

Upper Macquarie County Council

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EQUAL EMPLOYMENT OPPORTUNITY (EEO) MANAGEMENT PLAN

Adopted by: Upper Macquarie County Council

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Review Date: Every 4 years or as required

Next Due: December 2023

Key Document Approved by:

David Young

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General Manager

Date: 21st November 2019

1. PLAN PURPOSE

Upper Macquarie County Council seeks to comply with its statutory obligations imposed under the NSW Local Government Act (1993) relating to Equal Employment Opportunity.

Upper Macquarie County Council recognises its legislative responsibility for providing a workplace environment that is free of harassment, discrimination, bullying and vilification and provides equal employment opportunities for current and prospective employees.

Council considers the provision of genuine equal employment opportunity as good management practice that promotes a harmonious and productive workplace, and enhances Council's efficiency and service delivery.

The Local Government Act 1993 specifies that Councils must have an Equal Employment Opportunity (EEO) Management Plan and identifies that, more so than others, people of the following groups have often been disadvantaged in the past:

- Women;
- People from culturally and linguistically diverse groups (CALD);
- People from an Aboriginal and/or Torres Strait Islander (ATSI) background; and
- People with disabilities.

The EEO plan more broadly aims to promote the Council's commitment to equal opportunity principles and practices in a sensible and realistic manner.

2. SCOPE OF PLAN

The EEO plan applies to all staff employed by the Council and, in so far as is relevant, to prospective staff employees, contract employees, and other persons operating within the Council work environment and / or alongside council staff.

The EEO plan is prepared within the context of the County Council being a small business with less than 10 employees already subject to a myriad of award and legislative obligations that influence EEO practices. This EEO Plan sets out the broad strategies for actions to maintain a discrimination free workplace where barriers that might exclude people from equal employment opportunity are absent.

Many of the EEO actions are set out in other Council documents referred to in this plan.

At a practical level, the EEO Management Plan will maximise the potential for staff and job applicants to be treated equitably by setting out actions that will guide Council's human resource management practices - from recruitment through to learning and development – according to EEO principles and actively promote merit based decisions.

3. RESPONSIBILITIES

The General Manager has the overall responsibility for monitoring the effectiveness of the EEO plan. Managers have direct responsibility to ensure the implementation of EEO within and in relation to their work teams, and all staff must ensure their personal involvement in the practical application of EEO principles in all of their work and workplace activities.

All employees are expected to treat each other, and those they interact with as part of routine business, with courtesy, consideration and respect at all times.

The EEO Plan will be reviewed annually in conjunction with the production of the report on EEO achievements that is included in the Council's statutory Annual Report.

4. RELATED DOUMENTS AND POLICIES

The following Council documents and external sources of responsibility are incorporated into this plan, in so far as they are relevant, and in so doing assist in addressing various elements of Council's EEO Plan.

- Code of Conduct.
- Gifts & Benefits Policy
- Motor Vehicle Policy
- Return to Work Program
- Local Government Act 1993
- Anti-Discrimination Act (NSW) 1993
- Australian Human Rights Commission Act 1986

5. DEFINITIONS

A key element of this plan is to highlight and communicate the meaning of equal employment opportunity and the conduct that is in conflict with that meaning. The following definitions are set out in this context.

What is Equal Employment Opportunity?

Equal Employment Opportunity (EEO) means all employment and promotion decisions are made based on merit - the skills and abilities of the candidate as measured against the inherent requirements of the position, regardless of personal characteristics.

The EEO Management Plan is about ensuring all Council's employment functions are free from discrimination, harassment, bullying and vilification. Council has a no tolerance policy towards these behaviours or acts that are unacceptable and unlawful. The Plan sets out strategies for recruiting, selecting, promoting and training to ensure decisions are made based on merit.

What is Discrimination?

Discrimination occurs when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. Discrimination laws protect people from discrimination on the basis of:

- A disability, disease or injury, including work-related injury
- Parental status or status as a carer, for example, because a person is responsible for caring for children or other family members
- Race, colour, descent, national origin, or ethnic background
- Age, whether young or old, or because of age in general
- Sex
- Industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- Religion
- Pregnancy and breastfeeding
- Sexual orientation, intersex status or gender identity, including gay, lesbian, bisexual, transsexual, transgender, queer and heterosexual
- Marital status, whether married, divorced, unmarried or in a de facto relationship or same sex relationship
- Political opinion
- Social origin
- Medical record

Discrimination can be **direct** when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law. For example, a worker is harassed and humiliated because of their race or a worker is refused promotion because they are 'too old'. **Indirect** discrimination can occur when policies, rules and practices that appear neutral or impartial adversely affect a group or individual, thus reducing opportunities. For example, if an employer has a policy that does not let any staff work part-time, people with children or family responsibilities may be disadvantaged.

What is Harassment?

Harassment is any unwanted, unsolicited and unreciprocated behaviour, act or statement that offends, humiliates or intimidates the recipient, and which creates a distressing, hostile or offensive work environment. Harassment is usually ongoing or a series of events. However, from a legal perspective, harassment does not need to happen more than once for it to be against the law.

Behaviour that neither party finds offensive is not harassment as defined under legislation.

What is Workplace Bullying?

Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.

'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities – i.e. a pattern is being established from a series of events).

'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person.

What is Vilification?

Vilification is any public act that could incite or encourage hatred, serious contempt or severe ridicule against people because of their race, homosexuality or transgender status or because they have HIV/AIDS. Public acts could include remarks in the media or on the Internet, graffiti, posters, verbal abuse, speeches, badges and clothing with slogans on them. The vilification law does not cover acts that are not public, for example abuse over a back fence that no one else can hear.

6. BENEFITS OF EQUAL EMPLOYMENT OPPORTUNITY (EEO)

EEO is about good management. By accepting the principles of EEO, the organisation is making decisions based on skills, ability and merit.

Employees may benefit from:

- A wider and better range of jobs and training opportunities
- A greater opportunity to obtain the job of their choice
- Gaining greater career development opportunities and job satisfaction
- Working productively in a non-threatening and non-harassing environment
- Developing to reach their full potential no matter what sex, race, age and so on People who have been disadvantaged in the past may benefit from programs that include:
 - The provision of appropriate access for people with disabilities
 - Recruitment techniques that encourage participation by all in the community
 - Career development programs which encourage greater access to promotion for all Council may gain from:
 - A wider range of applicants for Council jobs
 - A greater opportunity to obtain the best person for the job
 - An opportunity to improve the skill standards of the organisation's workforce
 - A greater chance to increase productivity with the best available person in each job
 - A more qualified workforce that includes people from all sections of the community

7. EEO ENQUIRIES AND COMPLAINT PROCEDURE

If an employee has an enquiry about an EEO issue, they should contact in the first

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instance:

- Their Supervisor OR
- The General Manager

If an employee has a complaint relating to EEO, this may be raised in accordance with the grievance process under the Local Government (State) Award. Council's goal is to resolve issues in-house wherever possible. A member of Council staff can seek the assistance of a relevant external support person or agency if they feel that their complaint has not been adequately addressed.

Contacts for Outside Agencies

Australian Human Rights Commission
Toll Free: 1300 656 419

Anti-Discrimination Board (NSW)
Toll Free: 1800 670 812

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8. EEO STRATEGY & ACTION SCHEDULE

OBJECTIVE 1 – COMMUNICATION AND AWARENESS

All staff understand EEO principles and their responsibilities and rights in relation to EEO

STRATEGIES/ACTIONS	RESPONSIBILITY	PERFORMANCE INDICATORS
All managers and staff understand EEO principles and their responsibilities in relation to the EEO Management Plan and its implementation	General Manager	<ul style="list-style-type: none"> EEO Plan is accessible to staff on the Council WebSite. All new managers receive a copy of the EEO Plan and are briefed on their responsibilities at their orientation. All staff to complete appropriate EEO training. EEO is referenced in all job descriptions. All staff to complete Code of Conduct training.
All levels of Management actively implement EEO principles in their activities	CWBO & BAO	
All employees are aware of Council's no tolerance position on discrimination, bullying, harassment, and vilification	CWBO	

OBJECTIVE 2 – HUMAN RESOURCE MANAGEMENT PRACTICES

Ensure Council HR policies and procedures comply with EEO principles

STRATEGIES/ACTIONS	RESPONSIBILITY	PERFORMANCE INDICATORS
All recruitment and selection policies, procedures and activities comply with EEO principles	General Manager, Chief Weeds Officer, Biosecurity Administration Officer,	<ul style="list-style-type: none"> All HR policies and procedures conform with EEO principles. All recruitment activity complies with EEO. Staff involved with recruitment has EEO training. Selection Panel to have at least one representative of the same sex as the candidates being interviewed. Position descriptions reviewed prior to recruitment action. Training plan to be established for each staff member. No valid complaints regarding EEO implementation. Flexible working arrangements are considered.
All appointments, promotions, transfers and higher duties opportunities are based on merit		
All training complies with EEO principles		
Include knowledge and understanding of EEO principles as one of the criteria for appointment to a supervisory position		
Flexible working arrangement applications are considered and reviewed based on merit		

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OBJECTIVE 3 – IMPLEMENTATION AND EVALUATION

EEO Plan is successfully implemented, evaluated and periodically reviewed

STRATEGIES/ACTIONS	RESPONSIBILITY	PERFORMANCE INDICATORS
Collect appropriate EEO data to ensure ongoing monitoring and compliance	General Manager,	<ul style="list-style-type: none"> EEO data collected and analysed for annual report Annual review of EEO Management Plan included in annual Compliance Calendar.
Conduct annual review of EEO Management Plan.	Biosecurity Administration Officer,	
EEO data submitted into Annual Report.		

OBJECTIVE 4 – EEO TARGET GROUPS

Council's aim is to have its workforce accessible to EEO target group members in so far as the mainly remote worker field-based positions will permit.

EEO TARGET GROUP	RESPONSIBILITY	OBJECTIVES AND PERFORMANCE INDICATORS
All target groups	General Manager,	<ul style="list-style-type: none"> Monitor access to opportunities (and remove barriers if any) for employment, training and development, promotion, transfer and higher duties for members of EEO target groups