



PERSONNEL - POLICY – Equal Employment Opportunity (EEO)

Policy

Council is an Equal Employment Opportunity (EEO) employer. Council aims to employ the best people for the job and to ensure that all our employees have the opportunity to reach their full potential without fear of discrimination because of personal characteristics such as race, age or disability.

Objective

To ensure that all employees, present or potential receive fair and unbiased treatment in the workplace in all employment practices including recruitment and selection, training, development, promotion or any other benefits. All decisions in our workplace will be made fairly on the basis of merit. Council will only take into account things that are relevant to the job, such as your experience and expertise.

The merit principle will apply in assessing each person's skills and abilities against the needs of the job and disregarding unlawful personal characteristics which are irrelevant to the job.

Procedures

1. Equal Employment Opportunity

Under this policy, none of the following will affect decision making in our workplace:

- whether you are a man or a woman (your sex)
- the fact that you have a disability, including a physical disability or illness, a mental illness, an intellectual disability or learning disorder, disfigurement or infection by a disease carrying organism such as HIV
- your background (such as your race, colour, descent, nationality, national or ethnic origin, or ethno-religion)
- your age
- that you are responsible for the care of family members such as children, elderly parents or a person with a disability
- whether you are married or de facto, divorced or single (your marital or domestic status)
- that you are gay or lesbian
- that you are transgender
- that you are pregnant or breastfeeding
- your religion
- your physical appearance
- the fact that your family, friends or associates fall into one of these groups.

2. No Discrimination, Harassment or Vilification

Council will take all reasonable steps to prevent discrimination, harassment and vilification in our workplace or any other premises where our employees work. This includes both direct and indirect discrimination.

Direct discrimination

Direct discrimination is less favourable treatment in the same or similar situation because of a person's sex, disability, race, age and so on. For example:

- if a manager decides to give training opportunities only to employees under the age of 50, this is direct age discrimination
- if a supervisor decides to employ only men for a particular job, this is direct sex discrimination.

Direct discrimination often occurs because of assumptions about what people in a particular group are like, or what they can or can't do (stereotyping). For example:

- someone may think that it's a waste of time training older people because they are likely to retire, or they are not good at learning new things
- someone may think that women are not good at certain types of jobs.

Council will treat its employees as individuals, and not according to assumptions based on stereotypes.

Indirect discrimination

Indirect discrimination may occur when there is a rule or procedure that applies to everyone, but it may be harder for people in some groups to comply with it than it is for people who are not in those groups, and the rule or procedure is not reasonable in the circumstances.

For example, if management meetings are usually held outside business hours, it may be more difficult for people with young children to attend these meetings than it is for people who do not have young children. This might make it more difficult for people with young children to network or gain promotion, which could be indirect carer's responsibilities discrimination.

Council will ensure that processes and procedures do not disadvantage people because of their sex, disability, race and so on.

For further information regarding harassment, please refer to the following policy: PERSONNEL – POLICY – EQUAL EMPLOYMENT OPPORTUNITY (EEO) – Harassment, Bullying and Discrimination.

Harassment

Harassment is unwelcome behaviour that offends, humiliates or intimidates a person or group of people because of their sex, disability, race, age etc. For more information regarding harassment and the rights and responsibilities of staff and managers, please refer to the following policy: PERSONNEL – POLICY – EQUAL EMPLOYMENT OPPORTUNITY (EEO) – Harassment, Bullying and Discrimination.

Vilification

Vilification is any public act that could encourage hatred, serious contempt or severe ridicule of another person because of their race, homosexuality, transgender or HIV/AIDS status. Examples of public acts are posting statements on social media, speaking to a group of people and putting up posters or cartoons.

Further help and information about discrimination, harassment and vilification is available from Human Resources, as well as external agencies such as the Anti-Discrimination Board.

3. Fair Recruitment

Council recruits new employees on the basis of merit. Decisions will not be made because of a person's sex, disability, race, age, carer's responsibilities, marital or domestic status, homosexuality, transgender status, pregnancy or breastfeeding (or the sex, disability, race etc of their family or associates).

Council will not discriminate against job applicants in:

- the arrangements made for selecting employees;
- the process of selection, including interviews, aptitude tests etc;
- the terms and conditions on which the job is offered; or
- their access to benefits and opportunities.

Pre-employment medical and functional assessments required for positions, will only consider medical issues that are relevant to the job.

4. Fair Access to Workplace Opportunities and Benefits

Council will do its best to ensure that every employee has fair access to all workplace opportunities and benefits, and no one is put at a disadvantage because of discrimination.

Examples of workplace opportunities and benefits include:

- training and development opportunities
- promotions
- work allocation
- shifts, rosters, hours of work and overtime
- salary levels and packages
- leave arrangements
- pregnancy arrangements and maternity and parental leave
- performance assessment.

No one will be dismissed for discriminatory reasons. If redundancies become necessary, discrimination will play no part in who is made redundant, or who is offered voluntary redundancy.

5. Employees with Disabilities and Carers' Responsibilities

Council will not discriminate against job applicants or employees because they have a disability, an illness or responsibility for the care of a family member.

Council will try to ensure that any employee with a disability or illness is provided with the facilities or services they need to do the essential parts of their job — as long as it would not cause unjustifiable hardship for us to do this. For example, we may be able to provide special software or modify your seating arrangement.

Council will also assist employees to fulfil their carer's responsibilities by making reasonable adjustments to their working arrangements.

In deciding what facilities and adjustments can reasonably be provided for an employee, we will take into account:

- the employee's views and suggestions
- the cost
- the benefits to Council, the employee and other people
- the importance of having a fair and flexible workplace and
- the circumstances of the job and whether the changes are practical.

Anyone who needs temporary or long-term assistance with carer's responsibilities or a disability should talk with their supervisor or manager or contact Human Resources.

6. Overcoming Past Discrimination (Affirmative Action)

Some groups have been disadvantaged in the past, such as women, people from certain racial groups and people with a disability. Council is committed to removing barriers and developing the skills and confidence of people in these groups so that they are able to compete equally with everyone else. This is known as affirmative action.

Council will monitor our policies and procedures to ensure that we do not unreasonably exclude specific groups from employment or advancement. For example, a requirement that job applicants speak fluent English may not be fair if speaking fluent English is not a necessary part of doing the job safely and competently.

Affirmative action is not reverse discrimination. As stated earlier, all decisions about employment issues such as recruitment and promotions will be made on the basis of merit alone.

7. Equal Employment Opportunity Management Plan

Council has an EEO Management Plan in place. Under our plan, we will collect information about our workforce and use this to assess whether some groups are disadvantaged. For example, we will look at how our workforce is made up, who gets promoted, who applies for which jobs, and whether we have high staff turnover or absentee rates in some sections.

If we do identify that groups that are disadvantaged, we consider the reasons why this might be occurring and what we can do to address it. This will ensure that these groups have the same access to employment opportunities as everyone else, and make our workplace fairer for everyone.

As part of our equal employment opportunity plan, we will provide regular training for all employees on their rights and responsibilities in relation to equal employment opportunity.

To find out more about our EEO Management Plan please see Council's intranet or contact Human Resources.

8. What to Do if Discrimination, Harassment or Vilification Occur

Council needs to know as soon as possible if discrimination or harassment is occurring, so we can take action to stop it. If employees are being discriminated against or harassed, they should report it to their supervisor or Human Resources. Council's Grievance Resolution Procedure can also be used to raise any concerns or grievances.

For further information please see, PERSONNEL - POLICY - GRIEVANCES - Grievance Resolution.

9. What Will Happen if Discrimination, Harassment or Vilification Occur

Discrimination and harassment are serious forms of misconduct. If an employee has knowingly been responsible for discriminating against another employee or harassing them, there will be disciplinary action.

In these circumstances the procedures outlined in the following documents will be followed:

- PERSONNEL – POLICY – EQUAL EMPLOYMENT OPPORTUNITY (EEO) – Harassment, Bullying and Discrimination
- PERSONNEL - POLICY - GRIEVANCES - Grievance Resolution.

10. Victimisation

Victimisation is any ill-treatment, harm or adverse consequence for making a complaint, supporting someone else's complaint or even for being suspected of being involved in a complaint.

The fear of victimisation prevents many people from reporting discrimination or harassment. Council won't victimise its employees for speaking out and will not tolerate victimisation by anyone else. Any employee who experiences victimisation because of a complaint should report it immediately to their supervisor or to Human Resources.

Victimisation is a serious form of misconduct and may result in disciplinary action.

11. Responsibilities

Managers and Supervisors

It is part of the role of managers and supervisors to ensure that they adhere to all processes and procedures relating to EEO and that the risks associated with harassment, bullying, discrimination and vilification are minimised or eliminated in the workplace. Managers and supervisors must ensure that they do not engage in these types of behaviour themselves -- either of other employees, other managers or supervisors, or customers.

When managers/supervisors observe behavior that breaches any Council EEO policy, they should take steps to stop it and must take the appropriate and necessary action to deal with the matter.

Managers and supervisors are also responsible for ensuring that all staff are aware that harassment and bullying is not appropriate in the workplace and that complaints will be dealt with in accordance with the terms of Councils Grievance Resolution procedure.

Confidentiality must be maintained by Manager/Supervisors throughout all EEO processes.

If the manager or supervisor feels that he or she is not the appropriate person to be dealing with any EEO matter, he or she will refer the matter to someone from Councils Human Resources section.

Employees

Employees are legally obliged to ensure that they adhere to all processes and procedures relating to EEO and do not harass, bully, discriminate against or become involved in the vilification of other employees, managers, supervisors or customers of Council. Employees must also ensure that they do not encourage harassment, bullying, discrimination or vilification.

Employees must respect other people. We are all different with different views about what we find acceptable and what we don't. Each of us has the right to a workplace that feels safe.

If you become aware that someone you work with is being harassed, bullied, discriminated against or is experiencing vilification, you should discuss this matter with the person and tell someone.

Consultative Committee

Council's Consultative Committee will undertake the following tasks in relation to Equal Employment Opportunity. It will:

- represent a forum for consultation and employee concerns
- assist with the developing and reviewing of Equal Employment Opportunity policies and programs including specific strategies for Equal Employment Opportunity groups
- develop and monitor evaluation procedures
- consult with management about Equal Employment Opportunity administrative principle and plans and review its implementation periodically.

Equal Employment Opportunity requires participation and commitment from all staff.

References

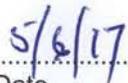
- Local Government (State) Award 2014
- Anti Discrimination Act 1977
- Disability Discrimination Act 1992 (Commonwealth)
- Grievance Procedures Guidelines – Anti-Discrimination Board NSW
- Guidelines for Managers and Supervisors - Anti-Discrimination Board NSW
- Disability Discrimination Act 1992 (Commonwealth)
- Upper Hunter Shire Council Code of Conduct
- Safe Work Australia – Guide for Preventing and Responding to Workplace Bullying.

This policy was adopted by Council at its meeting on 29 May 2017 and replaces the policy of the same title adopted by Council at its meeting held on 27 May 2013.

Review Date

May 2020 by Human Resources Manager

Authorised by: 
Waid Crockett, General Manager


Date