

EQUAL EMPLOYMENT OPPORTUNITY

HRE008



NARRANDERA SHIRE COUNCIL POLICY

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EQUAL EMPLOYMENT OPPORTUNITY



Policy No:	HRE008
Policy Title:	Equal Employment Opportunity
Section Responsible:	Human Resources
Minute No:	
TRIM File No:	ED/214-17
Next Review Date:	tba

Objective

Narrandera Shire Council is committed to providing a workplace that is free of discrimination by continuing to promote diversity and fostering an environment where all employees have positive working relationships with other staff. Narrandera Shire Council will ensure that within its workplaces, everyone is treated fairly and a culture of mutual respect applies. All employees will have the opportunity to reach their potential regardless of personal attributes.

Equal Employment Opportunity (EEO) principles will be observed in all Council activities, including recruitment, performance management, skills assessment, staff development, higher duties and all workplace decisions.

Narrandera Shire Council will implement an EEO Management Plan in accordance with Section 345 of the Local Government Act 1993.

Policy Statement

In the interests of prompt resolution, employees are encouraged to raise all discrimination, harassment, bullying, and vilification issues immediately with their supervisor, a more senior officer or with a member of the Human Resources Team, depending on the level from which the behaviour originates. In all instances these issues will be treated seriously and subsequent investigations will be conducted confidentially, promptly, fairly and impartially. Any person making an allegation/complaint will not be victimised or suffer any form of retribution.

Where appropriate, it is Narrandera Shire Council's preference to resolve complaints/allegations internally. Complainants have the option to refer matters to an external party such as the NSW Anti-Discrimination Board or to the police particularly in cases of serious harassment, stalking or assault.

Any issue relating to Work Health and Safety or general workplace activities will be dealt with in accordance with the respective WHS and Grievance Policies.

As far as practicable, the work activities existing prior to the complaint/allegation will continue while the matter is investigated.

Where an investigation reveals a potentially criminal matter, the complaint will be referred to the police.

Scope

This policy applies to all Narrandera Shire Council employees, work experience placements, volunteers, contractors and prospective job applicants.

Definitions

<i>EEO</i>	<i>Equal Employment Opportunity</i>
<i>WHS</i>	<i>Work Health Safety</i>
<i>Discrimination</i>	<i>Discrimination' is the unfair or less favourable treatment of employees, volunteers or job applicants based on an actual or assumed interpretation of their or their associate's characteristics as prescribed in the relevant legislation.</i>

Content

Material that may be offensive to others is not to be brought into the workplace in any hard copy or electronic form. Some material may not be illegal, however if it is intentionally or otherwise displayed or distributed in the workplace, it may cause offence to other employees.

Occasionally there may be legitimate grounds for possessing offensive material in the workplace (e.g. testing, investigations, exhibition, and education or research purposes). If this is necessary such possession must be approved in advance by a Deputy General Manager and appropriate steps taken to prevent its distribution beyond the staff directly involved.

Generally the community and therefore the Narrandera Shire Council workforce, tolerates the use, possession or wearing of items which are an individual reflection of personal religious or similar beliefs or practices. It is highly unlikely that such items or practices would offend other employees and they are not prohibited under this policy.

Roles and Responsibilities

Related Legislation/Guidelines/Narrandera Policies and Associated Procedures

- HRG001 – Grievance Policy
- EEO Procedure Document
- EEO and Diversity Management Plan 2015-2019
- HRH001 Workplace Bullying and Harassment

Policy History

Endorsed by relevant Committees (name) and date

Adopted by ELT 2 November 2015

Adopted by Consultative Committee 2 December 2015

Reviewed TBA

Amended

TBA



Signed: Chief Executive Officer

Date: 16 February 2016

PROCEDURE

EQUAL EMPLOYMENT
OPPORTUNITY POLICY

HRE008



NARRANDERA SHIRE COUNCIL POLICY



POLICY NAME

Policy No: HRE008
Policy Title: Equal Employment Opportunity
Section Responsible: Human Resources
Minute No:
TRIM File No: ED/214-96
Next Review Date: tba

Objective

This procedure ensures that all work practices and behaviours meet Narrandera Shire Council's Equal Employment Opportunity standards and that the work environment is free of discrimination and associated issues. It sets out how Narrandera Shire Council will deal with EEO and discrimination based complaints/allegations in a fair and impartial manner and also with consistency across these issues.

This procedure provides a way for all employees to raise potential issues and to deal with them promptly, therefore reducing the likelihood of the problem escalating.

Note: A separate policy covers bullying and harassment in the workplace.

Policy Statement

Scope

This policy applies to all Narrandera Shire Council employees, persons on work experience placements, volunteers, and prospective job applicants.

Definitions

EEO

WHS

Discrimination

Equal Employment Opportunity

Work Health Safety

Discrimination is the unfair or less favorable treatment of employees or job applicants based on an actual or assumed interpretation of their or their associates

- o *Sex, sexual orientation, gender identity and inter sex status.*
- o *Pregnancy*
- o *Race or Ethno-Religious background*
- o *Marital or Relationship Status*
- o *Disability including Infectious Diseases*
- o *Homosexual and Transgender characteristics*
- o *Age*
- o *Carer's Responsibilities*
- o *Breastfeeding*

<i>Disability</i>	<i>Includes genetic predisposition to a disability and behavior that is a symptom or manifestation of a disability</i>
<i>Direct Discrimination</i>	<i>Is the treatment of differently or unfairly based on one or more types of the above discrimination criteria.</i>
<i>Indirect Discrimination</i>	<i>Is the treatment of all people the same, but in a way that ends up being unfair to certain types of people who meet one of the above criteria.</i>
<i>Vilification</i>	<i>Is any public behaviour that could incite hatred, contempt or ridicule towards a person or group of people based on their race, sexuality, or transgender preferences.</i>

Content

Through the application of these procedures, Narrandera Shire Council's objective is to create a workplace where all employees treat each other with respect, understand that everyone is different and accept that everyone has the right to feel safe and comfortable at work. It should also be understood that the possession, display or distribution of offensive material in the workplace is unacceptable.

The prevention of discrimination is a more preferable option than having to resolve potential issues. Narrandera Shire Council has undertaken a number of key initiatives to ensure a work environment that is free from discrimination. These include:

- the development and implementation of the EEO Management Plan;
- the development and implementation of policies and procedures dealing with EEO;
- advising staff of the EEO Policy and these procedures;
- ensuring that all policies are reasonable in all circumstances;
- ensuring that all decisions are fair and that these are effectively communicated;
- outlining to all employees what standards of behaviour are expected;
- ensuring that all recruitment decisions are fair and based on merit; and
- continually monitoring the work environment for signs of discrimination and vilification.

Narrandera Shire Council is a complex organisation and the successful integration of a diverse range of people into the workplace depends on having the above frameworks in place, with the aim of preventing all forms of discrimination and having an effective process for resolving them.

Impact of Discrimination

Discrimination in any of its forms that is not dealt with promptly and effectively has the potential to lead to severe consequences for Narrandera Shire Council, resulting in:

- increased levels of stress,
- reduced morale and job satisfaction,
- lower productivity,
- industrial problems, absenteeism,
- increased staff turnover,
- breakdown in communication and trust,
- potential legal action,
- potential negative public relations for the organisation,
- loss of status as an employer, and
- impact on employee's life/home environment.

Reporting Issues

In the interests of prompt resolution, employees are encouraged to raise all discrimination or vilification issues immediately with their supervisor, a more senior officer or with a member of the Human Resources Team, depending on the level from which the behaviour originates. These issues should be lodged in writing and include any evidence or examples to assist with the investigation process.

In all instances these issues will be treated seriously and subsequent investigations will be conducted confidentially, promptly, fairly and impartially. Any person making an allegation/complaint will not be victimised or suffer any form of retribution.

Narrandera Shire Council's Employee Assistance Advisor is able to provide support to employees throughout this process.

Investigation of Discrimination Complaints Against Staff

When a discrimination complaint is received by a manager/supervisor the Narrandera Shire Council internal investigation procedure will be applied in consultation with the Human Resources Team.

Sometimes a discrimination issue can arise where employees feel hurt or offended by the unintentional behaviour of another person. An informal way of resolving such a situation is for a facilitator to convene a meeting where the employee can explain to the person who is behaving in an inappropriate way that their actions are causing offence and should be modified or cease immediately. The offending employee is then aware that their behaviour is not acceptable and they have a chance to cease or modify it. If the behaviour continues or the issue remains unresolved, the Narrandera Shire Council internal investigation procedure and possibly the Disciplinary Policy would then be implemented.

It should be noted that whilst Narrandera Shire Council's aim is to resolve all such issues internally, all employees have a right to seek external assistance or refer the issue to the Anti-Discrimination Board.

Frivolous or Vexatious Complaints

Where the complaint/allegation has been deemed to be frivolous/vexatious and/or the incident did not occur, then appropriate action may need to be taken against the complainant.

Investigation Outcomes

Following the completion of the investigation the following may be warranted:

- an apology, verbal or written;
- counselling;
- further EEO training; and
- disciplinary action.

Generally, when deciding on what action will be taken, the following factors need to be considered:

- the seriousness of the issue;
- the offending person's intent;
- previous disciplinary action; and
- any other mitigating circumstances.

The process for implementing disciplinary action is contained in the Narrandera Shire Council Disciplinary Policy.

External Investigators

For complex discrimination issues, an external investigator may be considered on the request of either party or at the discretion of the Deputy General Manager in consultation with the Human Resources Team and with the approval of the Chief Executive Officer.

Storage of Records

It is important that relevant information is kept on all discrimination issues, no matter how minor it may seem. This could range from diary entries to more detailed file notes. All information should be recorded in a factual, non-judgemental manner and filed confidentially.

Once the formal investigation is complete, a decision will be made by the Human Resources Section regarding the information to be filed on the complainant's file and the file of the person/s being complained about. All other detailed notes, statements or investigation information should be passed on to the Human Resources Team for confidential filing.

Any documentation relating to disciplinary action will be filed in accordance with the Disciplinary Policy.

Appeals

Either party involved in the complaint may appeal the outcome.

The avenues for appeal will be dependent upon the circumstances of each situation (e.g. the next most senior officer or an external agency). An employee wishing to lodge an appeal should seek advice from the Human Resources Team.

Roles and Responsibilities

- 1 Executive Leadership Team (ELT) is responsible for ensuring that:
 - o appropriate Human Resource policies and procedures are implemented and monitored; and
 - o Narrandera Shire Council meets its legal obligations

- 2 Chief Executive Officer and Deputy General Managers are responsible for:
 - o appointing investigators to examine and report on allegations of EEO breaches or vilification;
 - o providing advice to staff on this procedure
 - o monitoring the work environment and taking action if required.

- 3 Managers/Coordinators/Team Leaders/Supervisors are responsible for:
 - o administering the EEO Procedures, and ensuring prompt action is taken on any allegation/complaint that is lodged;
 - o providing advice to staff on this procedure;
 - o ensuring a staff member is not victimised for lodging an allegation/complaint;
 - o ensuring that all allegations/complaints are investigated fairly and according to the agreed procedure;
 - o maintaining confidentiality regarding an allegation/complaint;

- o providing all necessary information during an investigation;
- o follow up and monitoring once issues have been resolved to ensure no further problems occur;
- o maintaining a work environment of open communication and mutual respect within their unit; and
- o monitoring the work environment and taking the appropriate action if required.

4 The Human Resource Team is responsible for:

- o ensuring prompt action is taken on any complaint;
- o providing advice and support to all managers and investigators in the application of this procedure;
- o providing advice to staff on this procedure;
- o maintaining confidentiality regarding an allegation/complaint;
- o providing conflict resolution and collaborative problem solving skills training for the organisation as required;
- o providing workplace training for all staff on EEO principles, including during Induction training; and
- o arranging training and providing support for Incident Investigators.

5 Employees are responsible for:

- o being aware of their responsibilities in relation to EEO;
- o contributing to a work environment that embraces EEO principles;
- o promptly lodging allegations/complaints relating to discrimination, as well as providing the necessary information to support the allegation/complaint;
- o maintaining confidentiality regarding an allegation/complaint;
- o not victimising their colleagues for raising a allegation/complaint; and
- o not raising frivolous/vexatious allegations/complaints.

6 Incident Investigator/s are responsible for:

- o undertaking a fair, prompt, and confidential investigation, having regard to the available information;
- o maintaining confidentiality regarding an allegation/complaint; and
- o appropriate, factual record keeping.

Incident Investigators are expected to act impartially and co-ordinate the formal investigation, including arranging meetings with relevant parties and documenting all aspects of the process. In some situations, an external party may undertake the investigation.

Related Legislation/Guidelines/Narrandera Policies and Associated Procedures (List them)

- NSW Anti-Discrimination Act 1977
- NSW Anti-Discrimination Amendment (Carers' Responsibilities) Act 2000
- NSW Local Government Act 1993
- NSW Local Government (State) Award 2014
- NSW Privacy Act 1988

- NSW Work Health and Safety Act 2011
- Age Discrimination Act (C'wealth) 2004
- Disability Discrimination Act (C'wealth) 1992
- Fair Work Act (C'wealth) 2009
- Human Rights and Equal Opportunity Commission Act (C'wealth) 1986
- Racial Discrimination Act (C'wealth) 1975
- Sex Discrimination Act (C'wealth) 1984
- Code of Conduct
- Disciplinary Policy
- Displaying of Offensive Material in the Workplace
- Equal Employment Opportunity Policy
- Grievance Handling Policy
- Internal Investigation Procedure
- Recruitment of Staff Policy and Procedure
- Work Health and Safety Policy
- Workplace Harassment and Bullying Policy and
- Any Narrandera Shire Council Policy or Procedure which includes an element of discretion that could be exercised to the detriment of individuals or groups covered by legislation listed above

Policy History

Endorsed by relevant Committees (name) and date

Adopted by ELT 2 November 2015

Adopted by Council N/A

Reviewed tba

Amended 2 November 2015

Authorised Staff to Insert CEO Signature Here

Signed: Chief Executive Officer



Date: 16 February 2016

**Equal Employment Opportunity
and Diversity Management Plan
2015-2019**



Narrandera
Shire Council

Executive Summary

Narrandera Shire Council is committed to providing a workplace that is free of discrimination by continuing to promote diversity and fostering an environment where all employees have positive working relationships with other staff. Narrandera Shire Council will ensure that within its workplaces, everyone is treated fairly and a culture of mutual respect applies. All employees will have the opportunity to reach their potential regardless of personal attributes.

Equal Employment Opportunity (EEO) principles will be observed in all Council activities, including recruitment, performance management, skills assessment, staff development, higher duties and all workplace decisions.

All forms of bullying and harassment including sexual harassment is unacceptable and Narrandera Shire Council will take all reasonable measures to eliminate these inappropriate behaviours.

Staff are encouraged to report all instances of alleged discrimination / bullying / harassment and each incident will be investigated in a thorough, prompt, diligent and confidential manner. Any person making an allegation/complaint is protected from victimisation or any other form of retribution in the workplace.

Narrandera Shire Council will maintain appropriate Employee Assistance Program resources to provide confidential support on a range of personal and workplace issues, including EEO, diversity, bullying and harassment matters.

This Management Plan includes consideration of the Narrandera Shire Council Workforce Management Plan 2012-2016

Narrandera Shire Community Strategic Plan Vision

We are a prosperous, diverse and sustainable community, built on a deep sense of trust, care and commitment for each other and our environment.

Narrandera Shire Council Values Achieving Together

Ethical – Transparent and equitable in all our actions

Caring – Helpful, supportive and thoughtful towards each other and our community

Loyalty – Pride in our work and our organisation

Accountability – Responsible for our actions

Integrity – Trustworthy, honest and consistent

Respect – For each other and the role we play

Safety – To work safely to protect ourselves and the public

Situation Analysis and Statistical Data

Current employment statistics - Full Time 83 – Part Time 42 – not including casual or labour hire

Females 73 / Males 52 – not including casual or labour hire

Staff status (full time, part time, casual for males and females)

	Male	Female
Full Time	64	13
Part Time	5	19
Casual	4	25

Staff position type (Executive, Management, Supervisory, operational staff, trainees, trades qualified, administration, professional) for males and females versus Regional NSW statistics

Staffing Position Details 2015			
	TOTAL	MALE	FEMALE
Administration (Customer Service)	8	1	7
Planning and Environment inc Manager	9	7	2
Executive Office inc CEO	4	1	3
Finance inc Manager	8	2	6
Home and Community Care inc Manager	5	0	5
Human Resources & WHS	3	1	2
Information Technology inc Manager	4	3	1
Library inc Manager	4	0	4
NOOSH inc Coordinator (child care)	11	2	9
Open Space and Recreation inc Manager	12	10	2
Plant inc Manager	4	4	0
Infrastructure Services Administration including Store	3	1	2
Infrastructure Services – Engineers inc Deputy GM	8	7	1
Infrastructure Services – Works inc Manager	30	28	2
Economic Development (including VIC)	9	1	8
Water/Sewer	9	8	1
Corporate inc Deputy GM	1	1	
TOTAL	132		

Staff age profile (excluding casuals)

Aboriginal employment 8

15-19	20 -24	25 - 29	30 - 34	35 - 39	40 - 44	45 - 49	50 - 54	55 - 59	60 – 64	65 +
4	6	5	8	11	14	14	24	25	9	5

2014 Voice Project Employee Opinion Survey found that:

- 93% of staff said they had not experienced discrimination
- 0% of staff said they had experienced harassment
-

Organisational Health Key Performance Indicators (KPIs)

KPIs reported to Council Quarterly

- %15 Staff turnover rate

Voluntary separations – 19 – not including casual, redundancy, medical retirement, completion of fixed term appointments

KPIs reported to Council Annually

- Proportion of staff leaving with less than one year service

11 new starters with 1 separation of new starters

- 30% of females at manager level or above
- Proportion of females promoted

- %12 Proportion of staff under 30 (not including casual)
- Training \$792.61 spend per Full Time Equivalent Staff (FTE)

Strategic Objectives

The aims of this strategy are:

- to promote diversity and foster an environment where all employees have positive working relationships with other staff;
- to implement people management practices that are free from unlawful discrimination and harassment;
- to ensure fair treatment of all staff in a culture where mutual respect applies and where all employees have equal opportunity to reach their potential regard less of personal attributes.

Outcome 1 A positive and harmonious work environment free from unlawful discrimination and harassment where diversity is fostered through policies and programs consistent with EEO principles				
Action	Timeline	Indicators	Position Responsible	Key Performance Measure
Ensure EEO and diversity principles are appropriately addressed when developing, reviewing and implementing workplace policies and procedures	Ongoing	A consistent approach to policy. Consultation with stakeholders occurs. Consideration of EEO and diversity legislation is included in policy development or review.	ELT HR Officer	EEO and diversity principles are addressed in all workplace policies and procedures when developed or reviewed
EEO and diversity responsibilities are appropriately reflected in Position Descriptions	Ongoing	EEO and diversity responsibilities are clearly understood.	HR Officer	All position descriptions include a statement of EEO and diversity responsibilities
All aspects of recruitment processes demonstrate fair practices and a merit based approach	Ongoing	Appointments, promotions and transfers do not breach EEO or diversity principles.	Managers, Recruitment Panels	No EEO based complaints or appeals received in relation to recruitment matters
Recruitment and Selection panel members are trained and have recent experience on panels	2015 2017	Training is conducted when required.	HR Officer	All panel members trained

		Panel members are up to date with training and regularly participate on panels to gain and retain experience.		
Employees are treated fairly and equitably regarding decisions on employment related matters	Ongoing	Reduced level of complaints/dissatisfaction. Exit interviews report positive experiences.	All levels of management, HR Officer	No EEO based complaints or appeals received in relation to employment matters. Appropriate adjustments made in the workplace to cater for designated groups
Ensure employee support is available through Employee Assistance Program	Ongoing	All staff are aware of the program.	HR Officer, All supervisors	EAP program regularly promoted to staff and at Induction
Council's employment programs continue to support work opportunities for individuals from designated EEO groups	Ongoing	Aboriginal Trainee program implemented	HR Officer, Managers	There is always one designated aboriginal trainee position in the Council. If full funding available, there maybe more
Outcome 2				
All staff are aware of EEO and diversity principles and practices through effective training and communication				
Action	Timeline	Indicators	Position Responsible	Key Performance Measure
Conduct EEO awareness for new employees including all related policies	Ongoing		HR Officer	
Conduct EEO and diversity update training for all staff on a scheduled basis	2016 2019	Staff are informed of the principles and policies	HR Officer	Refresher training every 3 years
Ensure The Fridge Staff Intranet and Council's website has all the updated policies and plans, and that field staff have access to hard copies	Ongoing	All material is up to date	HR Officer	An annual review of the material is conducted
Aboriginal Cultural Awareness Training for all staff on a scheduled basis	2016 2019	Staff are informed of aboriginal cultural principles and appreciate contemporary aboriginal issues	HR Officer	Refresher training every 3 years

Outcome 3 Narrandera Shire Council EEO initiatives are effectively implemented, regularly reviewed and evaluated				
Action	Timeline	Indicators	Position Responsible	Key Performance Measure
The collection of relevant demographic data from staff and applicants is monitored. Privacy and sensitivity is addressed	Ongoing	Reliable data is available to evaluate and assess trends	HR Officer	Issues identified, reported and addressed
The EEO and Diversity Management Plan is reviewed every four years	2019	Reviews are undertaken and reported to ELT	HR Officer	Review completed every 4 years
The EEO climate within Narrandera Shire Council is monitored via the Employee Opinion Survey	2016 2018	Regular surveys conducted	HR Officer	Improvement on the previous survey with regards to workplace climate
Narrandera Shire Council demographics are analysed on a regular basis	Annually	Regular analysis of workforce characteristics undertaken	HR Officer	Issues identified, reported and addressed Links to the 2016-2020 Workforce Management Plan There is an improvement in the annual Corporate Health Key Performance Indicators reported to Council that are related to EEO and diversity