



Bayside Council

Serving Our Community

Equal Employment Opportunity Policy

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Equal Employment Opportunity Policy
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1 Introduction

1.1 Background

Bayside Council “Council” is committed to Equal Employment Opportunity (EEO) – not only to comply with legislation – but to contribute towards a positive, discrimination free workplace and organisational culture that leads to the provision of quality customer service by staff. EEO can improve workplace culture and customer service by providing:

- Greater efficiency through the recognition and use of the range of skills of all Council staff;
- Improved productivity by reducing workplace conflict and assisting staff to balance their work and family responsibilities;
- An ability to understand community needs by reflecting the diversity of the community our workforce provides service to.

This policy and associated plan aims to create a pathway for women, members of racial minorities and persons with disabilities to become Council employees. Furthermore, this policy and the associated plan aims to maintain the employment of the above people, providing continued professional development and opportunities for career growth.

This policy is in accordance with the requirements set out in Chapter 11, Part 4 of the Local Government Act 1993. This policy should be read in conjunction with Council’s *Prevention of Workplace Bullying & Harassment Policy* and *Equal Employment Opportunity Management Plan 2017 – 2020*.

1.2 Definitions

The definitions of certain terms within this policy are:

Equal Employment Opportunity

Equal Employment Opportunity is the right to be considered for a job, training opportunity or other benefit, for which a person is skilled or qualified - regardless of personal characteristics such as gender, race, religion, disability, sexual preference or carer’s responsibilities.

Merit Based Recruitment and Selection

In accordance with the Local Government Act, the merit of people eligible for appointment is to be determined according to the nature of the duties of the position and the abilities, qualifications, experience and standard of work performance of those persons relevant to those duties.

Disability

In accordance with the Disability Discrimination Act 1992, disability refers to:

- Total or partial loss of the person’s bodily or mental functions; or
- 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 judgment or that results in disturbed behaviour.

Racial Minority Group/ EEO Target Group

In accordance with the Anti-Discrimination Act 1977, a racial minority group is a group of people that are differentiated based on the following characteristics:

- Colour; and / or
- Nationality; and / or
- Descent and ethnicity; and / or
- Ethno-religious or national origin.

In addition to the Anti-Discrimination Act 1977 definition, Council includes the following groups as EEO Target Groups:

- Indigenous and Torres Strait Islander people; and
- Women; and
- People from a non-English speaking background; and
- People who identify as LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex); and
- People under the age of 25.

Respondent

Refers to an employee whose action and/or behaviour is the subject of a complaint.

Complainant

Refers to an employee who is making a complaint against another employee.

Additional definitions as it relates to EEO can be found in Council's *Prevention of Workplace Bullying & Harassment Policy*.

1.3 Policy Statement

Council is committed to the principles of EEO to ensure that employees and prospective employees are selected, promoted, developed and treated on the principles of merit as defined in the Local Government Act 1993. Council is dedicated to providing a workplace free from bias or discrimination of any form.

1.4 Scope of Policy

This policy applies to all staff (permanent, fixed-term or casual) and all contractors engaged by Bayside Council. Bayside Council also expects organisations performing work on behalf of Council to also adhere to the principles of Equal Employment Opportunity.

2 EEO Management Plan Focus Areas

2.1 Summary of EEO Management Plan Focus Areas

The four focus areas of Council's EEO Management Plan were developed to address current and projected future employment, succession and development needs. The EEO focus areas are as follows:

- 1 Focus on recruitment and selection of EEO Target Groups.
- 2 The retention and professional development of EEO Target Groups.
- 3 A workplace free from discrimination, harassment and bullying.
- 4 A workplace culture that displays fair practices and behaviours.

3 Policy Implementation

3.1 Policy Responsibilities

Council's EEO Policy places responsibilities on all staff including management and executive officers, to behave in a manner that is non-discriminatory and does not harass others. Council staff and contractors are expected to ensure that the spirit and intent of this policy, and related documents are adhered to across the organisation.

Staff have an obligation to report to their Supervisor/ Manager any behaviour they consider to be contradictory to this policy or any related documents.

Note: In instances where approaching your Supervisor/ Manager may be inappropriate, employees are encouraged to contact the People & Organisation Culture Team.

3.2 Policy Communication

Council aims to communicate this policy and the associated EEO Management Plan to employees in the following ways:

- Council on-boarding/ induction process.
- Team and toolbox meetings
- Through consultation with Council's Staff Consultative Committee.
- Via Council's periodic newsletter accessible to all staff.

3.3 Procedures

Procedures that support this policy, may be approved by the Manager People & Organisation Culture from time to time to address particular issues that may arise prior to the next policy review.

The General Manager with Council's Executive Team holds the authority to approve the associated EEO Management Plan and monitor its implementation and success.

3.4 Breaches

Alleged breaches of this policy and/ or related policies including, but not limited to, Council's *Prevention of Workplace Bullying & Harassment Policy* may result in a number of actions including:

- The respondent been advised by their Manager/ direct supervisor of any unacceptable behaviour;
- An investigation (internal or external) into the nature of the alleged behaviour of the respondent to determine if further action is required by Council;
- Application of the Local Government (State) Award's *Disciplinary Procedure*, which may result in the termination of employment.

4 Document control

4.1 Review

This policy will be review in line with the review of Council's EEO Management Plan every three (3) years.

Where a non-significant and/ or minor amendments are required, the Manager People & Organisation Culture may approve such changes after consultation with Council's Staff Consultative Committee.

4.2 Related documents

Council's EEO policy and practices are based on a range of statutes including:

- Local Government Act 1993
- Local Government (State) Award
- NSW Anti-Discrimination Act 1977
- NSW Disability Act 1993
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Human Rights and Equal Opportunity Commission Act 1986
- Industrial Relations Act 1986
- Disability Discrimination Act 1992
- Equal Opportunity for Women in the Workplace Act 1999
- Work, Health & Safety Act 2012

In addition, Council has a number of policies that are relevant to this EEO Policy including:

- Prevention of Workplace Bullying & Harassment Policy
- Disciplinary Policy & Procedure
- Grievance Policy & Procedure
- Code of Conduct
- Recruitment & Selection Policy

4.3 Version history

Version	Release Date	Author	Reason for Change
1.0	28/11/2017	Manager People & Organisational Culture	New Document