

**POLICY NAME:** EQUAL EMPLOYMENT OPPORTUNITY  
**POLICY REF:** E02  
**MEETING ADOPTED:** 27 May 2021  
 Resolution No.  
**POLICY HISTORY:** 270613/1; 260209/25; 270417/21




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**OBJECTIVE**

To demonstrate Council and Management Commitment to Equal Employment Opportunity principles and inform all staff about Equal Employment Opportunity Management Plan.

**BACKGROUND**

Ballina Shire Council is committed to a policy of equal employment opportunity, fair treatment and non-discrimination for all existing and future employees. The Equal Employment Opportunity Plan and Policy has been developed in accordance with the Anti-Discrimination Act 1977 and Local Government Act 1993.

The Equal Employment Opportunity (EEO) Policy and Management Plan was formally adopted by Council 23 May 1996. Since that time, Council has reviewed and implemented policies and procedures to support equal employment opportunity within the workplace and has provided training to staff in order to demonstrate Council's commitment to providing an equal employment opportunity, harassment and discrimination free workplace.

All employment practices (recruitment, selection, training and employment, promotion and transfer and all other terms and conditions of service) will be based on the merit of the individual against specific job requirements. Existing and future employees will not be discriminated against in their employment on the grounds of race, colour, national origin, sex, disability, race, homosexuality, marital status, age, transgender and carer responsibilities.

Council will, through its Equal Employment Opportunity Management Plan, ensure any its policies and procedures are free from discriminatory practices and will recognise and encourage employees on the basis of their abilities, aptitudes, qualifications and skills, through the implementation and monitoring of effective policies and procedures.

Council will, through its Equal Employment Opportunity Management Plan, ensure that Council meets both its legal responsibilities and corporate goals and objectives.

**DEFINITIONS**

The following definitions apply to the Equal Employment Opportunity Policy:

**Equal Employment Opportunity (EEO)**

This is the principle which ensures that all employees and potential employees are treated equitably and fairly, regardless of their sex, disability, race, homosexuality, marital status, age, transgender and carer responsibilities.

**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't meet the apparently fair rules or

practices. Examples include but are not limited to height requirements for certain jobs, doors that are too heavy for someone in a wheel chair to use, or no female toilets at certain worksites.

**Systemic Discrimination** is 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.

#### **APPLICATION OF POLICY**

The Equal Employment Opportunity Policy applies to:

- Potential Council employees
- Current Council employees
- Council as an employer

As a minimum the Equal Employment Opportunity Policy should be read in conjunction with the following relevant documentation and legislation:

##### **Council Plans/Policies**

- Equal Employment Opportunity Management Plan
- Bullying and Harassment Prevention Procedure
- Recruitment Procedure

##### **NSW Legislation**

- Anti-Discrimination Act 1977
- Local Government Act 1993

##### **Commonwealth Legislation**

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Australian Human Rights Commission Act 1986

#### **POLICY**

Equal Employment Opportunity (EEO) is the right to be considered for a job, training opportunity, or other benefit, for which a person is skilled or qualified. EEO is the principle which ensures that all employees and potential employees are treated equitably and fairly, regardless of their sex, disability, race, homosexuality, marital status, age, transgender and carer responsibilities.

In practical terms, a commitment to EEO means that staff selection and promotion must be accurate, fair, accountable, systematic and based solely on merit. Decisions about staff selection must be made on job related criteria and should not render Council as the responsible employer to claims of unlawful discrimination.

Selections made in accordance with Ballina Shire Council Supported Employment Program must comply with **National Disability Insurance Agency** policies and procedures and other legislative requirements.

Council believes the implementation of an EEO policy and program will create a more productive workplace and will result in better services to the community.

All staff are obliged to follow non-discriminatory practice in accordance with Council's EEO policy and program and maintain a workplace free from discrimination.

**1. Merit**

Means assessing each person's skills and abilities against the needs of the job and disregarding personal characteristics which are irrelevant to the job.

**2. Affirmative Action**

Affirmative action programs are 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 redress the effects of past disadvantages and prevent future disadvantages. It is the method of achieving equal employment for target groups. To assist with affirmative action for female employees Council policy is to support and participate in gender equity programs. Other affirmative action programs supported by Council include the Aboriginal employment **program** and employment of individuals with physical and intellectual disabilities.

**3. Harassment**

This is any unwelcome, offensive comment or action concerning a person's race, colour, language, accent, ethnic origin, gender, marital status, pregnancy, disability, political or religious conviction. It is behaviour towards another employee which is intimidating or embarrassing and adversely affects their work environment.

**4. Legislative Perspective**

The Anti-Discrimination Act 1977 makes it unlawful for an employer to discriminate against an employee on the grounds of sex, disability, race, homosexuality, marital status, age, transgender and carers responsibilities.

The Local Government Act 1993 also refers to equal employment opportunity. Section 344 states that the objects of Part 4 of the Act are:

- (a) to eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital status and disability in councils, and;
- (b) to promote equal employment opportunity for women, members of racial minorities and persons with disabilities in Councils.

**5. EEO Management Plan**

Under Section 345 of the Local Government Act 1993, Council must prepare and implement an Equal Employment Opportunity Management Plan in order to achieve the objects set out in Part 4 of this policy.

Council's EEO Management Plan includes provisions relating to:

- (a) the devising of policies and programs by which the objects of Part 4 of the Local Government Act 1993 are to be achieved;
- (b) the communication of those policies and programs to persons within the staff of the Council;
- (c) the collection and recording of appropriate information;

- (d) the review of personnel practices within the Council (including recruitment techniques, selection criteria, training and staff development programs, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices;
- (e) the setting of goals or targets, where these may reasonably be determined, against which the success of the plan in achieving the objects of Part 4 of the Local Government Act 1993 may be assessed;
- (f) the means, other than those referred to in paragraph (e) above, of evaluating the policies and programs referred to in paragraph (a);
- (g) the revision and amendment of the plan, and;
- (h) the appointment of persons within the Council to implement the provisions referred to in paragraphs (a) to (g).

Responsibility for the review and maintenance of Council's EEO Management Plan lies with the General Manager and the Manager **People and Culture**.

#### **6. Rights**

All employees have the right:

- (a) to the opportunity to be selected for promotion on merit;
- (b) to choose an individual career path;
- (c) of access to all appropriate benefits and conditions;
- (d) to be free of harassment in the workplace;
- (e) to seek advice from, or complain to the Anti-Discrimination Board.

#### **7. Responsibilities**

The **General Manager** will:

- (a) ensure that Council's EEO policy and program is implemented within Council;
- (b) ensure all staff comply with Council's EEO policy and with legal obligations under relevant legislation;
- (c) ensure that management audits of the EEO program are undertaken on a regular basis to ensure that the EEO policy and program continue to meet their objectives.

**Managers and Supervisors** will:

- (a) ensure that Council's EEO policy is implemented within their area of responsibility;
- (b) ensure that all staff with supervisory responsibilities are aware of employees' rights and responsibilities under Council's EEO policy and relevant legislation.

The **Manager People and Culture** will:

- (a) assist with the development and review of policies and procedures;
- (b) ensure that position descriptions of all staff reflect their EEO responsibilities and accountabilities;
- (c) ensure that Council's EEO policy is followed during all employment procedures;

- (d) research EEO matters and keep management informed of developments in EEO;
- (e) provide statistical and other human resources information to allow Council to develop and monitor its EEO program;
- (f) Advise on grievance handling procedures.

**All Employees:**

- (a) are responsible for upholding the EEO principles outlined in this policy;
- (b) must refrain from engaging in any discriminatory or harassing behaviour.

**8. Harassment**

All harassment which is sexual or sex-based, racial or relates to a person's marital status, disability, age, pregnancy, or sexual preferences is discriminatory and will not be tolerated in a Council workplace.

Staff should refer to Council's policies and procedures for guidelines on how to report or deal with harassment issues.

**9. Making a Complaint**

- (a) In the first instance, complaints concerning EEO matters should be made according to Council's *Bullying and Harassment Prevention Policy*;
- (b) Alternatively, employees may wish to discuss the matter with Council's Manager **People and Culture** before deciding on a course of action;
- (c) All employees have the right to seek advice from, or make a complaint to, the Anti-Discrimination Board at:

Email. [complaintsadb@justice.nsw.gov.au](mailto:complaintsadb@justice.nsw.gov.au)

Post. PO Box W213, Parramatta Westfield NSW 2150

Tel. (02) 9268 5555

Toll free. 1800 670 812

Fax. (02) 9268 5500

**Interpreter Service. TIS 131450**

**10. Non-Compliance with Policy**

Failure to comply with the terms of this policy may result in disciplinary action in accordance with Local Government State Award disciplinary provisions.

Individuals may also be prosecuted by the Anti-Discrimination Board for breaches of the Anti-Discrimination Act 1977.

**REVIEW**

The Equal Employment Opportunity Policy is to be reviewed every four years and in conjunction with the Equal Employment Opportunity Management Plan.



*Draft*  
**Equal Employment  
Opportunity  
Management Plan**

2021 - 2024



## 9.8 Policy (Review) - EEO Policy and Management Plan

Ballina Shire Council

Equal Employment Opportunity Management Plan 2021 - 2024

Version	Date	Reason/Comments	Name/Position
2.1	May 2021	Review in accordance with legislation requirements	Manager People and Culture



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## Strategy 1

### Policy and Program

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
ST1 Policy and Program	Review Council's Equal Employment Opportunity Policy and plan in line with legislative requirements	Manager People and Culture	<ul style="list-style-type: none"> <li>EEO Policy and Plan are reviewed through a consultative process</li> <li>Number of staff who provide feedback</li> <li>Number of suggestions and changes made as a result of feedback received</li> <li>EEO Policy continues to meet best practice standards and current legislative requirements for local government</li> </ul>			Policy and Plan is due to be reviewed in 2023 and reported to Council in 2024

Implementation Task	Officer	Due Date	Progress
Consult with key external stakeholders (e.g. Anti-Discrimination Board) on content	Manager People and Culture	2023	
Council's Consultative Committee is requested to review and provide comments on the Policy	Manager People and Culture	2023	
Presentation of Policy to Council's Management Team	Manager People and Culture	2023	
Reviewed Policy is distributed to all staff for comment	Manager People and Culture	2023	

9.8 Policy (Review) - EEO Policy and Management Plan

Ballina Shire Council

Equal Employment Opportunities Management Plan 2021 - 2024

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST1 Policy and Program</b>	Submit reviewed Policy and Plan to Council for adoption	General Manager	<ul style="list-style-type: none"> <li>Councillors have a high level of awareness and ownership of policy and plan</li> <li>Council adopts EEO Policy and commits to its implementation through the adopted EEO Management Plan</li> </ul>			Policy is due to be reported to Council in 2024

Implementation Task	Officer	Due Date	Progress
Adoption of policy and plan by Council	General Manager	2024	

## Strategy 2

### Communication and Awareness Raising

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments on achievement
<b>ST2 Communication and Awareness Raising</b>	Communications delivered on EEO Policy and Plan and related issues in line with EEO Communications Strategy	Manager People and Culture	<ul style="list-style-type: none"> <li>That the community and staff remain informed about progress of the EEO management plan, and achievement of planned outcomes</li> <li>Record and report on data from staff surveys relating to attitudes on Council's approaches to EEO</li> </ul>			

Implementation Task	Officer	Due Date	Progress
Launch EEO Policy and Management Plan involving key stakeholders	Manager People and Culture	Ongoing	
General Manager, Director and/or Manager People and Culture to meet with relevant groups as required to discuss new EEO Policy and Management Plan	Manager People and Culture	Ongoing	
EEO Policy and Management Plan prominent in Council's Annual Report	Manager People and Culture	Annually	
EEO issues and legislative changes are incorporated into communications / circulars from senior management	Manager People and Culture	Annually	
Employee handbooks reviewed	Manager People and Culture	Annually	
EEO training (supervisors, selection panel members and all staff)	Manager People and Culture	Ongoing	

## Strategy 3

### Consultation

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
ST3 Consultation	Report on implementation of the new EEO Management Plan annually via Council's Annual Report	Manager People and Culture	<ul style="list-style-type: none"> <li>EEO Management Plan adopted by Council</li> <li>Council staff aware of the EEO Management Plan</li> <li>Achievement of targets in EEO Management Plan</li> </ul>			

Implementation Task	Officer	Due Date	Progress
Evaluate implementation through data collection and staff surveys and regular Executive reporting	Manager People and Culture	Annually	
EEO Plan implementation reported in Council's Annual Report	Manager People and Culture	Annually	

## Strategy 4

### Recruitment

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST4 Recruitment</b>	Implement employment strategies which achieve the employment goals for each EEO target group: <ul style="list-style-type: none"> <li>Gender</li> <li>Aboriginal / Torres Strait Islander (ATSI)</li> <li>Disability</li> </ul>	Manager People and Culture	<ul style="list-style-type: none"> <li>Endorsed strategy for employee with disability to transition into open employment</li> <li>Funding granted for EEO target roles</li> <li>Completed review of recruitment procedure</li> <li>Percentage of panel members trained</li> </ul>			

Implementation Task	Officer	Due Date	Progress
Clear strategy to support the integration of employees with a disability to transition into the open employment workforce	Manager People and Culture	Annually	
Pursue funding opportunities to expand the targeted employment of EEO target groups, including traineeship programs	Manager People and Culture	Annually	
Consider the barriers and opportunities for all target groups when recruiting new positions	Manager People and Culture	Ongoing	
Recruitment panel members receive training on Council's EEO policies and practices	Manager People and Culture	Ongoing	

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST4 Recruitment</b>	Review all People and Culture procedures and practices to ensure they reflect EEO principles for each target group <ul style="list-style-type: none"> <li>• Gender</li> <li>• ATSI</li> <li>• Disability</li> </ul>	Manager People and Culture	<ul style="list-style-type: none"> <li>• Procedures meet the needs of all people in a non-discriminatory manner</li> <li>• Selection and pre-employment requirements align with legislative requirements</li> </ul>			

Implementation Task	Officer	Due Date	Progress
Staff Consultative Committee requested to review procedures and provide comments in relation to EEO issues	Manager People and Culture	Ongoing	
Recruitment and Selection procedure reviewed when due or when legislation changes to ensure it is fully compliant with relevant legislation	Manager People and Culture	Ongoing	

## Strategy 5

### Promotion and Transfer

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST5 Promotion and Transfer</b>	Analyse workplace trends to identify areas of growth and increased mobility in Council and provide work experience and training opportunities to support target groups ability to compete for positions in these areas	Manager People and Culture	Identified opportunities are conveyed to management and consultative committee			

Implementation Task	Officer	Due Date	Progress
Implement regular agenda item for Staff Consultative Committee meetings to review trends and identify opportunities for training opportunities for EEO target groups	Manager People and Culture	Annually	



## Strategy 6

### Training and Development

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST6 Training and Development</b>	Ensure career path planning and career counselling is available for all employees	Manager People and Culture and Section Managers	Information provided to performance reviewers on career development issues and maximising staff potential			

Implementation Task	Officer	Due Date	Progress
Supervisory Staff to attend training on career planning, identification of career development and maximising staff potential	Manager People and Culture		

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST6 Training and Development</b>	Examine present provision of training and development opportunities for all staff and the allocation of resources to ensure they reflect EEO principles and promote equal employment opportunities for each target group	Manager People and Culture	The provision of training to target groups and all staff is reviewed annually and reported to the Executive Team			

Implementation Task	Officer	Due Date	Progress
Identify and respond to barriers for accessing training and development opportunities including travel policies, reimbursement of expenses and location of training	Manager People and Culture	Ongoing	
Staff Consultative Committee requested to review Corporate Training Plan annually for EEO barriers or opportunities	Manager People and Culture	Annually	
Ensure that all training service providers are made aware of and support Council's EEO and Anti-Discrimination Policy principles	Manager People and Culture	Ongoing	

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST6 Training and Development</b>	Monitor the participation rate of EEO target groups in training programs	Manager People and Culture	Information entered on training database (PULSE)			

Implementation Task	Officer	Due Date	Progress
Statistics/accurate records are maintained of attendance at all training by self-identified members of EEO target groups	Manager People and Culture	Ongoing	

## Strategy 7

### Harassment and Grievance Procedures

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST7 Harassment and Grievance Procedures</b>	Conduct seminars and education sessions to explain anti-discrimination legislation and ensure all employees aware of their obligations and know that harassment is unacceptable and illegal behaviour and that instances of such behaviour may lead to disciplinary action	Manager People and Culture	Education provided to all staff			

Implementation Task	Officer	Due Date	Progress
In-house training sessions for whole of Council staff every three years	Manager People and Culture	Ongoing	

Ballina Shire Council

Equal Employment Opportunities Management Plan 2021 - 2024

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST7 Harassment and Grievance Procedures</b>	Conduct training for all identified grievance handlers / supervisors	Manager People and Culture	Percentage of grievance handlers / supervisors who have completed training.			

Implementation Task	Officer	Due Date	Progress
Supervisors and above to receive training every three years regarding basic listening skills, legislation and Councils relevant policies and procedures	Manager People and Culture	Ongoing	

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST7 Harassment and Grievance Procedures</b>	Promotion of Council's bullying and harassment procedures amongst all staff	Manager People and Culture	<ul style="list-style-type: none"> <li>• Provided on infonet</li> <li>• Written all staff updates</li> <li>• Induction training</li> <li>• Regular Ongoing training</li> </ul>			

Implementation Task	Officer	Due Date	Progress
Provision of current procedure on Infonet	Manager People and Culture	Ongoing	
Written all staff updates	Manager People and Culture	Annually	
Induction training for all new starters	Manager People and Culture	Ongoing	
Regular training for all staff	Manager People and Culture	Annually	

## Strategy 8

### Implementation

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST8 Implementation</b>	Include responsibility for EEO implementation in position statements of all staff	Manager People and Culture	EEO element implemented into all position statements			

Implementation Task	Officer	Due Date	Progress
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Review position statements annually to include EEO program    Manager People and Culture    Ongoing

Action Code	Action Name	Responsible Officer	Performance Indicators	Status	Progress	Comments
<b>ST8 Implementation</b>	Incorporate EEO Management Plan actions into Council's reporting processes and allocate appropriate budget and staff to support successful implementation	General Manager	<ul style="list-style-type: none"> <li>Inclusion in Pulse Strategic Management Plans Module with quarterly reporting requirement</li> <li>Allocation of budget resources</li> </ul>			

Implementation Task	Officer	Due Date	Progress
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When Council's Delivery Plan is reviewed annually ensure EEO action plan is included so there is an allocation of budget resources to implement identified actions    General Manager    Annually