



Equal Employment Opportunity Policy

Date policy was adopted by Council:	25 March 2009
Resolution number:	95/09
Previous Policy review date:	June 2013
Next Policy review date:	March 2016
Reference number:	C0917112

1 OUTCOMES:

This Equal Employment Opportunity Policy has been developed to ensure Queanbeyan City Council promotes and delivers equal employment opportunities, fair treatment and non-discrimination for all existing, potential and future employees whilst eliminating the opportunity for any form of workplace bullying/harassment.

2 POLICY:

Equal Employment Opportunity Policy.

3 DEFINITIONS AND APPLICABILITY

Equal Employment Opportunity: The principle of ensuring that all existing, potential and future employees are treated equitably and fairly, regardless of their race, colour, national origin, sex, religion, marital status, age, physical and intellectual impairment, political convictions or sexual preferences.

Discrimination: Unequal treatment or opportunities whether direct, indirect or systemic i.e.

Direct: Where people are treated differently because different criteria are applied when it is not necessary for them to be applied.

Indirect: When apparently neutral or impartial policies, rules, procedures and practices adversely affect a group or an individual resulting in unfair treatment or a reduction of opportunity. That is, when people with suitable skills are adversely affected should they not meet apparently fair rules or practices (for example, no ramps nor lifts for wheelchairs or lack of privacy between sexes at certain worksites).

Systemic: When applied rules and work practices prevent access to different jobs, benefits or services (for example, not allowing females to work as labourers).

Merit: Assessing each person's ability, aptitude, qualifications, skills and experience gained both inside and outside formal employment against the needs of the job.

Affirmative Action: Programs designed to overcome the effects of past discrimination on select individuals or target groups by addressing the effects of past disadvantages so as to prevent future disadvantages and to attain equal employment opportunity for these people. For example, this may involve the provision of selection tests with a sign language interpreter present for applicants with hearing disabilities.

EEO Target Groups:	<p>Groups who have been identified as experiencing some levels of discrimination and disadvantages in the workplace and for whom EEO strategies are developed to address these disadvantages. EEO groups specified in the NSW Local Government Act are:</p> <ul style="list-style-type: none">• women,• members of racial minorities, and• people with disabilities. <p>Members of racial minorities are generally dissected into:</p> <ul style="list-style-type: none">• people of CALD backgrounds, and• people of Aboriginal and Torres Strait Islander heritage.
Sex Discrimination:	<p>Less favourable treatment on the grounds of a person's sex or any characteristic of a person's sex and includes discrimination on the grounds of marital status or pregnancy.</p>
Race Discrimination:	<p>Less favourable treatment on the grounds of a person's race or characteristics of a person's race.</p>
Carers Discrimination:	<p>Less favourable treatment on the grounds of a person's responsibilities as a carer.</p>
Culturally & Linguistically Diverse background:	<p>People who were born overseas both in English and Non-English speaking countries; also refers to the range of cultural practices in lifestyle, religion or spirituality, and family groupings.</p>
Aboriginal:	<p>A person of Aboriginal or Torres Strait Islander heritage who identifies as being an Aboriginal and is accepted as such by the Aboriginal communities.</p>
People with Disabilities:	<p>Any defect or disturbance in the structure or functioning of a person's body.</p>
Discrimination on the basis of Gender/Sexual preference:	<p>When a person is treated less favourably than others on the grounds of their gender/sexual preference or perceived gender/sexual preference.</p>
Harassment:	<ul style="list-style-type: none">• Any unwelcomed or offensive comment or action concerning a person's race, colour, language, accent, ethnic origin, gender, marital status, pregnancy, disability, political or religious conviction; and• Any behaviour towards another employee that is intimidating or embarrassing and that adversely affects the work environment

3.1 Abbreviations

- EEO:** Equal Employment Opportunity
- QCC:** Queanbeyan City Council
- CALD:** Culturally & Linguistically Diverse (CALD) Background

4 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

This policy embraces the requirements of the NSW Local Government Act (1993), PART 4 - EQUAL EMPLOYMENT OPPORTUNITY that prescribes “a council must prepare and implement an equal employment opportunity management plan in order to achieve the objects of this Part” (S.345(1)).

In accordance with the NSW Local Government Act (1993), the EEO Management Plan shall include provisions relating to:

- a) the devising of policies and programs by which the objects of this Part are to be achieved;
- b) the communication of those policies and programs to persons within the staff of the council;
- c) the collection and recording of appropriate information;
- d) the review of personnel practices within the council (including recruitment techniques, selection criteria, training and staff development programs, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices;
- e) the setting of goals or targets, where these may reasonably be determined, against which the success of the plan in achieving the objects of this Part may be assessed;
- f) the means, other than those referred to in paragraph (e), of evaluating the policies and programs referred to in paragraph (a);
- g) the revision and amendment of the plan;
- h) the appointment of persons within the council to implement the provisions referred to in paragraphs (a)-(g).

(S.345(2)).

In addition, this policy provides for the following legislation that prohibits certain types of discrimination:

Federal

Human Right and Equal Opportunity Act
Sex Discrimination Act
Racial Discrimination Act
Disability Discrimination Act
Workplace Relations Act

State

NSW Anti-Discrimination Act
NSW Local Government Act

5 INTRODUCTION:

Queanbeyan City Council is committed to a policy of equal employment opportunity, fair treatment and non-discrimination for all existing, potential and future employees, and a policy to eliminate all forms of workplace bullying/harassment.

All employment practices (recruitment, selection, training, employee development, promotion, transfer, higher duties, evaluation, grievance procedures, allocation of resources & responsibilities and all other terms and conditions of service) will be based solely on the merit of the individual against specific job requirements.

Existing, potential and future employees will not be discriminated against in their employment on the grounds of race (including colour, nationality and ethnicity), sex, religion, marital status, age, physical and intellectual impairment, political beliefs, sexual preferences and carers responsibilities.

5.1 Aims:

The aims of this policy are to:

- eliminate and ensure the absence of discrimination in employment on the grounds of race (including colour, nationality and ethnicity), sex, religion, marital status, age, people with disabilities, political beliefs, gender/sexual preferences and carers responsibilities.
- promote equal employment opportunity for women, members of racial minorities and people with a disability.
- demonstrate management and staff commitment to EEO principles without bias.
- ensure staff and community understanding of EEO principles and their application.
- ensure that the progress of the plan is communicated effectively through efficient consultation with employees, target groups and the community, and
- provide community leadership in the area of EEO.

5.2 Applicability:

This policy applies to all existing and future employees. As Council is legally accountable for discrimination in employment matters, all employees of Queanbeyan City Council are obliged to follow non-discriminatory practices in the workplace. Council considers its responsibilities under this policy seriously and will take appropriate action in accordance with the related Council policies and procedures for those found to be operating outside the guidelines of this EEO policy.

5.3 Consultation:

- 1) New and existing employees will be provided with sufficient information to avoid uncertainty and misunderstanding.
- 2) The Workplace Consultative Committee will be regularly informed of any issues or changes to legislation that materially affect the operation of this policy.
- 3) The following mediums will be utilised to communicate information pertaining to EEO:
 - Regular staff meetings
 - Noticeboards
 - Training
 - Employee Newsletter
 - Circulars
 - Staff Induction
 - IT Systems

5.4 Responsibilities:

General Manager

The General Manager shall:

- ensure that Council's EEO policy and EEO Management Plan is implemented,
- ensure that all employees comply with Council's EEO policy and with legal obligations under relevant legislation,
- ensure that the EEO policy and associated procedures, the EEO Management Plan and all workplace practices are regularly audited to ensure that the EEO objectives are met, and
- nominate or appoint an officer to be responsible for the day-to-day coordination of EEO activities and the execution of the management plan. The General Manager may also appoint or nominate officers to undertake particular EEO projects.

Directors, Managers and Supervisors

All directors, managers and supervisors are responsible, within their areas of responsibility for:

- ensuring the EEO principles outlined in this policy are upheld,
- ensuring no unlawful discrimination occurs, and
- promoting EEO principles in the workplace

EEO Coordinator

The General Manager has determined the Human Resources Manager is the EEO Coordinator.

The nominated EEO Coordinator shall:

- work with management and staff to develop and implement the EEO policy and program to best practice standards,
- research EEO matters and keep management informed of developments in EEO,
- provide statistical and other human resources information to allow Council to develop and monitor its EEO program,
- integrate the EEO policy and practices into human resources management practice and Council programs,
- ensure that all position descriptions conform to EEO principles,
- advise on grievance handling procedures.

All Employees

All employees are responsible for upholding the EEO principles outlined in this policy and have a right to seek advice from council's EEO coordinator and if the matter is not resolved, the Anti-Discrimination Board without discrimination.

5.5 Complaint procedure:

Should any employee be aggrieved by any actions that conform to the intent of this policy, then the aggrieved employee shall notify the supervisor (or the Human Resources Manager or any person in authority) who will seek to attain a practical remedy (in writing if possible) in accordance with the "Grievance and Dispute Procedures" contained in section 30 of the Local Government (State) Award 2007.

5.6 EEO audit of human resource management policies, procedures and practices:

Council will conduct an audit of all human resource management (HRM) policies, procedures and practices over a period of two years from the time the plan commences. Policies, procedures and practices found to be incompatible or inconsistent with the provisions and spirit of EEO and related legislation will be discarded or replaced.

5.7 Annual reporting:

It is a requirement of the Local Government Act (1993), Section 428 (2)(n) that Council include in their Annual Report "a statement of the activities undertaken by the council during that year to implement its equal employment opportunity management plan".

5.8 Data collection:

Privacy laws require employee approval to extract information about their race, country of birth or disabilities from confidential records. Should the need arise to collect the data, information obtained will remain on the employee's personnel file and be utilised for internal purposes only.

5.9 Amendment and review:

The plan may be amended at any time and should be reviewed formally every two years. Council should invite and encourage input from interested parties.

5.10 Variation:

Council in consultation with the General Manager reserves the right to vary or revoke this policy.

5.11 Conclusion:

This policy will come into effect as of the date of approval by the Council and will be subject to review, discussion, and agreement between the Council and staff in accordance with legislative changes or industry practice.

6 PERFORMANCE INDICATOR

All objectives outlined in the Policy are identified and actioned through Council's EEO Management Plan.

Through its EEO Management Plan, Council will ensure any discriminatory practices are progressively removed from its policies and procedures, and will recognise and encourage employees on the basis of their abilities, aptitudes, qualifications, skills and experience. Council will achieve this through the implementation of effective policies and procedures.

POLICY:-	
Policy No:	
Policy Title:	Equal Employment Opportunity
Date Policy was adopted by Council:	25 March 2009
Resolution Number:	95/09
Previous Policy Review Date:	June 2013
Next Policy Review Date:	March 2016
PROCEDURES/GUIDELINES:-	
Date Procedure/Guideline (if any) was developed:	NIL
RECORDS:-	
Container Reference in TRIM: Policy	SF080616
Container Reference in TRIM: Procedure	NIL
Other locations of Policy:	Intranet (linked to TRIM Container)
Other locations of Procedures/Guidelines:	NIL
DELEGATION (if any):-	
	NIL
RESPONSIBILITY:-	
Draft Policy developed by:	Human Resources Manager
Committees (if any) consulted in the development of the Draft Policy:	Workplace Consultative Committee
Responsibility for Implementation:	Human Resources Manager
Responsibility for Review of Policy:	Human Resources Manager
INTEGRATED PLANNING FRAMEWORK:	
Community Strategic Plan:	Strategic Priority No.
Delivery Program Title:	
Operational Plan:	Program No.
Senior Authorising Officer	Position General Manager
	Signature/Date  25 March 2009

ACTION	COUNCIL MEETING DATE	RESOLUTION NUMBER	REPORT ITEM NUMBER
NEW/RECONFIRMED/ AMENDED			
New	13 December 2006	732	Item 20
Amended	25 March 2009	95/09	Item 10

DATE REVIEWED	REVIEWER POSITION	REVIEWER NAME
June 2013	Senior People and Organisational Efficiency Advisor	Lesley Smith