

DISTRICT COUNCIL OF LOWER EYRE PENINSULA

Equal Opportunity Policy



“Working with our Rural & Coastal Communities”



HR-POL-02 – EQUAL OPPORTUNITY

Version No:	2.0
Issued:	October 2015
Next Review:	October 2019

Responsibility:	Governance
Minutes reference:	C224 (2)
Related Policies/Procedures/Codes:	HR-PRO-02 - Disciplinary Procedure Code of Conduct – Elected Members Code of Conduct – Employees Human Resource Manual (Employees)
Applicable legislation:	South Australian Work Health and Safety Act, 2012 South Australian Work Health and Safety Regulations, 2012 Local Government Act, 1999 Whistleblowers Protection Act 1993
Review Frequency:	Upon Council election or earlier if legislative change Review must also be undertaken by the Employee Consultative Committee

1. INTRODUCTION

The District Council of Lower Eyre Peninsula believes Equal Opportunity can deliver advantages to our business and workplace.

Treating people fairly has a positive impact on staff and customers and enhances our reputation as an employer of choice. Equal Opportunity principles are in line with our aim to get the best from our people and give them the greatest opportunity to do their work well.

2. SCOPE

All staff – full or part time / contract / casual, Elected Members and volunteers working on our premises and our customers are covered and must comply with Equal Opportunity law and this policy.

3. STATEMENT OF COMMITMENT

The District Council of Lower Eyre Peninsula commits to fair treatment in our policies, procedures or practices in relation to its employment (recruiting, selecting, terms and conditions, training, promotion and transfer, termination) and in all relationships within the Council, including the Elected Members.

Discrimination, sexual harassment and victimisation will not be tolerated.

4. EQUAL OPPORTUNITY

Equal Opportunity means fairly treating staff and customers. Fair treatment involves:

- treating people as individuals without making judgments based on irrelevant personal characteristics;
- creating a work environment free from discrimination, harassment, bullying and victimisation;
- allowing all employees to work to their full potential; and,
- making decisions based on merit.



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5. DIRECT AND INDIRECT DISCRIMINATION

Unlawful discrimination is unfairly treating people because of their particular personal characteristics or because they belong to a certain group.

Discrimination can be direct or indirect. Indirect discrimination is treatment which appears to be equal but is unfair on certain people. To be unlawful it must also be unreasonable.

It is unlawful to unfairly treat people because of their:

- age
- sex
- chosen gender
- race
- disability
- sexuality
- marital or domestic partnership status
- social origin
- trade union activity
- pregnancy
- association with child
- caring responsibilities
- identity of spouse
- religious appearance or dress
- political opinion
- religion
- irrelevant criminal record

It is unlawful to unfairly treat people in employment, education, providing goods and services, accommodation, clubs and associations, granting qualifications, advertising or selling land.

Sometimes discriminating behaviours are referred to as bullying. Bullying is behaviour which makes people feel offended, afraid or humiliated and in the circumstances it is reasonable to feel that way.

Bullying behaviour relating to [age](#), [sex](#), [chosen gender](#), [race](#), [disability](#), [sexuality](#), [marital or domestic partnership status](#), [pregnancy](#), [association with child](#), [caring responsibilities](#), [identity of spouse](#), [religious appearance or dress](#), [political opinion](#), [religion](#), [social origin](#), [irrelevant criminal record](#) or [trade union activity](#) is unlawful.

Legitimate comment on performance or work related behaviour is not unfair treatment. Managers can give full and frank feedback in a constructive and sensitive way.



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6. SEXUAL HARASSMENT

Sexual harassment is sexual behaviour which makes people feel offended, afraid or humiliated and in the circumstances, it is reasonable to feel that way.

Both men and women can sexually harass or be harassed. 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 that counts.

Sexual harassment can be:

- unwelcome touching or kissing
- comments or jokes, leering or staring
- sexual pictures, objects, emails, text messages or literature
- direct or implied propositions, or requests for dates
- questions about sexual activity.

Mutual attraction or friendship with consent is **not** sexual harassment.

7. VICTIMISATION

Victimisation is unfairly treating people for complaining or helping others to complain, either within our organisation or to the Equal Opportunity Commission.

Unlawful victimisation is unfair treatment for complaints about discrimination or sexual harassment.



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8. RIGHTS AND RESPONSIBILITIES

Equal Opportunity law gives rights and responsibilities to employees, current and potential, and to employers.

Staff have:

- the right for employment decisions to be made on merit;
- the right not to be discriminated against, sexually harassed or victimised at work;
- the right to be protected by their employers from these behaviours;
- the right to complain;
- the right to work in an environment free of discrimination and sexual harassment;
- the responsibility not to discriminate against, sexually harass or victimise other staff or clients;
- the responsibility to be familiar with Equal Opportunity policies and complaint procedures;
- the right to report to management if they are being harassed by anyone in the course of their work.

Customers have:

- the right not be discriminated against, sexually harassed or victimised by the providers of goods and services;
- a responsibility not to harass the providers of goods and services.

Employers have:

- the right to control, direct and monitor work performance;
- the right to give legitimate comment on performance or work related behaviour;
- the responsibility to ensure that the workplace and goods and services offered are free from discrimination, sexual harassment and victimisation;
- the responsibility to take all reasonable steps to prevent these behaviours;
- the responsibility to respond quickly, seriously and effectively to any complaints.

9. RESPONSIBILITIES

The Chief Executive Officer has the responsibility for implementing this policy.

Managers and supervisors have the responsibility to communicate the policy to employees and ensure it is followed.

Employees and Elected Members have the responsibility to be familiar with this policy and follow it.



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10. COMPLAINTS

Any complaints about policy breaches will be dealt with quickly, seriously and confidentially.

In the first instance contact the Corporate Services Coordinator. They are able to:

- hear the complaint
- provide information on policies and procedures
- discuss options to resolve the problem
- refer the complainant for more help if needed.

In most cases, any further action will be guided by the person making the complaint.

If there is a risk to any employees' health or safety at work, action will be taken by management.


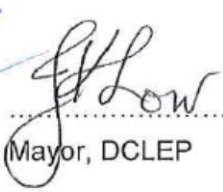

At any time a complainant has the right to contact an external agency for advice or help. The South Australian Equal Opportunity Commission can be contacted via:

Telephone: (08) 8207 1977
Website: www.eoc.sa.gov.au

Anyone making a complaint or helping someone else to complain about unlawful discrimination or harassment is protected from being victimised for complaining.

Copies of this policy can be obtained from the policy section of Councils website and intranet.

Anyone found to have breached this policy or the law, or to have made a false or malicious complaint, will be disciplined. Discipline may include demotion, suspension or dismissal.

SIGNED:  A/CEO	 Mayor, DCLEP	 Chairperson, Consultative Committee
Date: 16 / 10 / 2015	Date: 16 / 10 / 2015	Date: 16 / 10 / 2015