



# Equal Employment Opportunity Policy



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### Document Control

<b>Policy</b>	Equal Employment Opportunity Policy	<b>Policy Number</b>	TBA
<b>Author/Reviewer</b>	Executive Director Corporate and Community	<b>Review Period and Date</b>	Reviewed within 12 months of election/4 yearly - September

This policy shall be reviewed: -

- This policy shall be reviewed within 12 months of an election, and thereafter at four yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.
- Subject to the provisions of the Local Government Act and/or Regulation, this policy may be amended or cancelled by council at any time without prior notice or obligation to any person.

### Document History

Date	Status	Version	Resolution	Description
26 July 2017	Draft	0.1		Presented to Hilltops Council for adoption
26 July 2017	Final	1.0	17/190	Adopted



## 1. INTRODUCTION

Equal Employment Opportunity is a set of principles which Council is required to follow to ensure that all employees and potential employees are treated fairly in all aspects of their employment. This includes appointment to positions, benefits, training opportunities and/or career development opportunity within the organisation, ensuring people will be equally considered, based on their relevant skills and qualifications. It is the opportunity to compete with others and be fairly considered without being excluded by attitudes, practices, policies or procedures.

Council believes the implementation of an EEO Policy, and program will create a more productive workplace, where diversity is valued and will result in better services to the community.

This policy applies to all staff, contractors and volunteers. All staff are obliged to follow non-discriminatory practices in the workplace, and Council, as the responsible employer, is legally accountable for discrimination in employment matters.

This policy is consistent with existing policies and aims to strike a balance between work performance and good conduct, privacy and the rights of individual employees.

## 2. OBJECTIVE

The purposes of Council's EEO Policy are:

- To comply with the NSW Anti-Discrimination Act, and other State and Federal legislation
- To eliminate discrimination or harassment in employment that happens because of someone's race, religion, pregnancy, sex, marital status, physical or mental disability, homosexuality, age, transgender, or carers' responsibilities. These types of discrimination are against the NSW Anti-Discrimination Act.
- To promote equal employment opportunity for women, members of ethnic minorities, aboriginal and Torres Strait Islanders and people with a disability. Members of these groups have been discriminated against in the past historically, and so may require special extra measures to make sure that they have equal opportunities in all areas of employment.

In practical terms, a commitment to EEO means that staff selection must be accurate, fair, accountable and systematic, and appointments/promotions should be based solely on merit. Decisions about staff selection must be made on job-related criteria only.

Council's EEO programs aim to identify and eliminate barriers which may operate to exclude certain groups from the equal opportunity to be considered on their merits for employment, promotion and training. The policy also aims to eliminate all forms of workplace harassment and notes that some forms of harassment are against the law.

Note: Council has a separate Policy on harassment.

## 3. LEGISLATION AND OTHER REFERENCES

- *Equal Employment Opportunity Act (Commonwealth Authorities) 1987*
- *Anti-Discrimination Act 1977 (NSW)*
- *Local Government Act 1993 (NSW)*
- *Disability Discrimination Act 1992*



## 4. DEFINITIONS

**Discrimination** is unfair treatment. Discrimination may be direct, indirect or systemic.

- **Direct Discrimination** occurs when an action is taken, or a procedure or rule is applied based on the characteristics of a particular individual or group of people, when those characteristics are irrelevant to the situation (stereotyping). For example, excluding a group of people from consideration for a job because of their racial background is direct discrimination.
- **Indirect Discrimination** is where there is a rule, procedure or policy that appears to treat everyone equally, but whose effect has a disproportionate result. If the requirement is not 'reasonable' it will be indirect discrimination. For example, a requirement stating that an employee must be 180cm tall is likely to discriminate against women and some ethnic groups.
- **Systemic Discrimination** are rules or practices which result in different patterns of access to different jobs and different access to benefits or services. It is the result of both direct and indirect discrimination.

**Equal Employment Opportunity (EEO)** means that all employment and promotion decisions are made on merit.

**Merit** means assessing each person's skills and abilities against the needs of the job, and disregarding unlawful personal characteristics that are irrelevant to the job. Merit recognises experience gained both inside and outside formal employment.

**EEO Target Groups** as specified in the NSW Local Government Act are:

- Women
- Members of racial, ethnic or ethno-religious minority groups (including people from NESB)
- Aboriginal people or Torres Strait Islanders, and
- People with a disability

**Sex Discrimination** where someone is treated unfairly because they are female or because they are male. Sex discrimination includes pregnancy discrimination and sexual harassment.

**Marital Status** where someone is treated unfairly because they are married, single, de-facto, divorced, separated or widowed.

**Race Discrimination** where someone is treated unfairly because of their race, nationality, cultural background or ethno-religion.

**Aboriginal or Torres Strait Islander** is a person of Aboriginal or Torres Strait Islander descent, who identifies as Aboriginal or Islander, and is accepted as such by the Aboriginal or Islander community.

**Non-English Speaking Background (NESB)** refers to people who were born in a country where English is not the main language spoken, or to people born in Australia with one or both parents of non- English speaking background.

**Disability Discrimination** where someone is treated unfairly because they have a disability or because someone thinks they have a disability.

A disability includes;

- Physical disability
- Intellectual disability
- Psychiatric disability
- Learning disability
- Disfigurement or different formation of any part of the body
- The presence of an organism in someone's body that could make them sick



**Homosexual Discrimination** is where someone is treated unfairly because they are gay or lesbian or someone thinks they are gay or lesbian.

**Transgender Discrimination** is a term to describe anyone who lives, or wishes to live, as a member of the opposite gender to their birth gender. It may encompass under a broader definition anyone who presents or behaves ambiguously in relation to commonly accepted male / female gender expectations.

**Carers' Responsibilities Discrimination** is when employees with carers' responsibilities of the types listed in the Act are harassed or treated unfairly or differently because they have carers' responsibilities.

## 5. PRINCIPLES

Equal Employment Opportunity (EEO) is about:

- Fair practices in the workplace
- Management decisions being made without bias
- Recognition of, and respect for, the social and cultural backgrounds of all staff and customers
- Employment practices which result in staff satisfaction, commitment to the job, and the delivery of quality services to customers
- Improving productivity by guaranteeing that:
  - The best person is recruited and / or promoted
  - Skilled staff are retained
  - Training and development are linked to employee needs and customer needs
  - The workplace is efficient and free of harassment and discrimination

## 6. EQUAL EMPLOYMENT OPPORTUNITY (EEO) MANAGEMENT PLAN

Council will develop and maintain an EEO Management Plan. The purpose of the plan is to eliminate discrimination in the workplace.

The EEO Management Plan includes:

- Identification of policies and programs that will achieve the objectives of the EEO Policy.
- Development of strategies for communicating Council's policies and programs to staff.
- Undertaking the collection and recording of statistical or other information that may be needed to develop EEO programs, and to monitor their effectiveness.
- Review of personnel policies and practices to identify any discriminatory practices. Personnel practices may include recruitment techniques, selection criteria, training and staff development programs, promotion, transfer or separation policies and patterns, and conditions of service. Any new policies or practices that occur as a result of workplace reform should also be examined to ensure that they are non-discriminatory in their intent and effect.
- Setting goals and targets to measure the success of the plan in achieving the objectives under the EEO Policy.
- Determining other means to evaluate policies and programs under the EEO Policy.
- Regular review and amendment of the EEO Management Plan.
- The provision of resources to implement the requirements of the EEO Management Plan.
- The Management Plan will provide affirmative action programs for EEO groups when needed.
- Council's EEO Policy will be available to staff.
- The Manager Human Resources will report regularly to the General Manager on the EEO Management Plan and EEO achievements.
- EEO awareness training will be incorporated into management and supervision training. Staff will attend EEO awareness sessions, and EEO will be included in the Orientation Program for new staff.



- Staff participating on staff selection committees will be given training on staff selection, interview techniques and reporting.
- EEO responsibilities and accountabilities are to be included in job descriptions of all staff with management or supervisory responsibilities.
- The EEO Policy will be reviewed annually.

## 7. KEY RESPONSIBILITIES

### 7.1 General Manager

- Ensure that Council's EEO Policy and Program is implemented with Council.
- Ensure all staff comply with Council's EEO Policy, and within legal obligations, under relevant legislation.
- Ensure that management audits of the EEO Program are undertaken, on a regular basis, to ensure that the EEO Policy and Program continue to meet their objectives.

### 7.2 Manager – Human Resources

- Work with Directors and staff to develop and implement EEO policy and programs, including guidelines and best practice standards.
- Research EEO matters, including the establishment of an EEO Committee, and keep Council and management informed of developments in EEO.
- Provide statistical and other human resources information to allow Council to develop and monitor its EEO program.
- Integrate the EEO Policy and practices into human resources management practice and Council programs.
- Advise on grievance handling procedures, supported by the Workplace Grievance Policy & Procedures documents.
- Allocate sufficient funds to EEO training activities.
- Program EEO awareness training and other training for EEO groups.
- Assist with the development and review of personnel policies and procedures.

### 7.3 Directors / Managers

- Ensure that the EEO Policy and Program are implemented within their Directorates.
- Ensure that staff, with supervisory responsibilities, are aware of staff's rights and obligations under Council's EEO Policy, and under legislation.

### 7.4 All Staff

- Are responsible for upholding the EEO principles outlined in this Policy. However, specific responsibility lies with the line managers and Directors, to prevent discrimination, and promote equal opportunity in the workplace.
- Have the right to seek advice from the Anti-Discrimination Board.