



## EQUAL EMPLOYMENT OPPORTUNITY POLICY

Strategic Outcome:	Good government	
Date of Adoption:	18 November 2020	Minute Number: 277
Date for Review:	20 November 2024	
Responsible Officer:	Director Corporate Services	
Document Control:	Replaces and revokes the Equal Employment Opportunity Policy adopted 16 April 2014.	
Delivery Program Link:	2.1.3. Council operations and financial management support ethical transparent and accountable corporate governance	

### 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 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 relates to all Berrigan Shire Council workers including volunteers, work experience students, contractors and prospective job applicants. EEO applies to:

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

### 4. DEFINITIONS

*Disability*, under the *Disability Discrimination Act 1992*, is defined as:

- The total or partial loss of the person's bodily or mental functions; or



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- Total or partial loss of a part of the body; or
  - The presence in the body of organisms causing disease or illness; or
  - The presence in the body of organisms capable of causing disease or illness; or
  - The malfunction, malformation or disfigurement of a part of the person's body; or
  - A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
  - A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour, and includes a disability that:
    - Presently exists; or
    - Previously existed but no longer exists, or
    - May exist in the future (including because of a genetic predisposition to that disability); or
    - Is imputed to a person.

It also includes behaviour that is a symptom or manifestation of the disability.

**Diversity**, according to the Diversity Council of Australia refers to the mix of people in an organization, that is, all the differences between people in how they identify in relation to their:

- Social Identity e.g. Aboriginal and/or Torres Strait Islander background, age caring responsibilities, cultural background, disability status, gender, religious affiliation, sexual orientation, gender identity, intersex status, and socio-economic background.
- Professional Identity e.g. profession, education, work experiences, organizational level, functional area, division/department, and location.

**Equal Employment Opportunity (EEO)** means equitable access to jobs and benefits and services for all employees and prospective employees in the workplace. EEO aims to ensure fair and equitable outcomes in all areas of employment which relate to recruitment, selection, access to information, supervision and management.

EEO is about:

- Fair practices in the workplace;
- Management decisions being made without bias;
- Recognition and respect for the social and cultural backgrounds of all staff and customers;
- Employment practices which produce staff satisfaction, commitment to the job and delivery of quality services to customers;
- Improving productivity by guaranteeing that:
  - Skilled staff are retained



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- Training and development are linked to employee needs and customer needs; and
  - The workplace is efficient and free from harassment and discrimination.

**Inclusion**, according to the Diversity Council of Australia refers to getting the mix of people in an organization to work together to improve performance and wellbeing. Inclusion in a workplace is achieved when a diversity of people (e.g. ages, cultural backgrounds, genders, perspectives) feel that they are:

- Respected for who they are and able to be themselves
- Connected to their colleagues and feel they belong
- Contributing their perspectives and talents to the workplace; and
- Progressing in their career at work (i.e. have equal access to opportunities and resources)

**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.

## 5. POLICY IMPLEMENTATION

### 5.1 Responsibilities

Council is responsible for ensuring:

- All staff selection and appointments are based on merit;
- Workplace conditions and career opportunities are fair and equitable;
- All employees are given assistance to achieve their full potential with respect to their positions;
- The workplace is free from unlawful discrimination;
- Equity of access to training and career development.

#### Workers

Whilst workers 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 workers are recognised, and actions are taken to prevent discrimination of others in the workplace;



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- The differences amongst fellow workers and customers such as cultural and social diversity are respected;
  - All people are treated fairly.

#### Managers/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;
- 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 Plan to achieve specific EEO outcomes.

### **5.2 EEO Plan**

The requirement for the Council to establish an EEO Plan is included in the *NSW Local Government Act 1993*.

The EEO Plan outlines Council's objectives towards achieving legislative compliance, eliminating discrimination in the workplace, and building a culture of diversity and inclusivity. The EEO Plan is reviewed, with outcomes reported annually in Council's Annual Report.

### **5.3 Breaches of Policy**

It is Council's responsibility to ensure the 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 Council's Discrimination, Workplace Bullying and Harassment Policy.

## **6. RELATED LEGISLATION, POLICIES AND STRATEGIES**

- Disability Discrimination Act 1992
- Fair Work Act (Cwealth) 2009
- NSW Anti-Discrimination Act 1977



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- NSW Local Government Act 1993
  - Sex Discrimination Act 1984
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulations 2017
  - Local Government (State) Award 2020
  - Berrigan Shire Council Code of Conduct
  - Berrigan Shire 2027: Workforce Management and Development Plan 2017-2021
  - Berrigan Shire Council Social Justice Framework
  - Berrigan Shire Council Privacy Management Plan
  - Berrigan Shire Council Equal Employment Opportunity Plan
  - Discrimination, Workplace Bullying and Harassment Policy
  - Employee Assistance Program Policy
  - Internal Reporting Policy
  - Salary Policy
  - Social Media Policy
  - Training and Development Policy
  - Work Health and Safety Policy
  - Berrigan Shire Council Human Resource Manual