


POLICY		Responsible Department	Governance & Community
		Original Adoption Date	15.09.16
		Current Adoption Date	29.01.20
		Audit Committee Review Date	NA
		Date of Review	29.01.22

TITLE	POLICY - EQUAL OPPORTUNITY, DISCRIMINATION, HARASSMENT & WORKPLACE BULLYING
Latest Review Changes	legislation updated, role of Equal Opportunity Officer added, procedural matters removed
Previous Council Reviews	15.09.16, 27.09.17
Previous Audit Committee Reviews	Not applicable

Applicable Legislation:

- Disability Discrimination Act 1992 (Cth)
- Workplace Gender Equality Act 2012 (Cth)
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Privacy Act 1988 (Cth)
- Racial Discrimination Act (Cth) 1975
- Sex Discrimination Act (Cth) 1984
- Equal Opportunity Act 1984 (SA)
- Racial Vilification Act 1996 (SA)
- Work Health and Safety Act 2012 (SA)

Related Policies:

Code of Conduct for Local Government Employees
Municipal Council of Roxby Downs Code of Conduct
Municipal Council of Roxby Downs Enterprise Agreement 2017

Previous Policy:

Violence bullying in the workplace policy and procedure, discrimination and harassment policy

Reference Documents:

- Safe Work Australia – Guide for preventing and responding to workplace bullying (2016)
- <https://www.safeworkaustralia.gov.au/doc/guide-preventing-and-responding-workplace-bullying>

1. PURPOSE

This Policy reflects the Municipal Council of Roxby Downs' ("Council") commitment to create a workplace which is free from discrimination, harassment (including sexual harassment) and bullying, where all people receive fair and equitable treatment and employees are permitted equal access and opportunity to progress to the full extent of their ability.

2. SCOPE

This policy applies to any person employed by the Council but includes any volunteers, trainees, work experience students and consultants undertaking work for, or on behalf of Council whether they are working in a full-time, part-time or in a casual capacity.

3. POLICY STATEMENT

The Council endeavours to create a culture where people of all backgrounds and experiences feel appreciated and valued. Council is committed to achieving equality of opportunity in service delivery and employment. People accessing services, job seekers and employees will be treated fairly and without discrimination.

Discrimination on the grounds of race, nationality, ethnic or national origin, religion or belief, gender, marital status, sexuality, disability, age or any other unjustifiable criterion will not be tolerated.

Council is opposed to all forms of unlawful and unfair discrimination (including harassment of any kind). Council will take appropriate action wherever instances of discrimination and harassment occur (Council must be made aware of these instances), both in the delivery of services and in the course of employment.

4. PRINCIPLES

4.1 Equal Opportunity

Equal Opportunity (EO) means fairly treating employees and customers.

Council endeavours to achieve the following for its employees and the community:

- Ensuring that all employees receive fair treatment when applying for jobs, promotion, transfer and training & development;
- Ensuring employment decisions are based on the merit principle. This means that selection will be based on skills, knowledge, qualifications and experience relevant to the job or situation;
- Eliminating discriminatory practices from its services to the community;
- Develop an ongoing Equal Employment Opportunity Program, practical implementation strategies, including training and development and ensure employees are kept well informed about these policies, procedures and implementation strategies.

In accordance with legislation it is unlawful for anyone to be treated unfairly on grounds of:

- Sex
- Marital status
- Pregnancy or medical condition
- Sexuality
- Race or religion
- Physical and intellectual impairment
- Age

- Political belief and activity
- National origin
- Caring responsibilities

4.2 Workplace Harassment and Bullying

Workplace harassment is any form of behaviour (including comments, jokes and innuendo) which is unwelcome and causes a person to feel offended, humiliated or intimidated (refer 4.3 for Sexual Harassment).

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety¹.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- Abusive, insulting or offensive language or comments;
- Aggressive and intimidating conduct
- Belittling or humiliating comments
- Victimisation
- Practical jokes or initiation
- Unjustified criticism or complaints
- Deliberately excluding someone from work related activities
- Withholding information that is vital for effective work performance
- Setting unreasonable timelines or constantly changing deadlines
- Setting tasks that are unreasonably below or beyond a person's skill level
- Denying access to information, supervision, consultation or resources to the detriment of the worker
- Spreading misinformation or malicious rumours

4.3 Sexual Harassment

Sexual harassment refers to any form of behaviour (including physical contact, comments, jokes, threats and innuendo) that has a sexual element to it. That sexual element is unwelcome or uninvited and causes a person to feel offended, humiliated or intimidated. Sexual harassment is determined from the point of view of the person feeling harassed. It is how the behaviour is received, not how it is intended.

¹ <https://www.safeworkaustralia.gov.au/system/files/documents/1702/guide-preventing-responding-workplace-bullying.pdf>

Sexual Harassment includes:

- uninvited physical contact or gestures
- unwelcome requests for sex or sexual acts
- intrusive questions or insinuations about a person's private life
- displays of offensive or pornographic material in all forms
- sex-based insults or taunts
- unwanted invitations
- offensive communications (letters, phone calls, text messages, e-mails, social media posts etc).

5. RESPONSIBILITIES

Council requires all employees to behave in ways that promote equality and are non-racist, non-sexist and non-discriminatory. This applies to the way they behave to members of the public in the delivery of services and to other employees in the course of their work.

Employees should also draw to the attention of management any alleged unlawful or unfair discriminatory acts or practices.

The Chief Executive, Group Managers and Operations Managers have specific responsibilities to uphold equal opportunity and work place health and safety principles to prevent discrimination, harassment, bullying and promote equal employment opportunity in the work place and the provision of non-discriminatory services.

Should employees, through the course of their employment, be found to have caused or encouraged discrimination, this will be regarded as a particularly serious offence, rendering them liable to disciplinary action.

6. REPORTING DISCRIMINATION, HARASSMENT AND WORKPLACE BULLYING

Council takes all complaints seriously. All complaints from members of the public and employees will be dealt with promptly, impartially and confidentially.

Members of the public, including job seekers, who feel they have been unfairly treated, have the right to refer to Council's Complaints Policy (which can be found on the Council's website).

Employees have a range of options available to deal with equal opportunity, sexual harassment or workplace harassment and bullying issues:

- For sexual harassment/bullying - tell the harasser straight away that you do not want him or her to behave in that way
- Approach your Team Leader, Supervisor or Group Manager and divulge the complaint
- Seek initial advice from Council's Equal Opportunity Officer
- Lodge a complaint under Council's Grievance Resolution process (outlined in the Municipal Council of Roxby Downs Enterprise Agreement)
- Contact the Equal Opportunity Commission on (08) 8207 1977 for advice

The victimisation of a person who has lodged a complaint is illegal. Victimisation which results in people ignoring the complainant or treating them unfairly as a result of his/her complaint will not be tolerated and will be investigated accordingly.

Equal Opportunity Officer (EOO)

The EOO acts as a point of contact for employees experiencing difficulties in the workplace. The role of the EOO is to provide information to employees with concerns or complaints of discrimination, harassment or bullying in the workplace. If requested by the employee, the EOO may support the employee if they wish to make a formal complaint. The EOO does not have a role in investigating, arbitrating or resolving the complaint between the parties, but rather, to inform the person with the complaint what options are available.

Training, information and guidelines will be provided to the EOO who will maintain confidentiality and only take further action on specific complaints with specific permission of the person raising the matter, unless there is a threat of self-harm, harm of others or other criminal offences being (or about to be) committed.

7 RECORD KEEPING

Records, notes or reports on all complaints and/or grievances will be kept in accordance with the State Records Act 1997.

8. REVIEW AND EVALUATION

This policy will be reviewed and evaluated no less than once every two years or when there is a change in legislation.

9. AVAILABILITY OF POLICY

This Policy will be available for inspection at the Council office at 6 Richardson Place, Roxby Downs during ordinary business hours and is available to be downloaded, free of charge, from Council's website: www.roxbydowns.com.au