

P 5 – Equal Employment Opportunity

1 Objectives

The objectives of this Policy are to:

- Outline the Shire's legal responsibilities under the Equal Employment Opportunity (EEO);
- Actively work to raise the level of awareness of EEO and diversity principles and practices within the Shire;
- Promote an environment for all staff that is free of discrimination, bullying and harassment; and
- Provide a culturally inclusive working environment.

2 Scope

This policy applies to all workers and Councillors.

3 Definitions

3.1 Bullying

Bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against one or more persons, at the place of work and/or in the course of employment. It can reasonably be expected, this behaviour raises a risk to health and safety in the workplace.

3.2 Discrimination

Discrimination is when a person is not treated fairly or given the same opportunities because of their race, colour, gender, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin, breastfeeding, gender identity or intersex status.

3.3 Sexual Harassment

Sexual harassment is:

- An unwelcome sexual advance or request for sexual favours to the person who is harassed: or
- Other unwelcome conduct of a sexual nature in relation to the person who is harassed.

3.4 Worker]

A part-time or full-time employee, casual employee, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

4 Policy

- The Shire is committed to being an employer which provides EEO for all workers. This policy should be read in conjunction with the Shire's Bullying, Harassment & Discrimination Policy.
- The Shire aims to provide an environment of fairness and equity in its workplace. The Shire believes that equal opportunity creates a more harmonious and productive workplace, which not only benefits the Shire, but also the wider community.

5 Responsibilities

The Employer

- The Shire supports the legal right of every worker to carry out their work in an environment which promotes job satisfaction, maximises performance, and provides economic security. Such an environment is dependent on being free from all forms of harassment, bullying, discrimination, and victimisation.
- In accordance with the WA Equal Opportunity Act 1984, the Shire will develop and maintain an Equal Opportunity Management Plan.

All worker appointments, promotions and training opportunities will comply with the EEO principles in this policy. No one will be refused opportunity based on discriminatory grounds.

The Workers

All workers must:

- Ensure they do not engage in any unlawful conduct towards other workers, customers or others with whom they encounter through work;
- Ensure they do not aid, abet or encourage other persons to engage in unlawful conduct;
- Follow the complaint procedure in the Grievance Resolution Policy if they experience any unlawful conduct;
- Report any unlawful conduct they see occurring to others in the workplace in accordance with the Grievance Resolution Policy; and
- Maintain confidentiality if they are involved in the complaint procedure.

Workers should be aware that they can be held legally responsible for their unlawful conduct. Workers who aid, abet or encourage other persons to engage in unlawful conduct can also be held legally liable.

6 Grievances (including EEO, harassment, diversity and bullying)

All grievances (including those related to EEO, harassment, diversity and bullying) will be dealt with under the Shire's Grievance Resolution Policy, Misconduct Policy and Bullying, Harassment & Diversity Policy.

7 Employment

- 7.1 In accordance with the Local Government Act 1995 and the WA Equal Opportunity Act 1984 the Shire will recruit in accordance with the principle of merit and equity and will ensure that discrimination does not occur.
- 7.2 All employment training within the Shire will include providing equal opportunity to all workers provided their relevant experience, skills and ability meet the minimum requirements for such training.
- 7.3 All promotional policies and opportunities within the Shire will include providing equal opportunity to all workers provided their relevant experience, skills and ability meet the minimum requirements for such promotion.

8 Breaches

- 8.1 All workers are required to always comply with this Policy. If a worker breaches this policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their employment terminated or contracts not renewed.
- 8.2 If a person makes an unfounded complaint or a false complaint that is vexatious, frivolous or malicious in nature (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a civil defamation claim.

9 Legislation

9.1 Legislation governing EEO in WA includes:

- *WA Equal Opportunity Act 1984*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Human Rights and Equal Opportunity Commission Transitional Provisions and Consequential Amendments Act 1986 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Respect @ Work Act 2022 (Cth)*

10 Applicable Legislation and Documents

<p>Statutory Power <i>(Acts, Regulations, Local Laws, TPS)</i></p>	<ul style="list-style-type: none"> • <i>Local Government Act 1987</i> • <i>The MM Equal Opportunity Act 1984</i> • <i>The Racial Discrimination Act 1975 (Cth)</i> • <i>The Sex Discrimination Act 1984 (Cth)</i> • <i>The Human Rights and Equal Opportunity Commission Transitional Provisions and Consequential Amendments Act 1986 (Cth)</i> • <i>The Disability Discrimination Act 1992 (Cth)</i> • <i>Respect @ Work Act 2022 (Cth)</i>
<p>Shire Policies</p>	<ul style="list-style-type: none"> • Grievance Resolution Policy • Performance Management Policy • Professional Development Policy • Bullying, Harassment and Diversity Policy • Misconduct Policy • Employee Code of Conduct • Council Code of Conduct

Related Documents	<ul style="list-style-type: none"> • Strategic Community Plan • Business Plan
Related Procedure	

11 Administration

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