



# **Equal Employment Opportunity**

**Policy 2022**

**POL073**



**Policy No:** **POL073****Policy Title:** **Equal Employment Opportunity Policy****Section Responsible:** **Human Resources****Minute No/Ref:** **604136****Doc ID:** **44131**

## **1. INTENT**

Narrandera Shire Council (NSC) will endeavour to:

- ensure that all employment practices are fair, equitable and merit based
- promote an environment that is free from unlawful discrimination and harassment and sexual harassment, bullying and victimisation
- foster a culture which values and responds to the rich diversity of its employees
- carry out Wyatt (OO-soft) evaluations for all positions to ensure that pay arrangements are fair, equal, and lawful
- ensure that the employees are aware of their rights and their responsibilities under legislation and this Policy.

We can all contribute by making a personal commitment to respect others and not cause them distress, discomfort and/ or disadvantage, and:

- acknowledge that others have different, but equally significant, cultural, and social backgrounds, beliefs, opinions and levels of tolerance
- be mindful of verbal and non-verbal cues indicating offence or embarrassment, and cease behaviour that may cause distress or discomfort to others
- value the positive contribution that diversity makes to NSC and the community
- increase your awareness and understanding of this policy and its principles.

Managing diversity and applying the above Equal Employment Opportunity (EEO) principles makes NSC more flexible and productive. It helps attract and retain talented employees while promoting a positive working environment.

This policy aligns with Council's EEO and Diversity Management Plan.

## **2. SCOPE**

This policy applies to all employees, volunteers, contractors, school-based apprentices, and work-experience students. It is not limited to the workplace or work hours; it extends to all functions and places that are work related, eg: work lunches, employee/social club events and functions.

### **3. OBJECTIVE**

NSC endeavours to adopt practices and procedures that enable and encourage employees to contribute to the best of their ability. NSC is committed to providing an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, sexual harassment, and bullying.

In summary, EEO involves:

- merit-based selection
- ensuring that employees are paid fair and equally and pay practices are free of gender bias
- ensuring that conditions of service and career opportunities are fair and equitable
- assisting all employees to achieve their full potential with respect to their positions
- ensuring that the workplace is free from unlawful discrimination and/or harassment of any kind
- ensuring equal access to training and career development.

NSC appreciates the importance and value of a diverse workforce. Diversity can include a range of factors: origin, age, gender, race, cultural heritage, lifestyle, education, physical ability, appearance, language, sexual orientation, or other factors. NSC aims to provide organisational culture that recognises, respects, values and enables everyone to work effectively towards the achievement of our business goals. Inappropriate attitudes or behaviours, biases or stereotypes in the workplace will be dealt with. Any form of discrimination will not be tolerated.

This policy sets precautionary measures and reasonable steps to promote diversity and gender equality in the workplace and remove obstacles in achieving this. NSC provides equal opportunity in respect to employment and employment conditions, which includes:

- recruitment and selection
- retention
- performance management processes
- remuneration
- talent identification and succession planning
- training and development
- career advancement
- support/mentoring

### **4. POLICY STATEMENT**

NSC is an Equal Opportunity Employer and does not discriminate against employees or qualified job applicants on the basis of gender, race, sexual orientation, religion, colour, age, national origin, disability or any other status or condition protected by applicable law. NSC believes that the vast range of perspectives that result from a diverse workforce promotes innovation and business success.

## 5. PROVISIONS

### 5.1 EEO TERMINOLOGY

- **Bullying:** 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 wellbeing.
- **Direct discrimination:** treating someone unfairly or unequally simply because they belong to a particular group or category of people, eg: refusing to interview an applicant because of their race.
- **Disability harassment:** 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.
- **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, sexual orientation, or sexual preference and other Commonwealth grounds such as political/trade union affiliation. Harassment is also a form of discrimination.
- **Employee:** The following are classed as employees for the purpose of this policy:
  - an employee
  - a contractor or subcontractor
  - an employee of a contractor or subcontractor
  - an employee of a labour hire company who has been assigned to work in the person's business or undertaking
  - an apprentice or trainee
  - School Based Apprentice
  - a student gaining work experience
  - a volunteer
- **Equal employment opportunity:** the principle that ensures all employees and potential employees are treated equitably and fairly, regardless of their race, sex, marital or domestic status, transgender, age, disability, carers responsibility, sexual orientation, or sexual preference.
- **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.
- **Indirect discrimination:** 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. Unless this type of requirement is "reasonable in all the circumstances" it is likely to be indirect discrimination, eg: laying off all part time employees - given most part time workers are women, this would have a disproportionate effect on female employees.
- **Racial harassment:** 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.

- **Sexual harassment:** unwanted, unsolicited, and unreciprocated conduct of a sexual nature that may be an isolated incident or a series of incidents.
- **Target groups:** are 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).

## **5.2 RECRUITMENT AND SELECTION**

All employment decisions are solely made based on merit not on irrelevant attributes or characteristics that an individual may possess but taking into account relevant skills and experience, without bias or prejudice. EEO requires the qualifications and selection criteria for any job to be carefully defined so that no one is excluded from consideration or disadvantaged by the application of irrelevant requirements.

Discrimination during the recruitment process is prohibited. This includes discrimination against a person on the grounds of the person's sex, marital status, pregnancy, or potential pregnancy, breastfeeding or family responsibilities, when determining:

- who should be offered employment
- The terms or conditions on which employment is offered.

The Human Resources section will ensure that language used in job advertisements is non-discriminatory, gender-neutral and encourages all genders to apply.

Internal employees involved in recruitment will be trained to apply equal employment and anti-discrimination principles during the recruitment and selection process.

Job descriptions and/or job ad selection criteria will be prepared ensuring that they are relevant, include the necessary skills, are non-discriminatory and gender neutral.

NSC will develop, implement, and review on regular basis the diversity targets for its recruitment shortlists.

## **5.3 TERMS AND BENEFITS OF EMPLOYMENT**

NSC's terms and conditions of employment and benefits are the same for all employees as per the Local Government (State) Award.

Managers must ensure a transparent performance review process and equitable access to training and promotions.

## **5.4 REMUNERATION**

NSC is committed to the principle of equal pay for like work and for work of equal value for all its employees. This policy aims to reflect the equality with respect to remuneration, development, and career progression for all employees by ensuring that the level of reward is appropriate to the relative size and content of the job. It is in the interests of NSC to ensure there is a fair and just pay structure as this assists in attracting and retaining the best talent.

NSC will therefore regularly monitor and review the policies and procedures to ensure consistency with equal pay principles and eliminate any unfair or unjust practices.

NSC is committed to ensure that:

- Employees (no matter what gender) performing the same work and with the same level of experience are paid comparable amounts.
- Employees (no matter what gender) performing different work of the same level and value are paid the same amount.
- The wages and conditions of jobs are assessed in a non-discriminatory way. This is done by valuing skills, responsibilities and working conditions in each job (even where the work itself is different) and then remunerating employees accordingly.
- The organisational structures and processes do not impede female employees' work-based training, promotion, or flexible working arrangements.
- Pay equity is incorporated into business objectives and goals. Should a possible gender pay gap be identified, NSC will seek justification for any imbalances or work to eliminate this altogether.

## **5.5 TRAINING, DEVELOPMENT AND PROMOTION OPPORTUNITIES**

NSC's transparent performance review, talent identification and succession planning processes provide equitable access to training, promotions, pay increases free from gender bias or prejudice. All employees are therefore equally able to pursue professional development opportunities.

## **5.6 GRIEVANCES, DISCIPLINARY PROCEDURES AND TERMINATIONS**

Employees who, in good faith, bring a grievance (or assist another to do so), either under this policy or in relation to an equal opportunity matters, will not be disciplined, dismissed or victimised for having done so.

Employees will not be disciplined or dismissed for performance or behaviour that would be overlooked or condoned in another group, unless there is genuine and lawful justification for this.

Redundancy criteria and procedures will not operate in an unlawfully discriminatory manner.

NSC conducts exit interviews and regularly examines the number of resignations and other terminations by gender to be able to assess whether females and males are leaving the organisation at comparable rates and whether there are any differences between why females and males leave the organisation. Action will be taken to address any issues identified.

Any current employee who feels that they have been denied equal employment opportunity because of any of the grounds in this policy may lodge a complaint under the grievance process outlined in NSC's Grievance Policy. Any claims of discrimination or other unfair treatment in relation to employment opportunity will be treated extremely seriously.

## **6. DEFINITIONS**

- **EEO:** Equal Employment Opportunity
- **HR:** Human Resources
- **NSC:** Narrandera Shire Council

## **7. ROLES AND RESPONSIBILITIES**

### **7.1 HUMAN RESOURCES**

- The Human Resources section is also available to provide strategic and practical advice, information, and education about the EEO Policy and EEO Management Plan and support managers and others when required.

### **7.2 GENERAL MANAGER / DEPUTY GENERAL MANAGERS / MANAGERS / SUPERVISORS**

- Managers and Supervisors are responsible for compliance with all statutory responsibilities and developing and encouraging a positive environment.
- Managers must ensure employees are aware of Council's EEO Policy and EEO Management Plan and report breaches of this policy and they themselves should act in accordance with its purpose.
- To support managers and other employees, ongoing training and education in diversity, equal opportunity and harassment prevention will be conducted on a regular basis.

### **7.3 EMPLOYEES**

- It is the responsibility of all employees to foster an environment where differences are accepted.
- All employees are expected to participate in and demonstrate behaviour that supports the EEO Policy and EEO Management Plan and demonstrate Council's Values.

### **7.4 CONSULTATIVE COMMITTEE**

- The role of the Consultative Committee also includes proactive monitoring of organisational performance to ensure that this Policy is put into practice and achieved.

## **8. RELATED LEGISLATION**

- Age Discrimination Act (Cth) 2004
- Anti-Discrimination Act (NSW) 1997
- Disability Discrimination Act (Cth) 1992
- Disability Services Act (NSW) 1993
- Equal Employment Opportunity Act (Cth) 1987
- Equal Opportunity for Women in the Workplace Act (Cth) 1999
- Fair Work Act (Cth) 2009
- Human Rights and Equal Opportunity Commission Act (Cth) 1986
- Local Government Act (NSW) 1993
- Industrial Relations Act (NSW) 1996
- Privacy and Personal Information Protection Act (NSW) 1998
- Race Discrimination Act (Cth) 1975
- Sex Discrimination Act (Cth) 1984
- Work Health and Safety Act (NSW) 2011

## **9. RELATED POLICIES AND DOCUMENTS**

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- EEO Procedure
- EEO and Diversity Management Plan 2015-2019
- Local Government (State) Award
- HRG001 Grievance Policy
- HRH001 Workplace Bullying and Harassment Policy
- POL145 Code of Conduct
- HRF001 Flexible Working Arrangements Policy
- POL084 Performance Management and Development Policy
- POL 155 Succession Planning Policy
- Council Value Statement (ECLAIRS)

## **10. VARIATION**

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

## **11. PREVIOUS VERSIONS**

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- HRE008 Equal Employment Opportunity Policy.

## **POLICY HISTORY**

<b>Responsible Officer</b>	<b>Human Resources Manager</b>		
<b>Approved by</b>	<b>General Manager</b>		
<b>Approval Date</b>	<b>31 March 2022</b>		
<b>GM Signature (Authorised staff to insert signature)</b>			
<b>Next Review</b>	<b>1 April 2024</b>		
<b>Version Number</b>	<b>Endorsed by ELT</b>	<b>Endorsed by Consultative Committee and/or WHS Committee</b>	<b>Date signed by GM</b>
<b>1 Adopted</b>	2/11/2015	2/12/2015	16/02/2016
<b>2 Reviewed</b>	5/02/2018	21/02/2018	21/02/2018
<b>3 Reviewed</b>	28/09/2021	13/10/2021	31/03/2022

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**12. Acknowledgement of Training Received**

I hereby acknowledge that I have received, read and understood a copy of Council's Equal Employment Opportunity Policy.

Employee Name	
Position Title	
Signature	
Date	