



# Equal Employment Opportunity (EEO) Policy

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Division/Department:	Corporate Services/Organisational Development & Human Resources
Responsible Officer:	Human Resources Coordinator
HPE CM Record Number:	18/185363

## 1 Policy Statement

### Introduction

The [Anti-Discrimination Act 1977](#) makes it unlawful to discriminate in employment, education and the delivery of goods and services, and promotes equality of opportunity between all people.

### Our Policy

Woollahra Council is committed to ensuring our workplace is free of discrimination and harassment. Council is dedicated to providing a pleasant and safe working environment and encouraging good working relationships between all employees.

Council will endeavour to ensure that in the application of all Council policies, practices and procedures, no discrimination takes place, diversity is encouraged, and that all employees enjoy equal access to opportunities within the Council. All recruitment, selection and employment decisions will be based on the individual merit of applicants and employees.

## 2 What is Equal Employment Opportunity?

Equal Employment Opportunity (EEO) is a positive way of describing the absence of discrimination in the workplace. This means that employment decisions, including recruitment, selection, opportunities and employment conditions, will not be made on the basis of irrelevant characteristics such as a person's age, sex, marital status, race, colour, pregnancy, sexuality, religion, political belief, impairment or disability or association with a person(s) having such characteristics. Basing decisions on these characteristics is both unfair and unlawful.

In order to ensure EEO, employment decisions at Council are made on the basis of individual merit of the employee or applicant on such attributes as skills, knowledge and experience and recognising that having a diverse workforce can enhance the performance of the Council.

EEO also means the absence of harassment in the workplace. Under Federal and State legislation, unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, sex, disability, or sexual preference. It can also happen if someone is working in a 'hostile' or intimidating environment. This is often described as workplace bullying.

### 3 Definitions

Term	Meaning
Discrimination	<p>Treating people less favourably because of their:</p> <ul style="list-style-type: none"> <li>• Sex</li> <li>• Pregnancy</li> <li>• Race (including colour, nationality, descent, ethnic or ethno-religious background)</li> <li>• Religion</li> <li>• Marital status</li> <li>• Disability (actual or presumed; current past or future; physical intellectual or psychiatric disability or long-term illness)</li> <li>• Age</li> <li>• Homosexuality (actual or presumed)</li> <li>• Transgender status (actual or presumed)</li> </ul>
Direct Discrimination	<p>When a person or group is specifically excluded from or have significantly reduced chances of gaining a benefit or opportunity.</p>
Indirect Discrimination	<p>A requirement (a rule, policy, practice or procedure) that is the same for everyone but has an effect or result that has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is “reasonable having regard to all of the circumstances”.</p>
Harassment	<p>Behaviour that is unwanted, unwelcome, intrusive, offends, embarrasses or frightens someone, that is either sexual or targets them because of their race, ethno-religion, sex, pregnancy, marital status, disability, age, homosexuality or transgender. It may range from unpleasant comments to physical violence. Harassment could be directed towards an individual or a group of people.</p>
Workplace Bullying	<p>Repeated, unreasonable behaviour directed toward a person or a group of people that creates a risk to health and safety. Bullying can be seen as psychological violence and/or physical violence, and can include:</p> <ul style="list-style-type: none"> <li>• Persistent and repeatedly aggressive behaviour that makes someone feel victimised, intimidated or humiliated</li> <li>• Any physical abuse</li> <li>• Repeated verbal abuse, including yelling, screaming, personal comments, offensive language, sarcasm</li> </ul>

	<ul style="list-style-type: none"> <li>• Vindictive, offensive, cruel or malicious behaviour</li> <li>• Removal of status and authority if it's being done in an underhand or devious manner</li> <li>• Repeatedly having impossible deadlines, workload or pressure; being given meaningless tasks; being set up to fail</li> <li>• Persistent unjustified criticism, constantly being 'singled out' or targeted for practical jokes or gossip</li> <li>• Gender or racial discrimination, sexual harassment</li> <li>• Deliberately being ostracized, isolated or ignored</li> <li>• Frequently withholding important information or resources or supplying the wrong information and resources</li> <li>• Having personal belongings, tools or equipment hidden or tampered with</li> <li>• Initiation practices</li> </ul>
Unreasonable Behaviour	Behaviour that goes beyond a one-off disagreement, if it increases in intensity and becomes offensive or harmful to someone.
Repeated	Refers to the persistent nature of the behaviour, not the specific form the behaviour takes. Behaviour is considered 'repeated' if an established pattern can be identified. It may involve a series of diverse incidents – for example verbal abuse, deliberate damage to personal property and intimidation and frequently withholding important information or resources.

#### 4 Council's Responsibilities

Council will ensure that all Managers are sufficiently trained in effectively managing workplace discrimination and harassment, and are conversant and up-to-date with Equal Employment Opportunity law and legislation.

Council will ensure that its Equal Employment Opportunity Policy is available and communicated to and understood by all existing employees.

As part of New Employees Induction Program, Council will ensure that all new employees are advised of the Equal Employment Opportunity Policy, the standards expected of them, and the procedures for making a complaint.

## **5 Manager and Supervisor Responsibilities**

All Managers, Supervisors and Team Leaders are responsible for:

- Recruiting, training and developing employees on the basis of merit and performance, and free from any discriminatory assumptions
- Ensuring that all Human Resources practices are applied fairly, consistently and without bias
- Role-modelling non-discriminatory behaviour and practices within the workplace at all times
- Regularly monitoring the working environment to ensure that it is free from sexually explicit or offensive material
- Responsibly acting upon any behaviour within the working environment that may be construed as discriminatory or sexual harassment
- Confidentially dealing with any grievances or complaints that an employee may come to them about
- Appropriately recording all matters according to the EEO procedure

## **6 Employee Responsibilities**

All Council employees are responsible for:

- Conducting themselves in non-discriminatory manner at all times in the workplace
- Not tolerating any form of harassment or discrimination and for notifying the relevant manager or director should such circumstances arise
- Attempting, (wherever practical) to amicably resolve any personal harassment or discrimination matter with the individual or group of people involved, prior to notifying their manager or Human Resources
- Understanding, respecting and applying Council's Equal Employment Opportunity Policy and the bullying, harassment and discrimination prevention principles

## **7 Equal Employment Opportunity (EEO) Management Plan**

Council is committed to developing and maintaining a comprehensive program that ensures equal employment opportunity for all employees.

## **8 Discrimination, Harassment & Bullying**

Council considers discrimination, harassment or bullying unacceptable forms of behaviour that will not be tolerated under any circumstances, whether at work, attending a conference, work function, Christmas party, business or field trip. All employees have the right to work in an environment free of discrimination, harassment and bullying.

## 9 Reporting Discriminatory Behaviour, Harassment or Bullying

Any employee, who believes that they have been subject to actions that may be discriminatory or that constitute unwelcome sexual or physical harassment or bullying, should act upon this behaviour as soon as possible.

In the first instance the aggrieved employee should, wherever practical, attempt to amicably resolve the matter with the employee(s) or manager(s) involved. Please refer to Council's Conflict Resolution Guidelines for assistance.

Where the alleged behaviour involves the employee's direct Manager or it is not practical for the employee to directly resolve the matter, they shall immediately notify either their Director or Human Resources.

For further details on complaints or grievances, see the complaints and grievance policy and procedure.

## 10 Disciplinary Action

Any employee, management, supervisor or team leader identified as engaging in either discriminatory practices or harassment or bullying of another employee will be subject to disciplinary action that may include termination of employment.

Woollahra Council will not retaliate against any employee for filing a discrimination or harassment or bullying complaint, or for participating in any investigation. Council will not tolerate or permit retaliation by any employee, management, supervisor or team leader.

## 11 Related Policies and Procedures

	HPECM Reference
Conflict Resolution Guidelines	19/18653
Grievance and Dispute Handling Policy	18/172702

This Policy will be reviewed two years or as required in the event of legislative changes. This Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

Any amendment to this Policy must be by way of the approval of the General Manager.

## Policy Amendments

Date	Responsible Officer	Description