

# RICHMOND VALLEY COUNCIL POLICY REGISTER

File No: P.140.00

Policy No: 1.6.25

---

---

<b>POLICY:</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY (EEO)</b>
<b>FUNCTION:</b>	<b>Human Resources</b>
<b>OBJECTIVE:</b>	<b>To express Council, management and staff commitment to the elimination of discrimination, both direct or indirect in the selection for employment or granting of any benefit whilst employed on the grounds of race, gender, sexual preference, marital status, disability, religion and/or age</b>
<b>DIRECTORATE:</b>	<b>CORPORATE SERVICES</b>

---

---

## POLICY:

1. To establish, monitor and review such policies and procedures as it sees fit to implement the provisions of the EEO Policy through the EEO Management Plan.
2. To promote equal employment opportunity for all employees by compliance with:
  - **Commonwealth Legislation**
    - Equal Employment Opportunity (EEO) Act 1987
    - Human Rights and Equal Opportunity Commission Act 1986
    - Sex Discrimination Act 1984
    - Racial Discrimination Act 1975
    - Disability Discrimination Act 1992
    - Affirmative Action (Equal Employment Opportunity for Women) Act 1986
    - Workplaces Relations Act 2005
  - **State Legislation**
    - Anti Discrimination Act 1997
    - Disability Services Act 1993
    - Industrial Relations Act 1996
    - Local Government Act 1993.

## POLICY STATEMENT

The Council endorses the view that equality in employment is a fundamental right which must be applied to every aspect of work life. Council also believes that the implementation of an EEO policy and associated procedures will lead to a more productive workplace and result in better service delivery to the community.

EEO principles also apply to conditions of employment, access to benefits conferred by the employment contract, interaction between staff in the workplace, the conduct

of Annual Reviews and evaluation of performance and the opportunity for training and career development.

The aims of EEO initiatives are to promote employment policies and practices which are based on the principle of merit and to introduce and pursue programs designed to assist people traditionally disadvantaged in the workplace because of discrimination or prejudice and social inequity. The development, implementation and review of such programs will be conducted through the Equal Employment Opportunity (EEO) Management Plan.

In summary, Equal Employment Opportunity involves:

- merit-based selection
- ensuring that conditions of service and career opportunities are fair and equitable
- assisting all employees to achieve their full potential with respect to their positions
- ensuring that discrimination in the form of harassment does not adversely affect relationships in the workplace
- ensuring equity of access to training and career development

Equal Employment Opportunity affirms the right to be fairly considered for a job for which one is skilled and qualified. It is the chance to compete with others and not be denied fair appraisal or be excluded during this process by laws, rules or attitudes. Merit based selection in recruitment is fundamental to EEO.

A policy of Equal Employment Opportunity means that the requirements and qualifications for a job must be carefully defined so that no one is excluded from consideration or disadvantaged by the application of irrelevant criteria.

## **DEFINITIONS**

***Discrimination*** - Refers to unequal treatment or opportunities. Discrimination may be direct, indirect or systemic.

***Direct Discrimination*** - Occurs where people are treated differently because different criteria are applied when it is not necessary for them to be applied.

***Indirect Discrimination*** - Occurs when rules, regulations or practices assume everyone is the same, have the same opportunities, and can meet the same "normal" criteria. These rules and practices are discriminatory in effect, as they exclude people with suitable skills who don not meet the apparently fair rules or practices, e.g. height requirements for certain jobs, doors that are too heavy for someone in a wheelchair to use, no female toilets at certain worksites.

***Systemic Discrimination*** - Are rules or practices which result in different patterns of access to different jobs and different access to benefits or services. It is the result of both direct and indirect discrimination.

**Vilification** - Means any racist speech, act or behaviour that could incite or encourage hatred, contempt or ridicule.

**Equal Employment Opportunity (EEO)** - Means all decisions made in respect of employment are based on merit.

**Merit** - Means assessing each person's qualifications, skills, abilities and suitability relevant to the needs of the job, and disregarding irrelevant personal characteristics. Merit recognises experience gained both inside and outside formal employment.

**Affirmative Action** - Programs designed to overcome the effects of past discrimination. This discrimination has formed barriers which exclude target groups from having access to equal employment opportunity. Affirmative action seeks to address the effects of past disadvantages and prevent future disadvantages. It is the method of achieving equal employment opportunity for target groups.

**EEO Groups** - As specified in the NSW Local Government Act are:

- Women
- People of Non-English Speaking background (NESB)
- People of Aboriginal or Torres Strait Islander descent
- People with physical and mental disabilities

**Sex Discrimination** - Refers to less favourable treatment on the grounds of a person's sex, or any characteristic of a person's sex. Sex discrimination also covers discrimination on the grounds of marital status or pregnancy. Sex discrimination occurs if a man or woman must comply with requirements or conditions that are unreasonable or that persons of the opposite sex do not have to comply with.

**Marital Status** - See "Sex Discrimination".

**Race Discrimination** - Refers to less favourable treatment on the grounds of a person's race, or characteristics of his/her race. Race discrimination occurs if someone is required to comply with requirements or conditions that are unreasonable, or that others do not have to comply with.

**Aboriginal or Torres Strait Islander** - Is a person of Aboriginal or Torres Strait Islander descent who identifies as Aboriginal or Islander and is accepted as such by the Aboriginal or Island community.

**Non-English Speaking Background (NESB)** - Refers to people who were born in a country where English is not the main language spoken, or to people born in Australia with one or both parents NESB.

**Physical Disability** - Is any defect or disturbance in the structure or functioning of a person's body.

***Intellectual Disability*** - Is any defect or disturbance of the functioning of a person's brain. This may result in learning problems.

***Psychiatric Disability*** - Is any condition which impairs a person's thought processes, perception of reality, emotions or judgement, or which results in disturbed behaviour.

***Physical, Intellectual or Psychiatric Disability Discrimination*** - Occurs when someone is treated less favourably than another person in the same or similar circumstances, because of the disability. Discrimination also occurs when a person with a disability is required to comply with a condition or requirement:

- with which a substantial proportion of people who do not have a disability can comply,
- which is not reasonable, and
- with which a person with a disability does not or is not able to comply.

***Sexual Orientation*** - Occurs if a person is treated less favourably than others on the grounds of his/her actual or their believed sexual orientation and/or transgender identity. Sexual orientation discrimination occurs if a person is required to comply with a requirement or condition:

- with which only persons of a different sexual orientation and/or transgender identity are able to comply,
- which is not reasonable in the circumstances, or
- with which the particular person does not or cannot comply.

## **OVERALL RESPONSIBILITY**

Responsibility for the adoption of the EEO Policy and implementation of the EEO Management Plan rests with the General Manager. Council will adopt and implement an EEO Management Plan.

## **DAY-TO-DAY RESPONSIBILITY FOR CO-ORDINATING EEO MATTERS**

The General Manager may nominate or appoint an officer to be responsible for the day-to-day co-ordination of EEO activities and the execution of the EEO Management plan.

## **MONITORING ROLE OF THE RICHMOND VALLEY COUNCIL CONSULTATIVE COMMITTEE**

A sub-committee of the Richmond Valley Council Consultative Committee will monitor the execution of the plan and will report on the progress to the General Manager and the Council on a quarterly basis. The officer nominated for the EEO Co-ordination by the General Manager is an ex-officio member of the Sub-Committee.

## **IDENTIFYING TARGET GROUPS**

From time to time Council will use statistical and demographic data to determine strategies for addressing EEO issues relating to particular target or historically-disadvantaged groups.

## **EEO AUDIT OF HUMAN RESOURCE MANAGEMENT POLICIES, PRACTICES AND PROCEDURES**

- Council will conduct a comprehensive audit of all Human Resource Management Policies, Procedures and Practices; the audit to be carried out every two years.
- Policies, procedures and practices found to be incompatible or inconsistent with the provisions and spirit of EEO and related legislation will be discarded or replaced.
- Informal procedures and practices will be identified, reviewed and formalised where they are deemed to be appropriate.

## **ELEMENTS OF THE EEO MANAGEMENT PLAN**

The EEO Management Plan sets out the actions to achieve outcomes, the responsible officer and the target date for completion.

## **VARIATION**

Council reserves the right to review, vary or revoke this policy from time to time.