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## EQUAL EMPLOYMENT OPPORTUNITY POLICY

### PURPOSE

Hunters Hill Council values and understands equity and diversity in the workplace and expects its employees to treat each other and members of the community with dignity and respect, regardless of characteristics such as sex, marital status, family responsibility or family status, race, religious commitment, age or impairment.

Hunter's Hill Council will positively seek to identify and eliminate all discriminatory practices both direct and indirect and will strive to maintain a work place free of harassment.

Further Hunters Hill Council has a strong commitment to Equal Employment Opportunity (EEO) and recruits and employs staff on the basis of merit. This provides a diverse workforce and a workplace culture where people are treated with respect.

All employees are entitled to access employment, promotion, training, transfers and benefits of employment on the basis of merit. They will be assessed on their skills, qualifications, abilities, prior work experience and aptitude.

All employees have a legal and moral responsibility to treat each other fairly and are expected to fulfil these responsibilities as a condition of employment.

Discrimination can occur in various ways, including verbal, non-verbal and physical harassment. The following policies will provide the framework of what is deemed as fair, equitable, acceptable, and constitutional practices and behaviour by Council staff.

The aims of Council's EEO policies are to:

- Demonstrate management and staff commitment to the principles of EEO.
- Ensure staff and community understanding of the principles of EEO and their application.
- Ensure that the process of the EEO management plan is communicated effectively to employees, target groups and the community.
- Provide community leadership in the area of EEO.



## APPLICABILITY

The Policy applies to all Councillors and Council workers including permanent, casuals, contractors and volunteers.

## SCOPE

This applies to situations where a member of staff feels they are being discriminated against or harassed or suspects another member of staff may be discriminated against or harassed.

## BACKGROUND

This Policy has been developed in accordance with the:

- *Anti-Discrimination Act 1997*
- *Disability Discrimination Act 1992.*
- Fact Sheet: What is Discrimination and Harassment? Human Rights and Equal Opportunity Commission

## DEFINITIONS

This section contains a table that defines key words in the Policy and common abbreviations used within the Policy.

Term	Definition
Council workers	Permanent, temporary, casual employees, volunteers, work experience students and interns, consultants and contractors of Hunter's Hill Council.
Disability	The functional loss imposed on an individual as a result of an impairment and includes physical, intellectual, psychiatric, sensory, neurological and learning disabilities. It also includes physical disfigurement.
Discrimination	Unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or groups because of their race, colour, national or ethnic origin, sex, pregnancy or marital status, age, disability, religion, sexual preference, trade union activity, or any other characteristic specified under anti-discrimination and human rights legislation.



	<p><b>Direct discrimination</b> occurs when a person of a particular race, sex, age, marital status or a person with a disability is treated less favourably than a person who does not have a disability is treated in the same or similar circumstances.</p> <p><b>Indirect discrimination</b> occurs when there is a requirement or condition or practice that is the same for everyone and appears to treat everyone the same, however has an unfair effect on a particular group of people.</p>
Harassment	Includes any behaviour that is unwanted, unsolicited, and unwarranted, and as such is offensive. The distress caused may be intentional or unintentional. Harassment may take such forms as coercion, offensive jokes, suggestions about another's racial or ethnic background, gender, sexual preference, disability, or physical appearance, offensive pictures, unwanted physical contact or verbal advances; making unwarranted assumptions about an individual's or group's behaviour, values, culture or abilities; or intimidation, abuse or assault.
Racism	Is the expression of attitudes, or behaviour, based on an assumption of the superiority of one race or group of persons of one colour, ethnic origin, or culture over another?
Sexual Harassment	<p>Is defined as unwelcome sexual advances, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, which includes making a statement of a sexual nature to a person, or in a person's presence, either orally or in writing.</p> <p>Examples of this behaviour may include jokes of a sexual nature, verbal abuse, intimidation, and sexual innuendo, displaying offensive pictures, gestures, comments of a sexual nature or physical contacts such as patting, pinching, hugging and brushing against another person.</p> <p>Extreme forms of sexual harassment does not arise in the context of mutual sexual attraction and flirtation which is based on consent and is a private matter between the individuals concerned.</p>
Workplace	Refers to the premises, site or locations when employees work.



## POLICY GUIDELINES

### 1. *INAPPROPRIATE BEHAVIOUR (HARASSMENT)*

The sort of behaviour that may cause distress or offence ranges from overt behaviour such as physical assault to covert behaviour such as continually undermining a colleague. The following are indications of types of behaviour that may constitute harassment and should not be considered an exhaustive list:

- Remarks, derogatory comments, jokes
- Offensive or suggestive literature, for example inappropriate literature, posters or racist jokes
- Unwanted physical contact
- Physical or verbal assault
- Embarrassing, threatening, humiliating, patronising or intimidating remarks
- Unwarranted threats of disciplinary action
- Undermining a person's esteem
- Unacceptable aggressive style from supervisor/manager
- Suggestive remarks
- Insulting behaviour or gestures
- Belittling opinions or constant criticism
- Isolating workers from normal work interaction, training and development of career opportunities
- Underwork, creating a feeling of uselessness
- Unexplained job changes, meaningless tasks, tasks beyond a person's skills, failure to give credit where due.
- Unreasonable "administrative sanctions" for example, undue delay in processing applications for training, leave or payment of wages.

No behaviour which causes distress to another employee is acceptable at work. All employees need to consider their own behaviour and that of their colleagues and reflect whether it be unacceptable or offensive.

### 2. *RESPONSIBILITY OF DIRECTORS, MANAGERS AND SUPERVISORS*

- 2.1 It is the responsibility of the director, manager or supervisor to ensure that no form of harassment takes place at the workplace, and this includes ensuring that a culture of unacceptable behaviour is not allowed to develop. Employees should be given clear guidance of what is acceptable and what is not acceptable.



The following are examples of unacceptable workplace culture:

- Pin-ups, sexually suggestive calendars on notice boards or desks
- Bantering or malicious gossip
- Making one particular employee the target of jokes
- Loud personal comments about, or to, colleagues
- Common use of offensive language or suggestive comments
- Aggressive style of management

2.2 Directors, managers and supervisors have responsibilities to manage and supervise their employees, particularly with regard to unsatisfactory performance of duties. Therefore harassment must not be confused with advice and comment from managers and supervisors regarding an individual's work performance. Such comment and advice may include critical statements and feedback, along with ongoing monitoring and review of performance.

### 3. COMPLIANCE

All employees are required to comply with this policy and are required to take appropriate measures to ensure that harassment does not occur.

### 4. DISCIPLINARY ACTION

Breaches of this policy will be considered as misconduct and disciplinary action may be taken against employees where a case of harassment or discrimination is found.

### 5. IMPLEMENTATION

5.1 All policies will reflect that Council will not tolerate discrimination or harassment and is committed to ensuring fair employment practices:

- a) When recruiting and promoting staff
- b) In employment conditions
- c) In training and development
- d) By ensuring a harassment free workplace
- e) By providing impartial complaints handling
- f) By providing flexible work practices.

5.2 This Policy and the EEO Plan 2021-2024 will be distributed to all staff and management committees and the commitment to EEO will be incorporated in all relevant Council documents, including:



- a) The CSP and Delivery plan
- b) Employment contracts and letter of appointment
- c) Position descriptions
- d) Job advertisements
- e) Relevant promotional material.

## RELATED POLICIES AND DOCUMENTS

- Hunter's Hill Council EEO Management Plan 2021 – 2024
- Hunter's Hill Council Disability and Inclusion Action Plan 2017
- Hunter's Hill Council Code of Conduct
- Hunter's Hill Council Respectful Behaviours Policy
- Hunter's Hill Council Value Statements (Honesty Excellence Accountability Respect Teamwork)

## AUTHORISATION AND REVIEW

### POLICY AUTHORITY

General Manager

### Next Review Date

The Policy should be reviewed every four years and be endorsed by the General Manager.

### Version Control Table

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Date	Version	Res. No.	Key Changes	Author
09.09.13	1.0	285/13		R.Guerra
2016	1.1			
14/12/2020	2	424/20	Updated Policy	Manager People and Culture Rosanna Guerra

### Date adopted by Council

14 December 2020