



## Policy

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### 27 EQUAL EMPLOYMENT OPPORTUNITY

File Reference No:	27.121.2
Strategic Outcome:	Good government
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Date for Review:	16/04/2016
Responsible Officer:	Enterprise and Risk Manager

#### 1. POLICY STATEMENT

Berrigan Shire Council has a statutory obligation and is committed to the principles of Equal Employment Opportunity (EEO) and ensuring employment practices and workplace decisions are fair and free from discrimination. This policy is developed in line with legislation, and Council's Social Justice Framework.

#### 2. PURPOSE

The purpose of this policy is to outline the Berrigan Shire Council's commitment to EEO, ensuring Council's procedures and processes are fair and do not disadvantage people because they belong to marginalised groups (EEO target groups).

#### 3. SCOPE

This policy applies to all Berrigan Shire Council workers including volunteers, work experience students, contractors and prospective job applicants. Equal Employment Opportunity applies to:

- Access to employment
- Conditions of employment
- Workplace decisions
- Performance evaluation
- Training and career development opportunities

#### 4. OBJECTIVE

This policy is designed to assist the Council to meet the following Delivery Plan objective:

*2.2.2 Council operations support ethical, transparent and accountable corporate governance.*

#### 5. DEFINITIONS

**Direct Discrimination** is when an employer takes "adverse action" against an employee because of such things as their race, colour, sex or age. For example, an



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employee tells her employer that she is pregnant and will be soon taking her entitled parental leave; and her employer terminates her employment because she is pregnant.

**Equal Employment Opportunity** refers to the principle which ensures that all employees and potential employees of Council are treated equitably and fairly, regardless of their race, sex or disability. Everyone has an equal chance when applying for jobs or promotions, training opportunities and in their working conditions.

**EEO Target Groups** are those people belonging to groups identified as Aboriginal and Torres Strait Islanders; people who have migrated to Australia and whose first language is a language other than English, and the children of those people; people who have or have had a disability; and women.

**Indirect Discrimination** is less obvious than direct discrimination. It is when a work requirement, condition or practice seems the same for all staff, but actually disadvantages certain people because of such things as a disability, their race, colour, sex, age. To be discrimination, the work requirement must also be unreasonable. For example, to pass probation for an office job, all new employees must pass an eye test, even though first rate vision is not needed for the role. An employee has vision impairment and fails the probation because he can't pass this test.

**Social justice** is about inclusivity and fairness. It is based on four interrelated principles of equity, rights, access and participation. In the workplace, it is based on the idea that all people should be able to compete for employment or opportunity on the basis of their ability to do the job. In particular, it is about being more inclusive and focusing on those groups most likely to be marginalised or in vulnerable situations such as Aboriginal and Torres Strait Islanders, people from culturally and linguistically diverse backgrounds, people with disabilities, older people, women and young people.

**Systemic Discrimination** is widespread and long-term. It happens to a group of people because of a shared characteristic such as disability, race or sex. It is often part of a workplace policy, practice or culture. For example, it is workplace policy that anybody who wishes to be promoted must attend training in the evenings and on the weekends. This is likely to disadvantage people with family or carer's responsibilities.

## 6. POLICY IMPLEMENTATION

### 6.1 Council Responsibilities

Council is responsible for ensuring:

- All staff selection and appointments are based on merit;



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- Workplace conditions and career opportunities are fair and equitable;
- All employees are given assistance to achieve their full potential with respect to their positions;
- That the workplace is free from unlawful discrimination;
- Equity of access to training and career development.

### Staff

Whilst staff have rights they also have responsibilities to ensure:

- They work to the best of their ability and in line with Council's Values and Code of Conduct;
- The skills and talent of other staff members are recognised, and actions are taken to prevent discrimination of others in the workplace;
- The differences amongst fellow workers and customers such as cultural and social diversity are respected;
- All people are treated fairly.

### Managers and Supervisors

Whilst Managers and Supervisors are afforded the same rights as all staff members, they have additional responsibilities to ensure:

- That all work practices and behaviours are fair;
- The work environment is free from all forms of unlawful discrimination;
- Employees are consulted on decisions that affect them;
- All employees are provided with equal opportunity to be considered for available jobs, higher grade duties, job rotation schemes and flexible working arrangements;
- Selection processes are transparent and the methods used are consistent.
- All employees are provided with equal access to fair, prompt and confidential processes to deal with complaints and grievances;
- All employees are given equal access to relevant training and development opportunities;



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- That the training and development needs of EEO Target Groups are identified, and assistance is provided to help them gain access to training and development opportunities;
- Participate in learning opportunities and seek feedback to help manage staff effectively;
- Address actions in the EEO Management Plan to achieve specific EEO outcomes;

### 6.2 EEO Management Plan

The requirement for EEO Management Plans is set out in the *NSW Local Government Act 1993*.

The EEO Management Plan outlines Council's objectives in achieving legislative compliance and to eliminate discrimination in the workplace. It is a dynamic program of action to achieve EEO outcomes which will be reviewed and reported on annually.

### 6.3 Breaches of Policy

It is Council's responsibility to ensure that EEO practices are adhered to and any incidents of discrimination are addressed. Reports of incidents relating to discrimination will be handled in accordance with the Berrigan Shire Council's Discrimination, Workplace Bullying and Harassment Policy.

## 7. RELATED POLICIES OR STRATEGIES

*Work Health and Safety Act 2011*

*Work Health and Safety Regulations 2011*

*Fair Work Act (Cwealth) 2009*

*NSW Anti-Discrimination Act 1977*

*Sex Discrimination Act 1984*

*Disability Discrimination Act 1992*

Local Government (State) Award 2010

Berrigan Shire Council Code of Conduct

Berrigan Shire Council Social Justice Framework

Berrigan Shire Council Workforce Development Plan

Berrigan Shire Council Privacy Management Plan

Berrigan Shire Council Equal Employment Opportunity Management Plan

Discrimination, Workplace Bullying and Harassment Policy

Work Health and Safety Policy

Employee Assistance Program Policy



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Internal Reporting Policy  
Social Media Policy