

Wagga Wagga City Council

EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

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RESPONSIBLE MANAGER	Manager People and Culture		
RESPONSIBLE DIRECTOR	General Manager		
<p>This document is to be reviewed: every four years or in the first 12 months of the new term of Council, whichever is the earliest. Next review date: September 2020</p>			
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1	24 May 1993	Res No: 93/732	24 May 1993
2	22 February 1999	Res No: 99/242	22 February 1999
3	25 September 2000	Res No: 00/1155	25 September 2000
4	26 May 2003	Res No: 03/412	26 May 2003
5	23 August 2004	Res No: 04/243	23 August 2004
6	27 July 2009	Res No: 09/077	27 July 2009
7	25 May 2011	Res No: 11/117.4	25 May 2011
8	January 2013	E-Team	30 April 2013
9	August 2013	Res No: 13/224.1	26 August 2013
10	April 2015	Res No. 15/096	24 April 2015
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PART 1: INTRODUCTION

The Wagga Wagga City Council (Council) has a legislative obligation to ensure the principles of equal employment opportunity and anti-discrimination are promoted and adhered to in the workplace. Discrimination in employment and in the supply of goods and services is unlawful under Commonwealth and New South Wales legislation.

Council is committed to ensuring prospective and current workers 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.

The Local Government Act 1993 (as amended) requires Council to prepare and implement an Equal Employment Opportunity Management Plan to eliminate and ensure the absence of discrimination on specified grounds and to promote equal opportunity for women, members of racial minorities and persons with disabilities within Council. The Workplace Diversity Strategy 2015-2018 is Council's formal commitment to a workplace culture that promotes diversity and inclusiveness, build respect and recognises the true potential of all our employees.

1.1 Policy Objectives

This Policy aims to:

1. Demonstrate Council's commitment to the principles of equal employment opportunity and anti-discrimination; and
2. Ensure Council meets its statutory obligations in relation to equal employment opportunity and anti-discrimination.

1.2 Scope of Policy

This Policy applies to all potential and current workers associated with Wagga Wagga City Council.

1.3 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	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	<p>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.</p> <p>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 workers are women, this would have a disproportionate effect on female staff).</p>
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	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	<u>Racial Harassment</u> 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.

<p>Disability Harassment</p>	<p>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.</p>
<p>Bullying</p>	<p>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.</p>
<p>Target Groups</p>	<p>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).</p>
<p>Worker</p>	<p>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:</p> <ul style="list-style-type: none"> • 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

1.4 Legislative Context

- NSW Local Government Act 1993 (as amended)
- NSW Anti-discrimination Act 1977
- Disability Discrimination Act 1992
- Sex Discrimination Act 1984
- Racial Discrimination Act 1975
- NSW Industrial Relations Act 1996
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Work Health & Safety Act 2011
- Workplace Relations Act 1996
- Equal Employment Opportunity Act 1987
- Local Government (State) Act 2014 (as amended)

1.5 Related Documents

- Workplace Diversity Strategy 2015-2018
- POL080 Work Health and Safety Policy
- CS.WHS.35 Preventing and responding to bullying procedure
- Code of Conduct
- OPS013 Recruiting and Operating Standard

1.6 Reporting Requirements

Council is required to report EEO outcomes in its Annual Report.

PART 2: POLICY CONTENT

2.1 General Provisions

2.1.1 *Commitment*

The Wagga Wagga City Council is committed to providing:

- A workplace free from discrimination, harassment and bullying;
- An organisational culture which supports mutual respect and equality in the workplace;
- A workplace which values and supports diversity and equity at all levels;
- An inclusive and culturally sensitive work environment; and
- A workplace which values the principles of merit appointment.

2.1.2 *Failure to comply*

Failure to comply or breach of this Policy will be dealt with in accordance Council's Grievance Management Process and Discipline Procedures under the New South Wales Local Government (State) Award 2014, except where summary dismissal is required.