

**POLICY NAME:** DIVERSITY, EQUITY AND INCLUSION

**POLICY REF:** E02

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## OBJECTIVE

To demonstrate Council and Managements commitment to cultivating a diverse, equitable and inclusive workplace which reflects the community we serve. The policy will also inform staff about Councils Equal Employment Opportunity Management Plan.

## POLICY

We are committed to a workplace culture that values diverse backgrounds, experiences, and perspectives, facilitates equal access to opportunities and fosters a sense of belonging.

Our vision is for diversity, equity, and inclusion to be an integrated and integral part of how we work. This includes:

- Ensuring all employees and potential employees are treated equitably and fairly, regardless of their gender identity, age, physical or mental ability, sexual orientation, marital status, race or ethnicity, pregnancy and breastfeeding status and carer responsibilities.
- Partnering with local providers to raise awareness of employment opportunities and attract the widest possible pool of candidates.
- Educating staff who sit on selection panels to ensure recruitment and promotion decisions are fair, based on merit and in line with job specific criteria.
- Offering targeted development opportunities to employees and potential employees from diverse backgrounds to increase areas of underrepresentation (e.g. Aboriginal and Torres Strait Islander, Gender, Disability and Culturally and Linguistically Diverse groups).
- Selection for the Supported Employment Program complies with National Disability Insurance Agency policy, procedure and other legislative requirements.
- Actively engaging with employees to understand their unique needs and career goals.
- Ensuring opportunities for training and professional development are considered according to individual needs, career progression goals and corporate and statutory requirements.
- Offering flexible work arrangements to support employees balance their work and life responsibilities.
- Implementing reasonable workplace adjustments to support employees to maximise their participation.
- Cultivating a climate of mutual respect by removing any barriers to inclusion and not tolerating unlawful discrimination, bullying, harassment, or victimisation.
- Educating leaders and teams on key principles and issues related to diversity, equity, and inclusion.
- Monitoring staff survey responses and feedback to address concerns relating to diversity, equity and inclusion.

Research demonstrates that a diverse, equitable and inclusive workplace strengthens performance and potential by providing greater access to talent, enhanced decision-making, improving employee satisfaction and wellbeing and reducing employee turnover. It is also recognised as being a key enabler for creativity and innovation, which supports us to better anticipate and meet the needs of our community.

## 1. Legislative Perspective

The purpose of the *Anti-Discrimination Act 1977* is to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons.

The *Local Government Act 1993* refers to equal employment opportunity and the preparation and implementation of EEO management plans.

## 2. 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) work in an environment free from discrimination, bullying and harassment.
- (e) to express diverse and dissenting perspectives, including suggestions for new ways of working.
- (f) to share aspects of their identity without concern of judgement, adverse reactions or consequences.
- (g) request to work flexibility to support with balancing work and life responsibilities.
- (h) to seek advice from or complain to Anti-Discrimination NSW.

## 3. Responsibilities

The **General Manager** will:

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

**Managers and Supervisors** will:

- (a) ensure that Council's Diversity, Equity and Inclusion 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 Diversity, Equity and Inclusion 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 Diversity, Equity and-Inclusion policy responsibilities and accountabilities.
- (c) ensure that Council's Diversity, Equity and Inclusion policy is followed during all employment procedures.

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

**All Employees:**

- (a) are responsible for upholding the Diversity, Equity and Inclusion principles outlined in this policy;
- (b) must refrain from engaging in any discriminatory or harassing behaviour.
- (c) will participate in educational and training programs relating to diversity, equity and inclusion and bullying and harassment.

**4. Making a Complaint**

- (a) In the first instance, complaints concerning Diversity, Equity and Inclusion matters should be made; to an employees Manager and/or Council's Manager People and Culture.
- (b) Council's Bullying and Harassment Prevention Procedure outlines details in how to address bullying and harassment concerns and complaints.
- (c) All employees have the right to seek advice or make a complaint to Anti-Discrimination NSW at:

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

Post Locked Bag 5000, Parramatta NSW 2124

Tel. (02) 9268 5555

Free Call 1800 670 812

Interpreter Service TIS 131450

**5. 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 Anti-Discrimination NSW for breaches of the *Anti-Discrimination Act 1977*.

**BACKGROUND**

The Equal Employment Opportunity (EEO) Policy and Management Plan was formally adopted by Council 23 May 1996, in accordance with the *Anti-Discrimination Act 1977* and *Local Government Act 1993*. 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, and a workplace free of harassment and discrimination.

The Equal Employment Opportunity (EEO) Policy has now been updated to be the Diversity, Equity and Inclusion Policy to expand the Policy focus, maintain our commitment for continuous improvement and align our approach with best practice. The Equal Employment Opportunity Management Plan will continue as it is a legislative requirement.

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## DEFINITIONS

The following definitions apply to the Diversity, Equity and Inclusion Policy:

- Diversity** Refers to the visible and invisible differences that exist between people, including (but not limited to) gender identity, age, physical or mental ability, sexual orientation, marital status, race or ethnicity and carer responsibilities. It also refers to differences in experience, perspectives, and ways of working.
- Equity** Equity is a principle of fairness which aims to address systematic patterns of disadvantage. This includes recognising and supporting groups that have been historically underrepresented in the workplace through proactive initiatives to ensure equal access to workplace opportunities (e.g. employment, promotion, and professional development). This is distinct from equality which assumes that all people should be treated the same.
- Inclusion** Inclusion is a subjective evaluation of how employees experience a workplace culture. It is characterised by employees feeling safe, respected, and supported, including the extent to which organisations seek out and value their experience, perspectives, and contributions.
- Equal Employment Opportunity (EEO) Management Plan** Under Section 345 of the Local Government Act 1993, Council must prepare and implement an Equal Employment Opportunity Management Plan to ensure that all employees and potential employees are treated equitably and fairly, regardless of gender identity, age, physical or mental ability, sexual orientation, marital or domestic status, race or ethnicity, pregnancy and breastfeeding status and carer responsibilities.
- Discrimination** Refers to any type of unfair treatment. Discrimination may be direct or indirect or systemic:
- Direct Discrimination** occurs when you are treated unfairly because of a characteristic you have, or are assumed to have, that is protected by New South Wales law.
- Indirect Discrimination** occurs when a rule or requirement that applies to everybody unfairly disadvantages people who possess a characteristic protected by New South Wales law and is not reasonable in the circumstances.
- 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.
- **Sexism:** which affects women disproportionately in areas such as representation in leadership and nontraditional roles.
  - **Racism:** people of colour and from culturally and linguistically diverse backgrounds.

- **Ageism:** Older adults may face barriers related to employment opportunities.

**Harassment**

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.

**SCOPE OF POLICY**

The Diversity, Equity and Inclusion Policy applies to:

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

**RELATED DOCUMENTATION**

As a minimum the Diversity, Equity and Inclusion Policy should be read in conjunction with the following relevant documentation and legislation:

**Council Plans/Procedures**

- Equal Employment Opportunity Management Plan
- Bullying and Harassment Prevention Procedure
- Recruitment and Selection Procedure
- Managing Psychosocial Hazards at Work 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

**REVIEW**

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