



5. GOVERNANCE

POLICY NO:

5.27

POLICY TITLE: EQUAL EMPLOYMENT OPPORTUNITY POLICY

FILE NO: 4172

ADOPTED: 12 July 2001

MINUTE NO: General Manager's Delegation

PREVIOUS POLICY

ADOPTED: 09/03/98, 28/8/00

MINUTE: RS021/98, 109/00

POLICY STATEMENT:

SEE OVER PAGE.



CAMDEN COUNCIL

***EQUAL EMPLOYMENT
OPPORTUNITY
(EEO)***

POLICY

POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

It is the committed policy of Camden Council to ensure that the talents and resources of employees are utilised to the full and that no job applicant or employee receives less favourable treatment on the grounds of sex, marital status, disability, homosexuality, race, pregnancy, age or transgenderism, or is disadvantaged by conditions or requirements which cannot be shown to be relevant to performance. In addition, Council is committed to promoting equal employment opportunities for all its employees.

To this end, Council will:

- Recognise its legal obligations under the NSW Anti-Discrimination Act (1977) and other Federal Legislation.
- Encourage active participation of all employees in the equal opportunity planning and implementation process.
- Review periodically its selection criteria and procedures to maintain a system where individuals are selected, promoted and treated solely on the basis of their merit and abilities which are appropriate to the job.
- Seek to give all employees equal opportunity and encouragement to progress within the organisation by implementing an ongoing action and training program.
- Distribute and publicise this policy statement throughout the organisation and elsewhere as is appropriate.
- Provide within the Management Plan, to all employees, training which may improve their prospects within Council and which will enhance employees understanding of the need for an equal employment opportunity program.

The overall responsibility for monitoring the effectiveness of this policy and for implementing an ongoing program of action to make the policy fully operative is vested in the General Manager.

It is the responsibility of all employees to accept their personal involvement in the practical application of this policy. However, specific responsibility is delegated to management, supervisors and employees involved in recruitment, employee administration and training.

Council's EEO Management Plan aims to provide fair and equal treatment and opportunity for all staff in respect of their employment.

To achieve this, Council's management must ensure that all selections processes are based on merit and that the workplace is free from discrimination and harassment.

No employee shall serve on a staff selection panel unless they have first completed training at the Equal Employment Opportunity Workshop and the Selection and Recruitment Procedures workshop.

POLICY ON HARASSMENT PREVENTION

Camden Council believes its employees have the right to work in an environment free from intimidation, threat and humiliation. Harassment in any form, is disruptive to the well being and job performance of co workers and will not be tolerated by Council. Council is committed to implementing strategies that will prevent and eliminate harassment occurring within Council.

Harassment may be related to any of the seven grounds covered by the NSW Anti Discrimination Act 1977: race, sex, marital status, disability, homosexuality, transgenderism, association. It is a form of discrimination under the NSW Anti Discrimination Act 1977, and is unlawful. It also contravenes Council's Equal Employment Opportunity policy and code of conduct, and makes it an unsafe and hazardous workplace, contrary to Council's Occupational Health and Safety policies.

What is Harassment?

Harassment in general, is unsolicited and unwelcome behaviour which may cause offence or distress to its recipients, and which creates an intimidating, hostile or offensive work environment. Acts or behaviour which may appear to be humorous and/or insignificant to one person may be offensive, disturbing or distracting to another. Harassment occurs when the behaviour and/or language in question is found to be offensive by the recipient.

Harassment in the workplace may take the form of (but is not limited to):

- coercive behaviour used to control, influence or affect the career or job of a person.
- sexual harassment - this includes such things as unwanted sexual comments or abuse, unwanted sexual suggestions, offensive gestures and unwanted sexual contact.
- offensive jokes, suggestions or derogatory comments about another workers' racial or ethnic background, sex, age, homosexuality, transgenderism, disability or physical appearance.
- display or distribution of pictures and posters which are offensive and/or obscene
- derogatory or offensive material sent through electronic mail systems or other computer systems
- expressing stereotyping, that is, assumptions about individual's group behaviour, values, culture or abilities
- physical contact such as frequent brushing against a person, pinching or patting or putting an arm around someone when it is unwelcome
- intimidation, abuse or assault

POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

There are various impacts of harassment and some of these include a reduction in their work environment and receive less favourable treatment than their colleagues. Allowing harassment to occur is a form of direct discrimination.

Harassment, whether committed by a co-worker, supervisor, manager, senior manager, councillor or member of a council committee will be viewed as misconduct and a breach of discipline, and will not be tolerated. Harassment of the public by Council employees is also seen as misconduct and may also be in breach of the Anti-Discrimination Act 1977 or other Federal legislation.

A finding that harassment has occurred will result in disciplinary measures being taken against the employee/councillor responsible. Those in authority who knowingly tolerate such behaviour are as guilty of misconduct and could be held legally liable under the principles of vicarious liability. It is the responsibility of all members of this Council, including councillors, senior managers, supervisors and employees, to ensure that individuals are not subjected to harassment.

WORKPLACE DISCRIMINATION AND HARASSMENT PREVENTION

THE RESPONSIBILITIES OF EQUAL EMPLOYMENT OPPORTUNITY ADVISERS

PRIMARY RESPONSIBILITY

Equal Employment Opportunity Advisers (EEOAs) have a primary responsibility of providing information and support to individuals who consult them on specific matters.

SECONDARY RESPONSIBILITY

A secondary responsibility is assisting to educate staff at all levels about workplace discrimination/harassment issues, prevention and resolution.

GENERAL RESPONSIBILITIES

EEOAs help employees to clarify and decide whether a specific situation constitutes workplace discrimination/harassment and then refer the employee to the appropriate person to deal with the complaint as per Council's Grievance Procedure contained in the Policy Manual.

THE RESPONSIBILITIES OF DIRECTORS, MANAGERS, & SUPERVISORS

PRIMARY RESPONSIBILITY

Management is responsible for providing a physically and psychologically suitable work environment by ensuring that acceptable standards of conduct are always maintained.

GENERAL RESPONSIBILITIES

Directors, Managers, and Supervisors must ensure that all staff understand:

- what constitutes workplace discrimination and harassment;
- who is available to assist them with information, support and/or resolution of complaints; and
- the rights, responsibilities and legal liabilities of all parties concerned.
Directors, Managers and Supervisors who become aware of discrimination,

POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

harassment must take action to resolve the problem without delay by following the grievance procedure steps outlined in the Complaint/Grievance Handling Procedure.

THE RESPONSIBILITIES OF EMPLOYEES

1. Camden Council employees include all staff members, whether full time or part time, permanent or temporary, contract workers, commission agents and voluntary workers.
2. All employees have a responsibility to assist management and each other to maintain an harassment free workplace and a workplace that does not condone discrimination by:
 - being sensitive to any action or language that relates to the personal circumstances or lifestyle choices of an employee which might give that employee reasonable cause to feel discriminated against, offended, humiliated or intimidated; and
 - seeking out and participating fully in education and awareness raising activities which promote a harassment free and discrimination free workplace.
3. Council employees experience of harassment may be of three types:
 - an awareness of a fellow staff member suffering harassment;
 - a belief that they themselves may have been subjected to a less complex kind of harassment; or
 - a certainty that they themselves are or have been subjected to a more complex, persistent or criminal kind of harassment.
4. Council employees experienced discrimination when an employee receives less favourable treatment on the grounds of their sex, marital status, physical impairment, intellectual impairment, homosexuality, race, pregnancy, age, religious and/or political conviction, or transgenderism, or is disadvantaged by conditions or requirements which cannot be shown to be relevant to performance.

Council employees' responses to the experiences outlined in points 3 and 4 should vary as follows:

5. Council employees who become aware of or suspect workplace discrimination or harassment of or by other employees have a responsibility to assist management and each other to eliminate the discrimination/harassment by:
 - bringing the situation to the attention of a Director, Manager, Supervisor or the Employee Relations Branch without identifying the individuals involved to avoid the risk of defamation; and

POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

- offering support to fellow employees who are experiencing discrimination/harassment and encouraging them to consult in the first instance an EEO Adviser, Director, Manager, Supervisor or Union representative;
 - as far as possible, maintaining a professional distance from the alleged harasser(s) where harassment is perceived to have occurred.
 - naming the alleged harasser only to someone who has a legitimate interest in the complaint and who is in a position to resolve it or to carry it forward towards a resolution.
 - if circumstances allow, indicating to the alleged harasser either in person or in writing, the specific unsolicited behaviour that is unwelcome, intimidating, offensive and/or humiliating and stating that unless it ceases, a formal complaint will be made.
 - when necessary, seeking a resolution of the problem usually informally through their Director, Manager or Supervisor.
6. Where Council employees are certain that the harassment to which they are being subjected involves:
- attempts to control, influence or affect their employment or career; or
 - repeated incidents over a period; or
 - failed attempts at informal resolution; or
 - criminal offences including threats by phone or mail, physical or sexual abuse, regardless of how minor in nature, assault in the workplace, indecent assault, following or trespass on private property;
 - employees should make an immediate formal complaint naming the person only to the person who has a legitimate interest in the complaint, and seek a resolution through the most appropriate formal options available.
7. While complainants have the freedom to switch from one resolution option to another or to withdraw a complaint, they should understand that management inquiries, disciplinary action or police investigations once begun, may need to be pursued in the interests of other staff or the general public even if the complainant no longer wishes to pursue the matter.
8. All Council employees have the right to make an internal complaint if they believe they are being subjected to workplace harassment. This right does not lessen any other legal rights they may have.