



**EQUAL
EMPLOYMENT
OPPORTUNITY
POLICY
P3.0144.3**

EQUAL EMPLOYMENT OPPORTUNITY POLICY

DIVISION: Customer and Corporate Strategy

BRANCH: People and Learning

CATEGORY: 3

PART 1 – INTRODUCTION

1. BACKGROUND

1.1 Equal Employment Opportunity (EEO) encompasses a suite of actions taken to:

- prevent discrimination and harassment on the grounds of race, sex, marital or domestic status and disability in Council’s workplace and
- promote equal employment opportunity for women, members of racial minorities and persons with disabilities in Council.

1.2 Discrimination is unlawful in the workplace, including during recruitment and selection activities, throughout employment, and at the time of termination on certain prohibited grounds, including:

- Race including colour, descent, nationality, ethno-religious or national origin
- Disability including physical, intellectual, mental or psychiatric, whether past, present or future and presumed disability
- Marital or domestic status
- Pregnancy, including potential pregnancy, breast feeding
- Transgender Identity
- Sex
- Sexual orientation
- Age
- Family and carer responsibilities
- Political belief, including lack of a political belief and lack of a particular political belief (for example, trade union activity or lack of it)
- Religious belief, including lack of a religious belief and/or lack of a particular religious belief.

2. OBJECTIVE

2.1 The objective of this policy is to demonstrate Council's commitment to eliminating unlawful discrimination in employment, and to promoting EEO, within Council and to provide guidance and assistance to all managers, supervisors and workers who are involved in the implementation of Council's EEO management plan.

3. SCOPE

3.1 This Policy applies to:

- Councillors
- Workers
- All aspects of employment including recruitment and selection, conditions and benefits, learning and promotion, and separation from Council
- Any location where a worker may be, as a result of their Council duties, including (but not limited to) onsite, offsite (including working from home arrangements), working after hours, and work-related social functions and conferences.

4. DEFINITIONS

4.1 **Discrimination** means treating, or proposing to treat, someone less favourably because of a personal characteristic protected by the law, otherwise known as grounds for discrimination. Discrimination also includes a situation where a worker harasses another worker (or person seeking to become a worker) based on a personal characteristic protected by law.

4.2 **Harassment** is unwelcome conduct that a reasonable person would expect to offend, humiliate, victimise or intimidate.

4.3 **Worker** is a term which encompasses paid employees, contractors, sub-contractors and volunteers.

4.4 **Employees** means paid employees whether permanent, temporary or casual.

4.5 **Managers and Supervisors** are terms that refers to those individuals who have employees directly reporting to them.

PART 2 - POLICY STATEMENT

5. PRINCIPLES

5.1 Council recognises its legal obligations under the NSW *Anti-Discrimination Act 1977* and other relevant legislation and has implemented this EEO Policy to support its Respect and Dignity in the Workplace Policy.

5.2 Council does not tolerate unlawful discrimination, harassment, vilification and victimisation in the workplace.

5.3 Council acknowledges and respects the social and cultural backgrounds of workers and the community.

- 5.4 Council will undertake merit selection in recruitment, learning and development and promotion in accordance with Council's Recruitment and Selection Policy and Procedure.
- 5.5 Council will make decisions relating to flexible work practices and other conditions of employment on merit such that applicants for employment and workers shall not be disadvantaged by irrelevant considerations, conditions or requirements.
- 5.6 Council will implement and maintain an EEO Management Plan that provides direction and objectives for the organisation.
- 5.7 Council will distribute and publicise the EEO Policy and Management Plan to all new and existing workers and provide training in EEO to all employees.
- 5.8 Management decisions should be made without bias so that workers have equal opportunity to access benefits, including, but not limited to, flexible work conditions, training, career development and professional development opportunities, including transfer and promotion.
- 5.9 Remuneration and compensation are to be assessed against the requirements of the position.
- 5.10 Council is committed to making progress towards the removal of employment barriers for target groups, including but not limited to, women, racial minorities and people with disabilities.
- 5.11 Council will provide employees with a means to address grievances and ensure, so far as is reasonably practicable, that any person making a complaint is protected against victimisation or harassment.

6. RESPONSIBILITIES

- 6.1 The General Manager is responsible for:
 - The implementation of Council's EEO policy and EEO Management Plan.
 - The monitoring and review of the EEO policy and Management Plan to ensure effectiveness.
 - Adherence to Council's EEO policy and practices.
- 6.2 Directors, Managers and Supervisors are responsible for:
 - Implementing work practices that are consistent with and support Council's EEO Policy and EEO Management Plan.
 - Role modelling appropriate behaviour in the workplace.
 - Educating employees to enable them to understand their roles and responsibilities in relation to EEO.
 - That assistance and support is provided to employees in the resolution of complaints.

- That opportunities are provided equitably for learning, career development and professional development opportunities where appropriate.
- Adherence to Council's EEO Policy and practices, including during recruitment activities in which they participate.

6.3 Workers are responsible for:

- Treating others with dignity, courtesy and respect and in a manner that is consistent with and supports Council's EEO Policy and Management Plan.
- Understanding their responsibilities in relation to EEO.
- Participating in any identified training.
- Adhering to Council's EEO policy and practices.
- Reporting suspected breaches of the policy.

6.4 The Manager People, Learning and Culture is responsible for:

- Reviewing personnel practices within the Council, including recruitment techniques, selection criteria, training and development programs, promotion and transfer policies and patterns, and conditions of service, with a view to the identification of any discriminatory practices.
- Setting goals or targets against which the success of the EEO Management Plan may be assessed.
- Implementation of the EEO Policy and Management Plan.
- Researching, and subsequent reporting of, EEO matters.
- The incorporation of EEO policy and practice into human resource practices.
- The provision of information and support to employees at all levels regarding workplace discrimination and harassment and the prevention and resolution of EEO related issues.
- Reporting any suspicion of serious threat to the health or wellbeing of any person to the General Manager.

6.5 The Consultative Committee will assist in the review and implementation of Council's EEO Policy and EEO Management Plan.

7. MAKING A COMPLAINT

7.1 Employees who wish to make a complaint about a breach of this policy should refer to Council's Grievance Handling Policy.

7.2 Employees can request assistance from the People, Learning and Culture Branch, or the relevant Supervisor, if appropriate, to make a complaint.

- 7.3 Workers who become aware of, or suspect breaches of Council's EEO policy have a responsibility to assist management and each other by:
- Indicating to the person responsible that their behaviour is inappropriate and if it were to continue would be reported formally.
 - Bringing the matter to the attention of management and/or the Manager People, Learning and Culture if the behaviour continues or is of such a serious nature that it must be disclosed.
 - Offering support to the individual experiencing the discrimination or harassment.
 - Maintaining a professional working environment.
 - Maintaining confidentiality.

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RELEVANT LEGISLATIVE INSTRUMENTS:

Anti-Discrimination Act 1977 (NSW)
Sex Discrimination Act 1984 (Cth)
Racial Discrimination Act 1975 (Cth)
Disability Discrimination Act 1992 (Cth)
Age Discrimination Act 2004 (Cth)
Australian Human Rights Commission Act 1986 (Cth)
Local Government Act 1993 (NSW)
Local Government (State) Award
Disability Inclusion Act NSW 2014
Carer Recognition Act (NSW) 2010
Work Health and Safety Act NSW 2011
Workplace Gender Equality Act 2012 (Cth)

RELATED POLICIES, PLANS AND PROCEDURES:

EEO Management Plan
Code of Conduct
Respect and Dignity in the Workplace Policy
Disciplinary Policy
Disciplinary Procedure
Grievance Handling Policy
Grievance Handling Procedure
Acceptable Use of Technology & Systems Policy
Flexible Work Hours Policy
Family and Domestic Violence Policy
Work Health & Safety Policy
Health & Wellbeing Policy
Dealing with Unreasonable Customer Conduct Policy
Working Alone, Remotely or in Isolation Procedure
Workplace Surveillance Policy
Recruitment and Selection Policy
Recruitment and Selection Procedure

RESPONSIBLE DIRECTOR:

Customer and Corporate Strategy

APPROVAL:

General Manager through the Executive Leadership Group

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	ELG	New policy	26/04/2014	16/135754
2	ELG	Minor amendments	08/11/2018	19/26033
3	ELG	Minor amendments	21/07/2022	19/26033