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| <b>Title:</b>                 | <b>4.43 Equal Employment Opportunity</b> |
| <b>Previous No:</b>           |  |
| <b>File No:</b>               |  |
| <b>Statutory Environment:</b> | <b>Equal Opportunity Act 1984</b>        |
| <b>Minute No:</b>             | <b>8.1.4 032017.OM</b>                   |
| <b>Last Updated:</b>          | <b>March 2017</b>                        |
| <b>Review Date:</b>           | <b>September 2019</b>                    |

## Objectives

The objectives of this policy are to:

- (a) Ensure that in the application of all Human Resources policies, practices and procedures, no discrimination takes place and that all employees enjoy equal access to opportunities within the Shire;
- (b) Ensure that decisions relating to employment, promotion and training are equitable and based upon merit;
- (c) Ensure that all employees are able to work in a non-threatening, harassment-free environment.
- (d) To promote EEO throughout the Shire to ensure that every employee (at every level) is aware of, and understands, his/her rights and responsibilities in relation to EEO, and promotes the social and cultural diversity of the organisation and community in general;
- (e) Enable the Shire to uphold its obligation to ensure the absence of all forms of discrimination by promoting workplace rules, policies, practices and behaviours that are fair; and
- (f) Ensure that employees are treated with, and treat each other with respect and dignity.

## Policy:

In accordance with the WA Equal Employment Opportunity (EEO) Act (1984), the Shire is committed to ensuring that all employees enjoy equal employment opportunities regardless of gender, race, religious or political convictions, impairments or ages. This means that:

- (a) Employees are treated fairly and equally when employment decisions are made;
- (b) Each employee enjoys a harassment-free work environment; and
- (c) Unlawful discrimination does not take place.

Employees, whether at work, on the Shire's premises, or at a function of the Shire, or handling information related to the Shire, are expected to abide by the equal employment/ anti-discrimination guidelines and the State and Federal laws.

Where these standards are breached, counselling and disciplinary action will occur, and acts of serious misconduct may result in termination of employment.

This policy applies to all staff, volunteers and contractors working for and at the Shire of Goomalling.

## **Procedure**

### ***Achieving Employment Decisions Based on Merit***

- (1) It is unlawful for a person to subject or threaten to subject another person to any detriment where that person has made a complaint or proposes to make a complaint under the Act.
- (2) All employment decisions in the Shire of Goomalling are to be based on merit. To achieve this, the following principles need to be strictly adhered to:
  - (a) Recruiting of new employees is based on the best qualified person for the job;
  - (b) Awarding all jobs and promotions based on merit;
  - (c) Basing judgments about people in the workplace on their relative ability to carry out the duties of the position;
  - (d) The requirements of the job are the primary focus and irrelevant criteria are excluded; and
  - (e) If a recruitment agency is used, the agency should also follow anti-discrimination and EEO legislation.

### ***Achieving Equality of Opportunity***

- (1) Equality of opportunity means everyone is able to compete on the same terms in relation to employment and its opportunities. This involves maintaining a diverse workforce.
- (2) This key principle focuses particularly on the following groups:
  - (a) People with a disability;
  - (b) Women (under Affirmative Action legislation);
  - (c) People from a non-English speaking background; and
  - (d) Aboriginal and Torres Strait Islander people.

### ***Anti-discrimination Legislation***

The Shire is bound by state and federal anti-discrimination legislation, which makes discrimination, on specific grounds, unlawful. Refer to Policy 7.14 - Workplace Behaviour.

## ***Managers and Supervisors***

It is the responsibility of managers and supervisors to promote the principles of EEO in their workplaces. This can be achieved by:

- (a) Providing employees with a positive role model;
- (b) Ensuring employees are aware of and comply with policies;
- (c) Reviewing all workplace practices and employment conditions to comply with anti-discrimination legislation;
- (d) Acknowledging that diversity makes good business sense;
- (e) Dealing with complaints about discrimination quickly, confidentially and effectively;
- (f) Monitoring issues and resolutions;
- (g) Seeking advice where appropriate; and
- (h) Assisting with access to counselling or an advocate where appropriate.

## ***Employee Responsibility***

Employees are responsible for:

- (a) Their own behaviour and actions at all times;
- (b) Adhering to the Shire's policy regarding EEO (and all policies);
- (c) Seeking the appropriate advice regarding the acceptability of an action prior to undertaking it;
- (d) Treating fellow employees and customers fairly and equitably;
- (e) Being aware of their individual responsibilities under anti-discrimination legislation; and
- (f) Advising their manager/supervisor if they believe they have been discriminated against or if they believe there has been discrimination against a colleague.

## ***Lodging Complaints and Dealing with Breaches***

- (1) Any employee who feels that a decision has not been based on merit or they are being discriminated against has the right to make a complaint. In this instance the employee should talk to their manager/supervisor who intern advise them of their options he/she will tell you what your options are.
- (2) While it is preferred that matters are resolved satisfactorily internally, employees have the right to lodge a complaint with the relevant body.

## ***Confidential Records***

Regardless of the action taken, a confidential record of any incident should be kept that includes:

- (a) Dates and times;
- (b) Places;
- (c) Witnesses; and
- (d) Details of what happened.

All documentation should be dated and signed and filed on the relevant personnel file.

Any forms or documents used for this purpose shall be in an accessible form.

***Breach of Standards***

- (a) The Shire does not tolerate any form of unlawful discrimination, harassment, bullying or victimisation.
- (b) Anyone who engages in unacceptable conduct in breach of this policy will face disciplinary action which may include a verbal or written warning and in serious cases, or cases of repeated behaviour, termination of employment or engagement.