

Title:	Equal Opportunity Policy
Type:	Council
Adopted:	27 May 2020
File No:	20/11968
Attachments:	Not Applicable

1. Purpose

To recognise Council's responsibility to provide:

- a workplace that is free from bullying, sexual harassment, harassment, discrimination and victimisation and where staff, Councillors, contractor, prospective employees and volunteers treat each other with respect, courtesy and dignity
- an environment where diversity is embraced and employment and promotion decisions are merit based
- flexible work arrangements to encourage full participation in the workplace
- an organisation that recognises its responsibility to lead by example within the community and set a high standard for others to model against
- a workplace where individuals can raise concerns without fear of victimisation.

2. Rationale

Bullying, sexual harassment, harassment, discrimination and victimisation in employment, and in the supply of goods and services, is unlawful under Commonwealth and Victorian legislation. Council is obliged to:

- provide a workplace where employees have the opportunity to progress to the fullest extent of their capabilities
- ensure that the principles of Equal Opportunity are applied to the delivery of services to the community
- to lead by example within our community.

This includes a positive duty to proactively eliminate discrimination in our systems of work and eliminate causes of discrimination, not just respond to complaints.

Promoting Equal Opportunity (EO) principles in all employment practices fosters positive and productive working relationships and promotes diversity. Encouraging diversity can boost organisational productivity, morale and better reflects the diverse needs in our communities.

3. Scope

People covered by this policy must be engaged in Council business and includes:

- employees
- contract workers
- volunteers
- independent contractors and sub-contractors
- agents and consultants
- Councillors

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The scope of this policy encompasses a range of state and federal legislation. Under these EO laws discrimination (direct and indirect discrimination) on any grounds, vilification, sexual harassment, bullying and victimisation are unlawful and strictly prohibited.

Definitions

Reference Term	Definition
Discrimination	<p>Discrimination is treating or proposing to treat someone unfavourably, because of a personal characteristic protected by the law. This includes bullying someone because of protected characteristic.</p> <p>Personal characteristics include:</p> <ul style="list-style-type: none"> • age • carer and parental status • disability (including physical, sensory and intellectual disability, work related injury, medical conditions, and mental, psychological and learning disabilities) • employment activity • gender identity, lawful sexual activity and sexual orientation • industrial activity • marital status • physical features • political belief or activity • pregnancy and breastfeeding • race (including colour, nationality, ethnicity and ethnic origin) • religious belief or activity • sex • expunged homosexual conviction • personal association with someone who has, or is assumed to have, one of these personal characteristics.
Direct discrimination	Direct discrimination occurs when someone is treated unfavourably because of a personal characteristic that is protected under law.
Indirect discrimination	Indirect discrimination occurs when an unreasonable requirement, condition or practice is imposed that disadvantages a person or group because of a personal characteristic.
Victimisation	Victimisation is subjecting, or threatening to subject, someone to something detrimental because they have asserted their rights under equal opportunity law, made a

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	complaint, helped someone else to make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation
Bullying and Harassment	Bullying and harassment can be discrimination when it happens because of someone's disability, race, sexual orientation, age, physical features or any other protected attribute under the Equal Opportunity Act 2010. Bullying and harassment can be verbal, physical or in writing, and includes behaviour that intimidates, degrades or humiliates another person.
Sexual harassment	Sexual harassment is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, verbal or written. It can include: <ul style="list-style-type: none"> • comments about a person's private life or the way they look • sexually suggestive behaviour, such as leering or staring • brushing up against someone, touching, fondling or hugging • sexually suggestive comments or jokes • displaying offensive screen savers, photos, calendars or objects • repeated requests to go out • requests for sex • sexually explicit emails, text messages or posts on social networking sites. • sexual assault.
Bullying	Persistent and repeated negative behaviour directed at an employee that creates a risk to health and safety. It includes both physical and psychological risks and abuse. Council's internal Prevention of Bullying and Occupational Violence policy provides more detailed information.
VEOHRC	Victorian Equal Opportunity and Human Rights Commission http://www.humanrightscommission.vic.gov.au/ . The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body with responsibilities under three laws: <ul style="list-style-type: none"> • Equal Opportunity Act 2010 • Racial and Religious Tolerance Act 2001 • Charter of Human Rights and Responsibilities Act 2006.

4. Policy

Murrindindi Shire Council in recognising its obligations under relevant legislation and in acknowledging the communities expectations, is committed to:

- taking proactive, reasonable and proportionate measures to eliminate all forms of bullying, harassment, discrimination, sexual harassment and victimisation in the workplace
- eliminating discrimination on the basis of any grounds or attributes contained in Federal or Victorian Anti-discrimination legislation
- creating a workplace culture where staff, Councillors, contractors, prospective employees and volunteers treat each other with mutual respect, dignity and courtesy
- fostering by way of equal employment opportunities a diverse and skilled workforce, improved employment access and participation
- facilitating a workplace culture of fair workplace practices and behaviours where each person has the opportunity to progress to the extent of their ability
- developing and promoting appropriate standards of conduct at all times by way of policy and procedure, codes of conduct, supervision and monitoring of behaviours in the workplace
- conduction ongoing education and awareness-raising training to ensure that employees are aware of their rights and obligations
- reviewing services and external operations to prevent discrimination
- making reasonable adjustments to the workplace to enable equal participation in and/ or access to services provided by Council
- encouraging reporting of inappropriate behaviour and providing effective procedures for resolving complaints in a sensitive, confidential, fair and equitable manner
- taking action where required in accordance with Council policies and procedures
- regularly reviewing processes and compliance.

The Council is committed to ensuring that the CEO and Directors have appropriate policies, procedures, practices and standards in place. Councillors will demonstrate the highest of standards of personal behaviour at all times when carrying out Council functions.

Leadership Team will:

- promote and encourage others to behave professionally and to adhere to a high standard of appropriate behaviour including any written communication or any online social media
- ensure that Council has developed appropriate policies, procedures, practices and codes of conduct, educate staff on appropriate behaviours and monitor and deal with any breaches in the standard of behaviour required
- ensure that Council is not vicariously liable for any breaches of relevant legislation due to unlawful behaviour
- respond in a timely manner should a complaint be made.

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All staff, contractors and volunteers will:

- demonstrate respectful and courteous behaviour to all persons with whom they come into contact while carrying out any Council function
- adhere with Codes of Conduct in the treatment of others
- raise any concerns in an appropriate manner.

Complaints

Any inappropriate, unreasonable or unlawful behaviour may be the subject of a complaint through Council's internal grievance resolution process. Any complaints will be handled confidentially, impartially, sensitively and promptly and free of victimisation.

Complaints of bullying, harassment, discrimination, sexual harassment or victimisation against the Councillors or CEO will be handled in accordance with *the Local Government Act 2020* (previously *Local Government Act 1989*).

Other avenues of complaint:

- Victorian Equal Opportunity and Human Rights Commission
- Australian Human Rights Commission
- Victoria Police
- WorkSafe Victoria

Privacy

Attention will be paid to the sensitive nature of the complaint and confidentiality maintained to protect all parties. This includes adherence with the Privacy Principles governed by the *Privacy and Data Protection Act 2014*.

6. Related Policies, Strategies and Legislation

POLICIES

Murrindindi Shire Council Enterprise Agreement and its successors

Councillor Code of Conduct

Employee Code of Conduct

Council Health and Well-being plan

Council Workforce Development Plan

Council Plan 2017-2021

LEGISLATION

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Crimes Amendment (Bullying) Act 2011 (Vic)

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Disability Discrimination Act 1992 (Cth)

Equal Opportunity Act 2010 (Vic)

Fair Work Act 2009 (Cth)

Fair Work Regulations 2009 (Cth)

Freedom of Information Act 1982 (Cth)

Local Government Act 2020 (Vic)

Occupational Health and Safety Act 2004 (Vic)

Occupational Health and Safety Regulations 2007 (Vic)

Privacy and Data Protection Act 2014

Public Interest Disclosure Act 2019

Racial and Religious Tolerance Act 2001 (Vic)

Racial Discrimination Act 1984 (Vic)

Sex Discrimination Act 1984 (Cth)

7. Council Plan

This Policy is consistent with the Council Plan 2017-2021 strategic objectives “to work in collaboration with our communities to deliver the best possible outcomes in all that we do” and “Together we will celebrate and encourage diverse, caring and connected communities”.

8. Management and Review

Leadership Team are responsible for implementing this policy in their respective departments.

The Manager Governance and Risk is responsible for the timely review of this Policy.

The Coordinator Human Resources will monitor and provide advice on implementation of this policy.

9. Consultation

No external community consultation is required in the review and implementation of this Policy.

10. Human Rights Charter

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.