

Equal Employment Opportunity, Discrimination, Harassment and Bullying Policy

Strategic Reference	Provision of a safe, supportive and caring work environment where staff are comfortable to express their concerns and are encouraged to suggest ideas for administration improvements.
File reference	AR18/23076
Responsibility	Community & Corporate
Revision Number	3
Effective date	May 2012
Last revised date	January 2019
Minutes reference	017/19, 115/16, 102/14, 179/12
Next review date	Every two years, January 2021
Applicable Legislation	Disability Discrimination Act 1992 Equal Opportunity Act (SA) 1984 Local Government Act 1999 Local Government (General) Variation Regulations 2013 Work Health & Safety Act 2012 (Commonwealth) Sex Discrimination Act 1984
Related Policies	Elected Member Code of Conduct Employee Code of Conduct Human Resource Policy Volunteers Policy
Related Documents	Human Resource Procedures (under review and development)

1. Purpose and Scope

This Policy reflects Council's commitment to create a workplace and service delivery system which is free of discrimination, harassment (including sexual harassment) and bullying, in which all people receive fair and equitable treatment, and employees are permitted equal access and opportunity to progress to the full extent of their ability.

While Council endorses this Policy, under section 103 of the Local Government Act, the Chief Executive Officer has the statutory responsibility for all staffing matters. It is therefore the CEO and his delegates who are responsible for setting and administering this policy.

The Policy is to be read in conjunction with the current Australian Services Union (ASU) and Australian Workers Union (AWU) Enterprise Agreements and associated procedures

Coorong District Council

which are collated in Coorong District Council's "Human Resource Procedures Manual" (an internal document available at the request of the Organisational Development team).

2. Definitions

"Employee": any person who is employed by the Council, but also includes any contractors, volunteers, trainees, work experience students and consultants undertaking work for, or on behalf of the Council whether they are working in a full-time, part-time or casual capacity.

"Sexual harassment": a general term covering any form of behaviour (including physical contact, comments, jokes, threats and innuendo) that has a sexual element to it, and that element is unwelcome or uninvited.

"Workplace harassment": defined as any form of behaviour (including physical contact, comments, jokes, threats and innuendo) which is unwelcome or uninvited and causes a person to feel offended, humiliated or intimidated.

"Workplace bullying": is repeated, unreasonable behaviour directed towards a person or group of people in a workplace environment that creates a risk to mental and/or physical health and safety.

3. Policy Statement

Coorong District 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. Citizens 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. Responsibilities

Coorong District Council requires all its Council Members and employees to behave in ways that promote equality and are non-racist, non-sexist and generally 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 the attention of management to alleged unlawful or unfair discriminatory acts or practices.

Some specific responsibilities to uphold equal opportunity and workplace health and safety principles rest with the Chief Executive, Directors, Managers and Team Leaders to prevent discrimination, harassment, bullying and promote equal employment opportunity in the workplace and non-discriminatory service provision.

Coorong District Council

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.

5. Delivery of Services

Council will ensure that its services are provided fairly and without discrimination. Reasonable adjustments will be made so that services are accessible to everyone who requests them.

Council's contract documentation will contain terms requiring contractors to comply with their statutory equality obligations.

6. Equal Employment Opportunity

Pursuant to the *Equal Opportunity Act* and the *Local Government Act*, the Council is required to ensure fair treatment of all employees by creating an employment environment which is free from discrimination.

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

- Ensure that all employees receive fair treatment when applying for jobs, promotion, transfer and training & development;
- Ensure 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;
- Eliminate discriminatory practices from its services to the community;
- Encourage employees to strive to achieve their full potential within the organisation; and;
- Develop an ongoing Equal Employment Opportunity Program, practical implementation strategies, including training and development (for both employees and Council Members) and ensure employees and Council Members 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

Coorong District Council

7. Sexual Harassment

Both the *South Australian Equal Opportunity Act* and the *Commonwealth Sex Discrimination Act* place obligations on employers in relation to sexual harassment. Management and Council Members are responsible not only for their own conduct in this area, but, also for that of the people who work for the Coorong District Council.

It is unlawful not to take such steps as may be reasonably necessary, to ensure that the workplace is, as far as practicable, free from sexual and other forms of harassment.

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. Harassment is behaviour or attention that is unwelcome or uninvited, that offends, humiliates or intimidates someone and 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-mail and fax messages etc).

8. 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.

Workplace bullying is the persistent ill treatment of an individual at work by one or more persons. It need not involve physical ill treatment, such as punching or kicking. Most cases of bullying involve such treatment as verbal abuse, 'nit-picking', threats, sarcasm, ostracism, or sabotage of a person's work.

It is important to note that where the workplace harassment/bullying does not relate to grounds covered by equal opportunity legislation, it still constitutes a serious workplace problem and can be considered as a breach of the *Work Health Safety Act* or other criminal laws relating to assault, threatening behaviour etc.

9. Reporting Harassment/Bullying

Coorong District Council takes all complaints seriously. All complaints from members of the public, Council Members 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 & Compliments Policy (which can be found on the Council's website).

Employees are encouraged to deal with equal opportunity, sexual harassment or workplace harassment and bullying issues in the following ways:

Coorong District Council

- 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 or Manager and divulge the complaint
- Seek initial advice from the Organisational Development Coordinator
- Approach your Workplace Union Representative via the Organisational Development Coordinator
- Lodge a complaint under Council's Grievance Resolution process
- Contact the Equal Opportunity Commission on (08) 8207 1977 for advice

Council Members should contact the Mayor or CEO in the first instance, and members of the public should contact the CEO directly.

The victimisation of a person who has lodged a complaint is illegal. Victimisation which results in people ignoring you or treating you unfairly as a result of your complaint will not be tolerated and will be investigated accordingly.

10. Further Information & Review Policy

This Policy will be reviewed every two (2) years.

This Policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's website: www.coorong.sa.gov.au.

Coorong Civic Centre

95 - 101 Railway Terrace
Tailm Bend
Phone: 1300 785 277
Fax: 8572 3822

Meningie Information Hub

49 Princes Highway
Meningie
Phone: 1300 785 277

Tintinara Customer Service Centre

37 Becker Terrace
Tintinara
Phone: 1300 785 277

Copies will be provided to interested parties upon request. Email council@coorong.sa.gov.au.

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.