



Equal Employment Opportunity and Anti Discrimination Policy

REFERENCE NUMBER: P-52
ORGANISATION UNIT: All
RESPONSIBLE POSITION: Director Finance and Corporate
RELEVANT DELEGATIONS: Nil
DATE ADOPTED: 10 August 2012 (CRN: 383/2012)
REVIEW DATE: Every four years

Objectives:

- To affirm Central Desert Shire Council's commitment to Equal Employment Opportunity and to ensure that managers and supervisors have some understanding of the employer's obligations under the law in order to promote compliance.
- To explain the standard of behaviour expected of workers and to outline the Council's policy on discriminatory behaviour.

Legislation and Reference:

- Central Desert Shire Council Code of Conduct
- Central Desert Shire Council Dispute and Grievance Resolution Policy
- Northern Territory Anti Discrimination Act 2011
- Work Health & Safety Policy and Procedures
- Equal Employment Opportunity (Commonwealth Authorities) Act 1987 as amended
- The Fair Work Act 2009 (Cth) – General Protections

Definition:

EEO stands for Equal Employment Opportunity, and covers discrimination and associated topics such as harassment, bullying and victimisation.

Discrimination

Discrimination can be either direct discrimination or indirect discrimination.

Direct discrimination occurs where a person is treated less favourably than another person in the same or similar circumstances for the substantial reason of their having or being perceived as having any of the following attributes: age, parental or carer's status, impairment, gender identity, industrial activity, marital status, physical features, political belief/activity, pregnancy, breast feeding, race, religious belief/activity, sex, lawful sexual activity, profession trade occupation or calling, irrelevant medical record, irrelevant criminal record or personal association with someone who has one or more of the above attributes.

Indirect discrimination occurs when an unreasonable requirement, condition or practice is imposed that persons with one or more of the above attributes cannot comply with, whereas most persons without the attribute can comply.

Victimisation

Victimisation occurs when a person subjects another person to detriment (or threatens to do so) because they have made, intend to make or have helped someone else make a complaint, or refused to do an act in contravention of this policy or because they've provided information about a complaint. It also includes acting to a person's detriment because they have agreed to be a witness.

Vilification

Vilification occurs when a person incites hatred towards, serious contempt for or severe ridicule of a person or group of persons on the ground of their race, religion, sexuality or gender identity, colour, nationality, descent, ethnicity, ethno-religious status, national origin, homosexuality, HIV or aids status or trans-gender status, disability, sexual orientation or lawful sexual activity.

Scope:

This policy applies to all Central Desert Shire Council workers (and includes employees and contractors).

Policy:

Anti Discrimination

The Central Desert Shire Council is committed to creating a working environment free from discrimination and where all employees are treated equally with dignity, courtesy and respect. The Central Desert Shire Council aims to do this by:

- Developing a diverse workforce, and conducting business, staffing procedures and internal systems with the absence of discrimination;
- Including contemporary principles of workforce diversity in the Council's policies protecting everyone from the presence of discrimination;
- Creating an environment free from discrimination and vilification where all employees are treated with dignity, courtesy and respect;
- Providing an effective procedure for complaints based on the principles of natural justice;
- Handling conflict arising from discrimination effectively;
- Setting standards of acceptable behaviour for all employees;
- Providing all workers with discrimination awareness training to ensure that employees know their rights and responsibilities;
- Treating all complaints in a fair, timely and confidential manner;
- Protecting people from any victimisation or reprisals;
- Encouraging the reporting of behaviour which breaches this policy;
- Regularly reviewing this policy, the complaint handling procedures and training needs.

Discrimination is against the law and will not be tolerated by the Central Desert Shire Council under any circumstances. This includes discrimination in the workplace or in any work-related context such as conferences, work functions and business trips.

Vilification is also unlawful and will not be tolerated.

Equal Employment Opportunity

Central Desert Shire Council is an equal opportunity employer. No person is unlawfully excluded from consideration for employment because of discrimination based on the following attributes:

- Race
- Sex
- Sexuality
- Age
- Marital status
- Pregnancy
- Parenthood
- Breastfeeding
- Impairment
- Trade union or employer association activity
- Religious belief or activity
- Political opinion, affiliation or activity
- Irrelevant medical record
- Irrelevant criminal record
- Association with a person who as, or is believed to have, an attribute as above.

Central Desert Shire Council will not tolerate any form of discrimination or harassment of our employees by co-employees, supervisors, managers and other persons (Visitors, Customers and Clients, Passers-by, Relatives and Associates of Workers etc) at the place of work. This commitment extends to our policies on recruiting, advertising, hiring, placement, promotion, training, transfer, wages, benefits, termination and all other privileges.

Any Central Desert Shire Council employee who engages in discriminatory behaviour will be subject to termination or appropriate disciplinary action.

Responsibilities

All employees are required to undertake cross cultural awareness training as part of their orientation to the Council and at other times during their employment to ensure understanding of and compliance with this policy.

Managers have a responsibility to:

- Monitor the working environment to ensure that acceptable standards of conduct are observed at all times. If Managers observe discrimination or vilification in the workplace, they should take appropriate steps in response to ensure the behaviour stops and is appropriately dealt with.
- Model appropriate behaviour themselves, including ensuring they do not engage in conduct in breach this policy.
- Ensure employees and other relevant persons understand this policy.
- Treat all complaints seriously and take appropriate action in response to complaints.

All employees of the company have a responsibility to:

- Ensure that they do not engage in any discriminatory behaviour, vilification or otherwise breach this policy.
- Report any incidences of discrimination or vilification in the workplace.

- Offer support to anyone who is being discriminated against or vilified and let them know where they can get help and advice (they should not however approach the person complained against).
- Maintain complete confidentiality of information and cooperate during the investigation of a complaint.

Procedure

Persons who believe they have been discriminated against should contact the Human Resources team to discuss the range of options available to deal with the matter. There are a number of options available to employees for dealing with discrimination ranging from dealing with the matter individually to making a formal complaint. These options are outlined in the Central Desert Shire Council Dispute Grievance Resolution Policy.

All complaints of discrimination and vilification will be treated seriously, promptly, confidentially and impartially.

There shall be an established Equal Employment Management Plan which will be evaluated and reported upon at least twice a year.