



YOUNG SHIRE COUNCIL

**EQUAL EMPLOYMENT
OPPORTUNITY (EEO)
POLICY**

DATE ADOPTED: 17TH JULY 2013

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1 INTRODUCTION/BACKGROUND

Young Shire Council has a legislative obligation to ensure the principles of equal employment opportunity and anti-discrimination are promoted and adhered to in the workplace. Discrimination in employment and in the supply of goods and services is unlawful under Commonwealth and New South Wales Legislation.

Council is committed to ensuring prospective and current workers and contract workers of Young Shire Council are treated on the basis of their true abilities and merit and are provided with a safe work environment free of discrimination, harassment and bullying.

2 PURPOSE/OBJECTIVES

The aim of this policy is to outline council's commitment to equality, dignity and respect in the workplace.

This Policy applies to all workers of Council and directly relates to and should be read with Council's EEO Management Plan.

3 POLICY

3.1 Young Shire Council's commitment to the policy of Equal Employment Opportunity (EEO) is demonstrated by the implementation of its EEO Management Plan, ensuring that all employment practices are conducted without discrimination. These employment practices include recruitment and selection, training and staff development, promotion, policies and procedures, and conditions of service. Council also demonstrates its commitment by ensuring that workers and contactors provide goods and services to the community in an equitable manner.

In meeting these responsibilities Council is committed to ensuring that, no worker, job applicant, or person in the process of receiving goods, services information and advice, will be treated less favorable on the grounds of their:

- race, colour, ethnic or ethno-religious backgrounds, descent or nationality
- marital status
- pregnancy
- disability (includes past, present or possible future disability)
- sexuality (actual or presumed) or sexual preference
- transgender (actual or presumed)
- age
- carer's responsibilities
- Physical or intellectual impairment

Potential exemptions from this section may be based on it being a genuine occupational qualification necessary for example, functional assessment for undertaking a Council position.

3.2 Council recognises that everyone has the right to be treated with respect and dignity at work. Harassment and workplace bullying have a serious impact on health, safety and wellbeing and will not be tolerated at Young Shire Council. All workers have the right to

a working environment that is free from discrimination, harassment and bullying. Council is committed to treating all complaints seriously and achieving effective resolution.

All staff will be encouraged to participate in the equal employment opportunity planning and implementation process through their representative on Council's Consultative Committee. To ensure all workers are informed of Council's policies on EEO related matters, an ongoing awareness program will be implemented which will include staff training.

4 DEFINITIONS

4.1 Equal Employment Opportunity (EEO)

Equal Employment Opportunity means that all decisions relating to employment and assignment of benefits are made on the basis of merit. Council values fairness and equity and requires that all decisions are fair and equitable, including recruitment, promotion, training, discipline and other work benefits including access to overtime, technology and equipment.

4.2 Unlawful discrimination.

Discrimination means treating someone unfairly because they belong, or are considered to belong, or have a characteristic that is considered to belong to a particular group of people.

For an action to amount to unlawful discrimination, it must relate to a prohibited ground or prohibited reason as defined by the relevant legislation.

Discrimination may be unlawful regardless of whether it is direct or indirect, intentional or unwitting.

4.3 Direct discrimination.

Direct discrimination is treating a person or group of people unfairly because of particular characteristics that relate to them or are considered to relate to them.

4.4 Indirect discrimination.

Indirect discrimination results from practices or requirements that may appear to be neutral but that result in a particular person or group being adversely affected.

4.5 Harassment

Any behavior that has the effect of offending, humiliating or intimidating the person at whom it is directed is considered harassment. It makes the work environment unpleasant and sometimes even hostile. If a person is being harassed then their ability to do their work is affected.

Sexual Harassment is unwanted, unsolicited and unreciprocated conduct of a sexual nature that may be an isolated incident or a series of incidents.

Racial Harassment is any act involving a distinction, exclusion, restriction or preference based on race, colour, religion, descent or national or ethnic origin of a person which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

Disability Harassment is discrimination or harassment in employment due to disability. This could include partial loss of bodily or mental function, malformation or disfigurement, disorder, illness or diseases.

4.6 Bullying

Workplace bullying is repeated, unreasonable behaviour, either obvious or hidden that intimidates, degrades, insults, humiliates or causes harm to an individual or group within a workplace and may include physical or psychological behaviour.

5. Legislation

Council recognises its responsibilities under the New South Wales Anti-Discrimination Act 1977 and associated legislation including the:

- Local Government Act 1993
- Commonwealth Disability Discrimination Act 1992
- Commonwealth Sex Discrimination Act 1984
- NSW Anti-Discrimination Act 1977
- Commonwealth Racial Discrimination Act 1975
- Human rights and Equal Opportunity Act 1987
- NSW Industrial Relations Act 1996
- Work Health and Safety Act 2011 and Regulation 2011
- Crimes Act 1996 (NSW)
- Common law (employers' duty of care).

Council is required to ensure that:

- Workers are not discriminated against
- Equal employment opportunities are promoted for members of EEO target groups including women, people from culturally diverse backgrounds, people with disabilities and people of Aboriginal or Torres Strait Islander descent: and
- It prepares and EEO Management Plan in accordance with the Local Government Act.

6. Responsibility

EEO Management Plan Council is responsible for taking reasonable steps for preventing discrimination, harassment and bullying. The General Manager is ultimately responsible for the implementation of the EEO Management Plan.

EEO Officer & EEO Contact Officer The General Manager has nominated the Human Resources Officer as the EEO Coordinator and Contact Officer who has the responsibility for the day to day coordination of EEO activities and the implementation of the EEO Management Plan

Role of the Consultative Committee The Consultative Committee is responsible to monitor the implementation of the EEO Management Plan and makes recommendations regarding the implementation of relevant strategies and policies.

The Committee is not responsible for managing complaints or grievances of a specific or individual nature.

The General Manager, Directors and Supervisors are required to lead by example and, as management representatives, have both a statutory and common law duty of care.

Workers also have responsibility for ensuring that they do not discriminate against, harass or bully other workers, delegates of Council, contractors, consultants, suppliers or members of the public.

Whilst members are responsible for their own behaviour, Directors and Supervisors are also accountable for ensuring that appropriate standards of conduct are maintained in the workplace and that discrimination, harassment and bullying are not tolerated. Council is liable for the behaviour of workers unless it can show it took reasonable steps to prevent the behaviour.

All parties are responsible for maintaining confidentiality when providing information or investigating complaints and are required to report any incidents in such a way to enable to effectively manage and resolve them.

Council requires all workers irrespective of their position, to contribute in a positive and productive way to ensure a workplace free of discrimination harassment and bullying.

7. Making Reasonable Adjustment

Legislation requires Council to make reasonable adjustment to cater to workers with specific needs to ensure discrimination does not occur. This means that when a person with a disability is considered the best person for the job, Council should provide reasonable facilities or services, or make changes to the position description.

Any adjustment or alterations that will enable the person with the disability to do the job must be made unless they impose an “unjustifiable hardship” on Council. The adjustments may include:

- A change of work practices or job design
- Modifications to equipment or premises; and
- Training and assistance.

Reasonable adjustment may mean:

- Swapping some duties between an worker with a disability and others on the team
- Adapting unusual equipment, or providing special equipment for an worker
- Allowing an worker with a disability to work flexible working hours to accommodate their needs
- Re-locating a work unit to a physically accessible area; and
- Accommodating different work practices in situations such as job interviews, competency assessments and/or other performance reviews.

Similarly, reasonable adjustment should be made for workers flexibility because of carer's responsibilities.

8. The Merit Principle

The merit principle is a central legal concept of equal employment opportunity. It demands that jobs, benefits and opportunities are offered based on the merit of those concerned rather than consideration of irrelevant factors. Following the merit principle involves:

- Ensuring job requirements are not discriminatory
- Advertising positions in a manner that attracts suitably qualified pools of applicants and
- Developing employment policies and practices which aim to eliminate bias and nepotism.

9. Commitment

Young Shire Council is committed to:

- A workplace free from discrimination, harassment and bullying;
- Mutual respect and equity in the workplace;
- Diversity and equity in the workforce at all levels;
- An inclusive and culturally sensitive work environment ; and
- The principles of merit appointment.

10. Failure to comply

A failure to comply with this Policy and associated procedures will be considered a breach of discipline and will be dealt with in accordance Council's Discipline Procedures under the New South Wales Local Government (State) Award 2007, except where summary dismissal is required.

10. Related Documents

- EEO Management Plan
- Work Health & Safety Policy

11. Reporting Requirements

Council is require to report EEO outcomes in its Annual Report

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