

## Discrimination & Equal Opportunity Procedure

### Purpose and Scope

At New Zealand Kindergartens (NZK) we are committed to putting our learners, with their whānau, at the centre of education. We do this by ensuring the kindergartens across our network are safe, inclusive, and free from racism and discrimination.

We believe that each person who walks through our doors has the right to be treated fairly and with respect, regardless of their background or personal circumstances. We recognise we each have different experiences and backgrounds that make us unique and expect our team to embrace these differences with respect and understanding. We aim to provide a work environment where diversity is valued, and all of our learners and staff feel they belong.

This procedure applies to the Board, General Managers/Chief Executives (GMs/CEs), staff members (whether permanent, fixed, casual or relieving), contractors, whānau, volunteers, students, and other businesses or community organisations that we work with across the NZK network. The procedure applies at our workplace, at work events (such as offsite training) and outside our workplace (when it is related to our work).

### Legislation

Discrimination is unlawful under the *Human Rights Act 1993* and *Employment Relations Act 2000*. It may also be considered grounds under the *Employment Relations Act 2000* to raise a personal grievance.

### Key Definitions

**Unlawful Discrimination** is when you're treated unfairly or less favourably than another person on prohibited grounds, including:

- sex or sexual orientation
- marital status or family status,
- religious or ethical beliefs,
- colour or race,
- ethnic or national origins,
- disability,
- age,
- political opinion,
- employment status,
- being affected by family violence, or
- involvement in union activities.

**Equal Employment Opportunity** means that everyone can have equal access to employment opportunity based on merit, without fear of discrimination or harassment.

### Rights and Obligations

NZK has a duty of care to prevent discrimination, and not to discriminate (directly or indirectly) against anyone in the workplace. This includes minimising the likelihood of discrimination and managing any concerns, complaints, or observations in a procedurally fair and timely manner (as detailed below and in our Grievance Procedure).

#### Examples of Discrimination in Employment

Not giving an employee the same terms of employment as someone in similar circumstances.

Dismissing or negatively impacting an employee when they are not treating others doing the same type of work in the same way.

Making an employee retire or resign by creating unfavourable working conditions.

Making preconceived or biased judgements about another person because of a protected attribute.

All individuals covered under this procedure have a right to a work environment free from discrimination and have an obligation not to engage in any behaviour that could be considered discrimination. This extends to communication through any means, including email, text messaging and social media. Should you become aware of discrimination taking place in our workplace, you have an obligation to take the appropriate steps to address it.

At NZK we operate in a diverse, respectful, and supportive environment and recognise we each have different experiences and backgrounds that make us unique. We have zero tolerance for any kind of discrimination and expect our team to embrace differences with respect and understanding.

### Dos and Don'ts

If you feel that you are being subjected to discrimination or have witnessed discrimination towards others, we encourage you to take the following steps.

Do...

- ✓ Raise your concern directly with the person if you feel comfortable, and it is appropriate to do so.
- ✓ Discuss your concerns with your Head Teacher if you did not get the results you were looking for.
- ✓ If the concern is with your Head Teacher, then raise your concern with the GM/CE (if the concern is with the GM/CE, then raise your concern with the Chief Executive of NZK).
- ✓ Refer to our Grievance Procedure for further formal steps to raise a concern of discrimination.

Don't...

- x Ignore the behaviour hoping it will go away – resolve these issues quickly to avoid them escalating.
- x Gossip with other staff members rather than addressing the issue proactively - it is important that all parties involved are shown respect and a level of confidentiality is maintained.
- x Make false or misleading claims of discrimination – these can be hurtful and damaging to both the individual and the organisation.

### Word of Warning

This procedure does not form part of an employee's contract of employment. However, it is important that you understand that a breach of this procedure may result in disciplinary action including but not limited to, termination of your employment. If you want to make a complaint or raise a concern regarding a breach of this procedure, please speak with your GM/CE. You can refer to our Grievance Procedure for guidance on how grievances are handled at NZK.

### Procedure Reviews

This procedure may be amended from time to time at the discretion of NZK. Please ensure you regularly review all company procedures, so the content is front of mind in all you do.

### Related Procedures, Agreements & Frameworks

Code of Conduct

Grievance Procedure

Workplace Bullying Procedure

Sexual Harassment Procedure

[The Statement of National Education and Learning Priorities \(NELP\)](#)

Kindergarten Teachers Collective Agreement (KTCA)

