



## Council Policy – Equal Employment Opportunity

<b>Responsible Directorate</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit/s</b>	Organisational Development
<b>Responsible Officer</b>	Manager Organisational Development
<b>Affected Business Unit/s</b>	All

### Objective

The Shire recognises their legal obligations under the *Equal Opportunity Act 1984*, in relation to anti-discrimination legislation and ensures that all employment practices will follow the criteria for providing employment opportunities that are based solely on the principle of merit and equity.

The Shire prohibits discrimination of any type and ensures equal opportunities to employees and applicants without regard to race, age, sex, marital status, pregnancy, political conviction, religious conviction, impairment, family responsibilities or family status, sexual orientation, gender history or any other characteristic covered by law.

### Scope

This policy applies to all elected members, the Chief Executive Officer (CEO), and all employees at the Shire, and where relevant, those performing work (paid and unpaid) for the Shire, including but not limited to direct employees, contractors, labour hire, volunteers and those performing work through a third party.

### Policy Statement

Council and the Shire affirm its commitment to the principles of equal employment opportunity (EEO).

### The Shire's commitment

EEO at the Shire means the Shire will ensure that all policies, procedures, and actions reflect and value the social and cultural diversity within the Shire and the community it serves through:

- Structured recruitment and selection policies that are designed to select the best candidate based solely on qualifications, skills, competency and experience.

- The implementation and constant monitoring of EEO policies to ensure that social and cultural backgrounds, including any disabilities of all members of the organisation and customers are recognised and respected.
- Learning and development opportunities are linked to the future needs of the Shire.
- The adherence to the Shire's organisational values that support our commitment to respect, fairness, dignity, diversity, and equity.
- Implementation and constant monitoring of a zero-tolerance approach, identifying the responsibilities of all contractors, employees, managers, directors, the CEO and elected members of their rights and responsibilities in respect of EEO.
- Provision of equal employment opportunity by making decisions concerning all members of the organisation based on merit and fairness only.
- The requirement that all employees are required to participate in EEO training and managers, line supervisors, directors and the CEO receive formal training on managing EEO complaints and understanding the Shire's grievance management process.
- The implementation of a structured grievance management process, by which all EEO complaints are investigated.
- Provide an enjoyable, challenging, involving and harmonious working environment for all members of the organisation where each can progress to the extent of their ability based solely on merit.

The Shire is committed to the principles of equal employment opportunity. The Shire acknowledges and celebrates diversity and commits to actively and flexibly seeking to appoint and accommodate the unique needs of many different employees.

The Shire is committed to providing an environment free from all forms of direct and indirect discrimination and providing an environment where all employees are treated in a fair and equitable manner in all decisions and processes. This includes providing equal access to improving the skills and competency levels of all employees, so they have equal access to further employment opportunities or career path progression.

## **Environment**

The Shire recognises that when discrimination occurs in the workplace, job satisfaction, morale and productivity suffer. A healthy and safe work environment free from discrimination is a primary objective of the Shire. The Shire therefore aims to enable a psychological safe workplace for all workers and visitors.



## Diversity

The Shire appreciates the inherent value in a diverse workforce. Diversity may result from a range of factors including origin, age, gender, race, cultural heritage, religion, lifestyle, education, physical ability, appearance, language, or other factors.

## Awareness

Upon appointment, all employees are to be given a copy of this policy. It is also readily accessible electronically on the Shire's website and intranet.

## Monitoring

Employment related practices are to be periodically reviewed in accordance with this policy, with consideration of practices covering:

- Recruitment,
- Conditions of employment,
- Appointment, promotion, and transfer; and
- Training and development.

## Lodging a complaint

Any member of the organisation who feels that they have been discriminated against, or witnessed a fellow member being discriminated against, is expected to report the alleged behaviour as follows:

**Employees** will be required to immediately report any such behaviour to their line supervisor or manager. In the case that the alleged behaviour is in respect of their direct line supervisor, the employee should advise their director, or a member of the Organisational Development Team.

**Elected members** will be required to immediately report any such behaviour to the Shire President. In the case that the alleged behaviour is in respect of the Shire President, the elected member should report the behaviour to the Deputy President.

## Consequences of breaching EEO

Any breach of equal employment and anti-discrimination legislation by an employee of the Shire will be a serious breach, and the individual concerned will be required to participate in the Shire's performance counselling process. The outcome of a breach may result in the employee facing disciplinary action up to and including termination of employment.

Any breach of equal employment legislation by a contractor of the Shire will be a serious breach, and the contractor will be required to explain their actions to the CEO. The outcome of a breach may result in the contractor providing a written apology or the contract being terminated for breach of conditions.



Any breach of equal employment legislation by an elected member of the Shire will be a serious breach, and as such the elected member may be required to participate in disciplinary action.

## Responsibilities

The Organisational Development Team will be responsible for:

- The collection, analysis, reporting and maintenance of EEO statistics.
- The writing, distribution, and maintenance of this policy and the EEO Management Plan in accordance with the relevant legislation.
- The provision of up to date and relevant EEO information to management.
- Design, distribution, analysis, and reporting of employee survey data.
- Educating employees at all levels on their EEO rights and responsibilities.
- Championing a zero-tolerance policy on any form of discrimination, harassment, or bullying.
- Providing support and advice on EEO matters.

## Definitions

**Discrimination** occurs when a person is treated less favourably than another person or group because of their background or certain personal characteristics.

## Relevant policies/documents

Employee Code of Conduct

Code of Conduct for Council Members, Committee Members and Candidates

Community Access and Inclusion Plan 2023 – 2027

Council Policy – Workplace Health and Safety

Directive – Discrimination, Bullying and Harassment

Directive – Recruitment and Selection

Directive – Grievance and Resolution

Directive – Learning and Development

Directive – Performance Management

Directive – Reward and Recognition

## Relevant legislation/local laws

Section 5.40 of the Local Government Act 1995

Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022

Age Discrimination Act 2004 (Commonwealth)

Australian Human Rights Act 1986 (Commonwealth)

Disability Discrimination Act 1992 (Commonwealth)

Equal Opportunity Act 1984

Gender Reassignment Act 2000

Industrial Relations Act 1979 (WA)

Minimum Conditions of Employment Act (WA)

Psychosocial Hazards in the Workplace Code of Practice

Racial Discrimination Act 1975 (Commonwealth)

Sex Discrimination Act 1984 (Commonwealth)

Sex Discrimination Act 1984

Spent Convictions Act 1988

Work Health and Safety Act 2020

Work Health and Safety Regulations 2022

Work Health and Safety Codes of Practice

### Office use only

<b>Relevant delegations</b>	Nil			
<b>Council adoption</b>	<b>Date</b>	13 December 2022	<b>Resolution #</b>	171/2022
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