (diversity) - In upholding and promoting APS Employment Principle 10A(1)(g), an Agency Head must put in place measures in the Agency directed at ensuring that:
 - the diversity of APS employees is recognised, fostered and made best use of within the workplace, taking into account the organisational and business goals of the Agency and the skills required to perform the relevant duties and
 - APS employees are helped to balance their work, family and other caring responsibilities effectively.
- Direction 3.3, Measures for workplace diversity programs - A workplace diversity program for an Agency must include measures directed at ensuring that:
 - the corporate, business and human resource plans of the Agency demonstrate that the Agency values the diverse backgrounds of its employees and values, and is able to access and make use of, the diverse skills and experience of its employees
 - workplace structures, systems and procedures assist employees in balancing their work, family and other caring responsibilities effectively and
 - the diversity of the Australian community is reflected in strategies to attract, recruit and retain employees, in line with the organisational and business goals of the Agency and the skills required to perform the relevant duties.

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- Direction 3.4(1), Workplace diversity program to be published - As soon as practicable after establishing a workplace diversity program for an Agency, the Agency Head must publish the program on the Agency's website.

Racial Discrimination Act 1975

Gives effect to Australia's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. Its major objectives are to

- promote equality before the law for all persons, regardless of their race, colour or national or ethnic origin and
- make discrimination against people on the basis of their race, colour, descent or national or ethnic origin unlawful.

Sex Discrimination Act 1984

Gives effect to Australia's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and certain aspects of the International Labour Organisation (ILO) Convention 156. Its major objectives are to

- promote equality between men and women
- eliminate discrimination on the basis of sex, marital status or pregnancy and, with respect to dismissals, family responsibilities and
- eliminate sexual harassment at work, in educational institutions, in the provision of goods and services, in the provision of accommodation and the delivery of Commonwealth programs.

Australian Human Rights Commission Act 1986

Provides an avenue of redress for those alleging discrimination and provides for the rights of these persons.

Disability Discrimination Act 1992

Has as its major objectives to:

- eliminate discrimination against people with disabilities
- promote community acceptance of the principle that people with disabilities have the same fundamental rights as all members of the community and
- ensure as far as practicable that people with disabilities have the same rights to equality before the law as other people in the community.

Work Health and Safety Act 2011 (Cth)

Under the *Work Health and Safety Act 2011*, agencies have a duty of care to ensure the health and safety of workers. This means eliminating or minimising physical and psychosocial risks to health and safety.

Fair Work Act 2009

The general protections under the Fair Work Act 2009 have been introduced to:

- protect workplace rights
- protect freedom of association
- provide protection from workplace discrimination and
- provide effective relief for persons who have been discriminated against, victimised, or have experienced other unfair treatment.

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Objectives	Actions/Measures	Responsibility
<p>1. Corporate, business and human resource plans demonstrate that the Office values the diverse backgrounds of its employees and values, and is able to access and make use of, the diverse skills and experience of its employees</p>	<ul style="list-style-type: none"> • Ensure the Office's Workforce Plan 2015 – 2017 reflects our commitment to workplace diversity. 	<p>Senior Leadership Group Human Resources</p>
	<ul style="list-style-type: none"> • Corporate and business plans will be updated to reflect our commitment to workplace diversity as the current plans are replaced/renewed. 	
	<ul style="list-style-type: none"> • A mandatory 'Key Behaviour' will be included in all employee Performance Development Agreements from the beginning of the 2015 cycle, along the lines of: <i>'In undertaking my duties I will act in accordance with the APS Values, Employment Principles and APS Code of Conduct.'</i> 	
<p>2. Workplace structures, systems and procedures assist employees to meet their cultural obligations and balance their work, family and other caring responsibilities effectively</p>	<ul style="list-style-type: none"> • Ensure the Office's employment framework and structures support/facilitate flexible working arrangements; including: <ul style="list-style-type: none"> - part-time work - home based work - flexible working patterns - purchased leave - religious, cultural, and ceremonial leave - carer's and other leave options and - breastfeeding/lactation breaks. 	<p>Chief Operating Officer Human Resources</p>
<p>3. To promote awareness and understanding of, and our commitment to, workplace diversity principles and practices - to all employees within the Office</p>	<ul style="list-style-type: none"> • Promote and create understanding of the Workplace Diversity Program through regular communication, including: intranet page, all staff/Branch meetings, induction, mentoring program, etc. 	<p>Senior Leadership Group Human Resources</p>
	<ul style="list-style-type: none"> • Ensure workplace diversity awareness is part of the Office induction material/processes 	<p>Human Resources</p>

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Objectives	Actions/Measures	Responsibility
	<ul style="list-style-type: none"> • Provide regular education/communication/promotion in relation to: <ul style="list-style-type: none"> - the APS Values and Employment Principles - the APS Code of Conduct - bullying, harassment and discrimination - cultural diversity - mental health first aid and - other diversity related guidelines/material; including the requirement for employees to complete relevant eLearning modules on an annual basis 	Senior Leadership Group Human Resources
	<ul style="list-style-type: none"> • Promote and celebrate days/events of cultural/community significance, e.g. National Reconciliation Week, International Women’s Day, Harmony Day, National Families Week. 	Senior Leadership Group Human Resources All employees
4. The diversity of the Australian community is reflected in strategies to attract, recruit and retain employees, in line with the organisational and business goals of the Agency and the skills required to perform the relevant duties	Recruitment Guidelines promote the use of Identified Positions and Special Measure provisions in recruitment exercises.	Human Resources
	People from diverse backgrounds are highlighted on our career/employment website pages and the pages include a diversity statement that reflects the Office’s commitment to workplace diversity.	
	Principles of reasonable adjustment are adhered to during interview and from commencement, including compliance with work health and safety requirements.	

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Objectives	Actions/Measures	Responsibility
5. We promote, and strive to achieve, a work environment that is free from bullying, harassment and discrimination	Maintain and promote a Workplace Harassment Contact Officer network and ensure appropriate training is provided.	Human Resources
	Ensure an effective complaint handling procedures are in place and employees are aware of, and have access to, information and support.	
	Ensure that the workplace harassment policies, APS Values and Employment Principles and Code of Conduct are understood and adhered to in the workplace.	Human Resources All employees
6. We monitor and report against the Workplace Diversity Program actions	On an annual basis request staff to update their information about their background through the ESS facility in Aurion.	Human Resources
	Diversity data (e.g. number of indigenous employees, employees from culturally and linguistically backgrounds, employees with disabilities) is included within the Senior Leadership Group quarterly report – including a report on how we are tracking against the workplace diversity action plan.	
	The State of the Service Employee and Agency census results will be used to monitor and measure our performance as appropriate.	