

Scope

This Policy applies to all potential and current employees associated with Edward River Council.

Purpose

To ensure the principles of equal employment opportunity and anti-discrimination are promoted and adhered to in the workplace.

Definitions

Equal Employment Opportunity

Is the principle that ensures all staff and potential staff are treated equitably and fairly, regardless of their race, sex, marital or domestic status, transgender, age, disability, carers responsibility, homosexuality or sexual preference.

Discrimination

Treating a person or group less favourably or unfairly because they belong to a particular group, or are associated with a particular group of people. Discrimination in New South Wales can be on grounds of race, sex, marital or domestic status, religion, transgender, age, disability, carers/family responsibilities, homosexuality, or sexual preference and other Commonwealth grounds such as political/trade union affiliation. Harassment is also a form of discrimination.

Direct Discrimination is treating someone unfairly or unequally simply because they belong to a particular group or category of people. (E.g. Refusing to interview an applicant because of their race).

Indirect Discrimination is where there is a requirement (rule, policy, practice, procedure) that is the same for everyone, but that has an unequal or disproportionate effect or result on particular groups.

Unless this type of requirement is “reasonable in all the circumstances” it is likely to be indirect discrimination (eg. Laying off all part time staff. Given most part time employees are women, this would have a disproportionate effect on female staff).

Harassment

Any behaviour that has the effect of offending, humiliating or intimidating the person at whom it is directed is considered harassment. It can make 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 disease.

Bullying

Bullying is defined as one or more occurrences of treating an individual or group of people less favourably; including behaviour that humiliates, intimidates, offends or degrades a person and creates a physical or psychological risk to health and well being.

Target Groups

Groups who have been identified as experiencing high levels of discrimination and disadvantage in the workplace and for whom EEO strategies are developed to address these disadvantages: The Local Government Act (1993) currently identifies target groups as women, people from non-English speaking backgrounds, Aboriginal and Torres Strait Islander peoples and people identified with special needs (disability).

Worker (employee)

A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- An employee; or
- A contractor or subcontractor; or
- An employee of a contractor or subcontractor; or
- An employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- An apprentice or trainee; or
- A student gaining work experience; or
- A volunteer.

Legislative Requirements

- NSW Anti-Discrimination Act 1977
- Racial Discrimination Act 1975
- Sex Discrimination Amendment (Sex Orientation, Gender Identity & Intersex Status) Act 2013
- Commonwealth Disability Discrimination Act 1992
- Australian Human Rights Commission Act 1986
- Commonwealth Racial Discrimination Act 1975
- Occupational Health and Safety Act 2000
- Age Discrimination Act 2004

Policy Statement

The Edward River Council (Council) is committed to providing a workplace that is free of discrimination, by continuing to promote diversity and fostering an environment where all employees have positive working relationships with other staff.

Council is committed to ensuring current and future employees of 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.

All instances of alleged discrimination/bullying/harassment will be treated seriously, quickly and confidentially, with any subsequent investigations to be conducted fairly and impartially. Any person making an allegation/complaint will not be victimised in any way.

To promote EEO within Edward River Council, the Edward River EEO Management Plan 2017-2020 has been developed and is Council's formal commitment to a workplace culture that promotes diversity and inclusiveness and builds respect for all our employees.

Policy Version Control

Policy Title	Equal Employment Opportunity (EEO) Policy
Policy No.	5.3.1
Department	Corporate Services
Function	People and Safety
Policy Group	Employee Policies
Responsible Officer	Director Corporate Services
Version	1
Adopted	
Next revision	March 2020

Associated Policies and Procedures

Work Health and Safety Policy

Code of Conduct

Edward River EEO Management Plan 2017-2020