

TITLE

C101 EQUAL EMPLOYMENT OPPORTUNITY

DEPARTMENT

Corporate Services

POLICY DIRECTIVE

HISTORY

Council Resolution No 29/02 adopted at the Ordinary Meeting of Council on 15 January 2002.

Council amended the Policy at the Ordinary Meeting of Council on 21 February 2012 as per Council's Resolution No 39/12.

POLICY

King Island Council recognises its legal obligations under the Equal Opportunity Legislation and will actively promote Equal Employment Opportunity. Council will ensure that discrimination does not occur on the grounds of race, sex, marital status, physical and intellectual impairment, homosexuality, transgender or age.

Council staff will have equal opportunity to undertake training that is relevant to their experience, skills and ability.

Opportunities for employment within Council will be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the requirements for engagement.

Council will not tolerate harassment within its workplace. Harassment is defined as any unwelcome offensive actions or remarks sexual or otherwise, concerning any person's race, colour, language, age, ethnicity, political or religious convictions, gender, marital status or disability.

Council recognises that the equal employment opportunity goals are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of his or her ability within the Council's organisation and salary structure.

RESPONSIBILITY / ACCOUNTABILITY

1. All Staff

- 1.1 are responsible for upholding the Equal Employment Opportunity (EEO) principles outlined in this policy, however specific responsibility lies with managers and supervisors to prevent discrimination and promote equal opportunity in the workplace.

2. Department Heads/Supervisors

- 2.1 are responsible for ensuring that staff for whom they are responsible upholds the principles covered in this policy.
- 2.2 are responsible for ensuring equality of employment opportunity is extended to all staff, and that no unlawful discrimination occurs in employment practices.

3 The Directors shall

- 3.1 ensure that Council's EEO policy and program is implemented within their respective departments.
- 3.2 ensure that all staff with supervisory responsibilities are aware of employee's rights and obligations under Council's EEO policy and Relevant legislation.
- 3.3 assist with the development and review of personnel policies and procedures.
- 3.4 ensure that position descriptions of all staff reflect their EEO responsibilities and accountabilities.

4 The General Manager shall

- 4.1 ensure that Council's EEO policy and program is implemented within Council.
- 4.2 ensure all staff complies with Council's EEO policy and with legal obligations under relevant legislation.
- 4.3 ensure that management audits of the EEO program are undertaken to ensure that the EEO policy and programs continue to meet objectives.

5 The Council shall

- 5.1 annually review the General Managers implementation of EEO policies.

Guidelines for Supervisors

What every supervisor wants to achieve is a work environment where each employee is treated with respect, encouraged to perform to the best of their ability, and valued honestly, without bias, for the work that they contribute to the organisation.

The following anti-discrimination/EEO principles make for the best work environment possible.

In general all employees must be treated fairly – whether they are permanent, casual, full time or part time. This means that people's sex, race, ethnic or ethno – religious background, marital status, pregnancy, disability, age, homosexuality, or transgender must make no difference in the way they are treated. The only times these factors can be taken into account are when the decision is a legal or commonsense reason.

As a supervisor your decision making will affect all the members in your department. The decisions you make are in relation to such things as

- Promotions or other advancements (including training)
- Leave (for example maternity leave, parental leave, recreation leave, sick leave, carers leave and bereavement leave. Also special leave and leave without pay)
- Hours worked, rostered days and breaks
- Work allocation – Allocation of duties
- Job related benefits.
- Dress standards
- Performance assessments, including restructuring
- Disciplinary actions for misconduct or poor work performance
- Recommendations for other types of dismissal including medical or redundancy

Each of these decisions could be made in a discriminatory manner if decisions are not made carefully. This is particularly important if some members of your team are not going to like your decision.

Provided below is a checklist to help you make your decision in a non-discriminatory manner.

Non-discriminatory decisions – A Supervisors checklist

- Check the organisation policy, and award and any workplace agreement that may assist you with your decision making.
- Be consistent. , make decision in the same way each time and communicate hem in the same way. Eg. You must not be seen to be any harsher (or easier) on team members of one sex than the other.
- Make sure the decision does not directly discriminate against any member of your team. For example it is direct age discrimination to refuse to provide training to someone because they are over a certain age.
- Check through the common discriminatory assumption checklist.
- Do not make assumptions on what pregnant women can and cannot do.

Note some common methods of decision making may well turn out to be indirect discrimination. For example, making a decision according to seniority or length of experience. Seniority/length of experience do not always constitute merit. Also making a decision according to what the majority wants may well be discriminating against the minority. It always pays to communicate your decision in such a way that people can see that the decision is fair.

Aim to be the sort of Supervisor that your team members want to come to first if they have any work concerns.

Indirect Discrimination checklist.

- Will my decision or is it likely to have a different/worse impact on :-
- Women opposed to men?
- Men as opposed to women?
- People from different ethnic or ethnic-religious backgrounds as opposed to people from other ethnic backgrounds.
- People who have a particular type of marital status as to opposed to people with another status.
- People with a disability or illness as opposed to people without.
- One age group as opposed to other age groups.
- People are transgender or gay as opposed to people who are not.

If the answer is yes to any of these questions, is the requirement, policy, procedure or rule “reasonable in all circumstances”? If is not, it may well be unlawful indirect discrimination.

Guidelines for preventing Harassment

As a supervisor you are expected to do your best to prevent harassment and encourage a “good working relationship policy” within your department.

In short, at the very least, you must make sure everyone in your department understands there will be no harassment.

Preventing Harassment – A Supervisors checklist.

- Make sure everyone in your department understands that they must respect everyone else’s right to feel differently about different types of behaviour. Everyone has the legal right to a workplace that feels safe and comfortable for him or her, and one where no sexual, sexist, racist, anti-gay, anti-disability behaviour occurs.
- Make sure everyone in your team knows how to deal with harassment if it happens to them, including whom to talk to.
- Know the arguments supporting the need to get rid of harassment.
- Be a good role model. Lead by example. If your behaviour is harassing there is no way you can expect the staff’s behaviour to be any better. And you leave yourself open to claims of harassment against you.
- Make sure the working environment is free of any material that someone else could find harassing.
- Follow up any staff/team behaviour changes that could indicate harassment is going on.
- Act immediately using your organisation’s grievance or complaints procedure, if you hear, see, or are told about any harassment.

BREACHES OF POLICY

Breaches of the Equal Employment Opportunity policy will not be tolerated. Failure to extend equality of employment opportunity to all employees and prospective employees is a serious matter and will result in the appropriate disciplinary action. Serious breaches of this policy may result in termination of employment.

WORKPLACE DISPLAY MATERIAL POLICY

King Island Council is committed to ensuring that Council workplaces present a positive public image and do not display material which is unlawfully discriminating and likely to cause offence. Council is also required to comply with legislation, which makes sexual harassment and racial vilification unlawful.

As such, all material of a sexist, racist or otherwise offensive or discriminatory nature shall not be displayed in any Council workplace. Material could include graphics such as pictures, posters, cartoons, picture calendars, graffiti or writing such as poems, quotes, notes or jokes. Examples of such material could be calendars or posters of almost nude females or males or material, which portrays a stereotypical view of a person of another race.

It is the responsibility of every supervisor and manager to ensure that their workplace does not display sexist, racist or otherwise offensive material and that any such material on display is removed. Any employee who displays such material will be asked to remove it as it is inappropriate in the workplace and against Council policy. If an employee does not remove the material, the supervisor will take the responsibility to do so and the employee will be given a written warning advising them that any future breaches of policy will result in formal disciplinary action being taken against them.