

# *Shire of Chapman Valley*

## *Equal Employment Opportunity Management Plan*

### **Chief Executive Officer's Foreword**

The Shire of Chapman valley is committed to the development of a culture that is supportive of employment equity and diversity. A workplace that is free from discrimination or harassment; where people are treated on the basis of merit.

Council will, through the Equal Employment Opportunity Management Plan, facilitate the identification and removal of barriers; whilst promoting policies and procedures that reflect and respect the diversity of the community.

Maurice Battilana  
Chief Executive Officer  
Shire of Chapman Valley



## Introduction

Each authority shall prepare and implement an Equal Employment Opportunity (EEO) Management Plan to achieve the objectives in Part IX (Equal opportunity in public employment) of the Equal Opportunity Act 1984. The Equal Employment Opportunity Management Plan requirements are based upon Section 145 (2) (a) – (h) of the Equal Opportunity Act 1984.

### 145. Preparation and implementation of management plans

(2) The management plan of an authority shall include provisions relating to —

- (a) The devising of policies and programs by which the objects of this Part are to be achieved; and
- (b) The communication of those policies and programs to persons within the authority; and
- (c) The collection and recording of appropriate information; and
- (d) The review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programs, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices; and
- (e) The setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed; and
- (f) The means, other than those referred to in paragraph (e), of evaluating the policies and programs referred to in paragraph (a); and
- (g) The revision and amendment of the management plan; and
- (h) The appointment of persons within the authority to implement

The purpose of this Equal Employment Opportunity Management Plan is to comply with requirements of the Act by identifying and implementing strategies in key areas to eliminate discrimination in the workplace.

This Equal Employment Opportunity Management Plan has identified 5 key areas to promote EEO principles and compliance.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Update EEO Policy	Council	Annually as part of Policy/Procedures Review	CEO	EEO Policy created with consultation, adopted and communicated to all staff
Implement EEO Management Plan	Council	Ongoing	CEO	EEO Management Plan & strategies communicated to all staff; No complaints are received in relation EEO principles
Ensure that all new policies developed conform with EEO principles	Council	Ongoing	CEO	Policies comply with EEO standards; are communicated to staff and equitable access is provided to

				all staff;
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1. Policies & Procedures
2. Communication & Awareness
3. Training & Development
4. Harassment & Grievance Procedures
5. Implementation & Evaluation

These EEO key areas will provide council with a strategy and mechanism to measure the progress in achieving EEO management goals.

#### Strategy 1 – Policies and Procedures

Objective: Council has policies and procedures in place that support EEO principles.

#### Strategy 2 – Communication & Awareness

Objective: That all employees understand these EEO principles and their rights and responsibilities in the workplace.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Make available all EEO Management Plan documents and EEO Policies	All Employees	Ongoing	CEO	All EEO documentation is available on internal common data drive. All documents are made available in hard copy.
All managers/supervisors are aware of their responsibilities at commencement of employment	Managers/Supervisors	Ongoing	CEO	All new Managers/Supervisors sign off to confirm their awareness of EEO Management Plans & Policies within one month of commencement.
All aspects of EEO are covered in the induction process	New employees	Ongoing	CEO	Ensure all EEO information can be found in the induction handbook. Ensure all policies are communicated as part of the induction process and employees are aware of their obligations.

### Strategy 3 – Training & Development

Objective: All employees will have access to training and development opportunities relevant to their employment.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Encourage training opportunities for all employees.	All Employees	Ongoing	CEO	Provide training opportunities in a shared access area. All documents are made available in hard copy. Ensure training incorporates EEO principles.
All managers/supervisors are informed of changing responsibilities in relation to EEO	Managers/Supervisors	Ongoing	CEO	All Managers/Supervisors confirm their awareness of EEO Management Plans & Policies in their performance reviews.

### Strategy 4 – Harassment & Grievance Procedures

Objective: Provide and promote effective grievance policy and procedures.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Review and update grievance policy	Council	Annually as part of Policy/Procedures Review	CEO	Review current grievance policy and cross reference to EEO policy/plan.
Provide information to all employees about what constitutes an EEO grievance and the grievance handling procedures	All employees	Ongoing	CEO	Provide access to all employees of the EEO policy/plan and grievance procedures. Information to be included in the induction hand book.
Provide training in bullying and harassment awareness	All employees	Ongoing	CEO	All employees attend bullying and harassment training awareness as required.



Objective: Successful implementation, evaluation and review of the EEO Management Plan.

Action	Target Group	Target Date	Responsibility	Performance Indicator
Communicate requirements to workforce	All employees	Ongoing	CEO	Management and employees are aware of EEO policies and procedures. Changes are communicated to all employees.
Conduct EEO diversity survey	All employees	Ongoing	CEO	Response rate to EEO diversity survey is 80% of employees.
EEO Management objective are reviewed annually.	Council	Ongoing	CEO	Objectives are reviewed & updated to reflect current EEO legislation.

**The Equal Employment Opportunity Management Plan is to be read in conjunction with the following information.**

Equal Employment Opportunity Policy  
 Harassment & Grievance Procedures  
 Workplace Display Material  
 Complaints against Employees

### **EQUAL EMPLOYMENT OPPORTUNITY**

The Shire of Chapman Valley is committed to a policy of equal employment opportunity, fair treatment and non-discrimination for all existing and future employees.

All employment practices (recruitment, selection, training and employment, promotion and transfer and all other terms and conditions of service) will be based on the merit of the individual against specific job requirements. Existing and future employees will not be discriminated against in their employment on the grounds of gender, race, disability, age, pregnancy or potential pregnancy, marital status, family status or family responsibility, political or religious conviction, gender history or sexual orientation.

Council will, through its Equal Employment Opportunity Management Plan, ensure any discriminatory practices are progressively removed from its policies and procedures and will recognise and encourage employees on the basis of their abilities, aptitudes, qualifications and skills, through the implementation and monitoring of effective Human Resources policies and procedures.

The Equal Employment Opportunity (EEO) policy also aims to eliminate all forms of workplace harassment. Council believes the implementation of an EEO policy and plan will create a more productive workplace and will result in better services to the community.

## Purpose

The purposes of Council's EEO policy are:

- To eliminate and ensure the absence of discrimination in employment on the grounds of gender, race, impairment or disability, age, marital or family status, political or religious conviction, sexual orientation or gender history; and
- To promote equal employment opportunity for women, indigenous Australians, people with disabilities, youth and people from culturally diverse backgrounds or other minority groups within Council.

## Equal Employment Opportunity (EEO)

EEO is the principle which ensures that all employees and potential employees are treated equally and fairly, regardless of their gender, race, impairment or disability, age, marital or family status, political or religious conviction, sexual orientation or gender history.

## Discrimination

Discrimination refers to unequal treatment or opportunities. Discrimination may be direct, indirect or systemic.

- **Direct Discrimination** is when a person is treated less favourably than another person in the same or similar circumstances based on one or more of the above-mentioned grounds.
- **Indirect Discrimination** is when policies, rules and practices which appear neutral or impartial adversely affect a group or individual, thus reducing opportunities. These rules and practices are discriminatory in effect, as they exclude people with suitable skills who don't meet the apparently fair rules or practices, e.g. Height requirements for certain jobs, no female toilets at certain worksites.
- **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.

## Merit

Merit is the mechanism of assessing each person's skills and abilities against the needs of the job, and disregarding unlawful personal characteristics which are relevant to the job. Merit recognises experience gained both inside and outside formal employment.

## Affirmative Action

Affirmative Action programs are designed to overcome the effects of past discrimination. This discrimination has formed barriers which exclude target groups from having access to equal employment opportunity. Affirmative action seeks to address the effects of past disadvantages and prevent future disadvantages. It is the method of achieving equal employment opportunity for target groups. This may involve, for example, the provision of selection tests with a sign language interpreter present for applicants with hearing disabilities.

## Harassment

Unlawful harassment is unwanted, uninvited and inappropriate behaviour based on a person's sex, race or disability.

Sexual Harassment is unwelcome conduct of a sexual nature that a reasonable person would be offended, humiliated or intimidated by. This can be verbal, written or physical by nature. It does not matter that the person did not mean to be offensive.

Racial Harassment is when a person is threatened, abused, insulted or taunted about their race, or a characteristic generally associated with their race and they believe if they object to the unwanted behaviour they will be disadvantaged in the workplace.

Disability harassment is when a person is threatened, abused, offended or excluded because of their disability.

**The Shire of Chapman Valley considers any sexual, racial and other forms of harassment as an unacceptable form of behaviour which will not be tolerated under any circumstances.**

### **Victimisation**

Any employee who has made a complaint, or is witness to a complaint in relation to discrimination, harassment or bullying will not be discriminated against or suffer any other disadvantage for having made a complaint in good faith.

### **Vilification**

Vilification generally refers to any act that happens publicly as opposed to privately; and that could incite other to hate, have serious contempt for, or have serious ridicule of you or a group of people, because of race, ethnic, religious or national origin, sexual orientation or transgender status (including references to HIV or AIDS status).

### **JURISDICTION**

EEO policies and practices apply to all employees. All employees are obliged to follow non-discriminatory practice in the workplace, as it is Council (as the responsible employer) which is legally accountable for discrimination in employment matters.

### **RESPONSIBILITY/ACCOUNTABILITY**

#### **All Staff**

- Are responsible for upholding the EEO principles outlined in this policy, however specific responsibility lies with line managers and supervisors to prevent discrimination and promote equal opportunity in the workplace.
- Have the right to seek advice from the Anti-Discrimination Board.

#### **Managers/Supervisors**

- Are responsible for ensuring that the principles covered in this policy are upheld by the staff for which they are responsible.
- Are responsible for ensuring equality of employment opportunity is extended to all staff, and that no unlawful discrimination occurs in employment practices.
- Ensure that Council's EEO policy and plan is implemented within their Division.
- Ensure that all staff with supervisory responsibilities is aware of employees' rights and obligations under Council's EEO policy and relevant legislation.

#### **The EEO Co-ordinator will**

- Work with management and staff to develop and implement the EEO policy and program including guidelines and best practice standards.
- Research EEO matters and keep management informed of developments in EEO.
- Provide statistical and other human resources information to allow Council to Develop and monitor its EEO program.
- Integrate the EEO policy and practices into human resources management practice and Council programs.
- Advise on grievance handling procedures.
- Assist with the development and review of Human Resources policies and procedures.
- Ensure that position descriptions of all staff reflect their EEO responsibilities and accountabilities.

## **The Chief Executive Officer will**

- Ensure that Council's EEO policy and program is implemented within Council.
- Ensure all staff complies with Council's EEO policy and with legal obligations under relevant legislation.
- Ensure that management audits of the EEO program are undertaken on a regular basis to ensure that the EEO policy and program continue to meet their objectives.

Any reports of harassment will be treated seriously and sympathetically by Council, and will be investigated thoroughly and confidentially. Council's grievance policy and procedures will be followed in the case of a harassment complaint.

Disciplinary action will be taken against any Council employee found to be perpetrating harassment of other Council employees.

## **BREACHES OF POLICY**

Breaches of the Equal Employment Opportunity policy will not be tolerated. Failure to extend equality of employment opportunity to all employees is a serious matter and will result in the appropriate disciplinary action. Serious breaches of this policy may result in termination of employment.

## **GRIEVANCE POLICY AND PROCEDURES**

A grievance is any work related disagreement, complaint or matter which someone thinks is unfair or unjustified and which is causing that person concern or distress. Grievances can relate to almost any aspect of employment including: issues concerning transfer and promotion, rosters, leave allocation, work environment, safety in the work place, performance appraisal, discrimination or harassment.

### **Policy Statement:**

**Council is committed to resolving grievances wherever possible through mediation consultation, cooperation and discussion.**

- All grievances will be handled in utmost **confidentiality**. Only the people directly involved will have access to information about the complaint.
- All procedures will be **impartial**. No assumptions will be made, and no action will be taken until all relevant information has been collected, investigated and considered.
- Council is committed to ensure that **no repercussions** or victimisation occurs against anyone who makes a complaint.
- Seeking redress of a trivial, frivolous or vexatious issue through a grievance procedure will not be tolerated.
- Complaints will be dealt with in a **timely** manner.

### **Responsibilities:**

**General Manager/Group Managers:** for serious and complex grievances which could involve possible fraud, corruption, physical danger or serious misconduct of a senior staff member.

**Supervisors/Team Leaders:** in general all supervisors/team leaders are to be the first point of receipt and will be responsible for the investigation and resolution of staff grievances.

**Human Resources staff:** are to provide advice and assistance and where necessary receive and investigate the grievance, particularly if the grievance relates to a discrimination, harassment or personnel/industrial matter.

Using the grievance procedure does not eliminate the right of a staff member or Council as an employer in gaining advice or assistance from unions, professional associations or any other external agency.



## **GRIEVANCE PROCEDURES**

- In general the grievance should be first discussed with or put in writing to the supervisor/team leader for resolution. This would not apply where the issue directly relates to the activities of the supervisor/team leader.
- The relevant investigator should obtain the facts, clarify issues and then discuss findings with the staff member lodging the grievance.
- Where a Contact Officer or Investigator believes they cannot handle the grievance objectively, or where they lack the power to resolve the particular complaint, they may refer to the Human Resources Manager.
- A written record of the complaint should be taken by the Officer responsible for investigating the complaint. This Officer would also talk to the other person/people involved separately and impartially. Where agreement as to resolution is reached, the Officer should follow up the situation to ensure what has been agreed to actually occurs.
- If a grievance remains unresolved, it is to be taken to senior management or to a mutually agreeable third party for mediation/arbitration.
- Union, employee association or Human Resource Management assistance can be sought to assist resolution at any step in the procedure.
- Grievances should generally be resolved within 4 weeks.

### **Contact Officers**

An independent contact officer shall be nominated in each Division using the following selection criteria:

- commitment to EEO principles
- discretion and ability to maintain confidentiality
- sound listening skills, mediation, conflict resolution and interpersonal skills
- awareness of discrimination issues
- known integrity and support for principles of social justice
- investigative ability

### **Qualified Privilege**

A staff member who raises a grievance is protected against any action for defamation by the defence of qualified privilege provided the grievance is raised in accordance with these procedures and does not intentionally make a malicious or substantially frivolous complaint.

A staff member who carries out grievance investigation and resolution in accordance with these procedures, or a staff member who is required to prepare a report concerning another staff member is protected against any action for defamation by the defence of qualified privilege provided that

- they act in accordance with established procedures
- they are not motivated by malice, and
- they do not publish such material to persons who have no legitimate interest in receiving it.

A Complainant has the right to

- Keep notes, copy of written documents or diary record of all incidents and any responses, including date, times, witnesses and other details?
- advise his/her supervisor, Human Resources Manager or EEO Coordinator or a person at an appropriate level within the organisation
- contact their respective Union for advice
- contact the WA Anti-Discrimination Board where appropriate

A Person who is subject of a complaint has the right to

- be informed verbally of what behaviour they are being accused of
- to respond to the allegations and cite witnesses if appropriate

- to fair treatment and procedures
- to be heard by an unbiased person

The Person receiving a report/complaint should

- advise complainant that their complaint will be treated sensitively, confidentially and without victimisation
- in the case of harassment complaints, establish whether complainant has advised alleged harasser that their behaviour is unwelcome
- In the case of harassment complaints, advise the Human Resources Branch that a complaint has been made.
- Ensure that a written report is obtained from the complainant, containing appropriate details, witness reports etc.
- Approach the subject of the complaint or alleged harasser to seek a response to the allegations made about their behaviour. This approach should be made either in the company of the person's supervisor/team leader or Human Resources Branch Representative.
- Conduct a confidential interview and seek reports from any identified witnesses.

### **Disciplinary procedures**

Should a grievance and its subsequent investigation indicate the need for disciplinary action, the relevant Group Manager is to be advised and Council's Disciplinary Policy and Procedures are to be followed.

In the case of discrimination/harassment complaints, the following disciplinary procedures will apply:

#### **If the behaviour is admitted**

- where the behaviour is admitted and is of a single visually or auditory offensive nature (eg sexist/racist poster or language rather than a sexual proposition or a physically threatening approach)
- A first disciplinary interview should be conducted and written warning issued to the Harasser together with a reinforcement of Council's policy.
- If the behaviour is admitted and has consisted of repeated incidents of physical approaches etc, a First and final warning should be issued.
- the admitted harasser should be cautioned that they should take no action which could be construed as victimisation, as this will lead to further disciplinary action.
- if the harasser is the complainant's immediate supervisor, the harasser's supervisor must be consulted on any decisions regarding promotion, job rotation etc involving the complainant, and
- Should be offered counselling to avoid further incidents.
- A copy of any disciplinary letters shall be placed on the harasser's file.

#### **If the behaviour is not admitted and there were no witnesses, the following procedures apply:**

- in such cases, the "balance of probability" needs to be taken into consideration  
The alleged harasser is to be reminded of Council's policy, advised that their alleged behaviour has been perceived by the complainant as harassment and informed that their behaviour with the Complainant will be monitored.
- the alleged harasser is to be cautioned that they should take no action which could be construed as victimisation towards the complainant
- the complainant will be advised of the alleged harasser denial and of their right to seek assistance from the Anti-Discrimination Board
- No notes of the allegations will be recorded on personal files.
- Any notes/reports taken in respect of harassment complaints and the actions taken as a result will be kept in a separate confidential file by the Human Resources Manager.
- These records may be required should a complainant choose to go to the Anti-Discrimination Board.
- breaches of confidentiality of harassment complaints are unacceptable and may be subject to

separate disciplinary action

## WORKPLACE DISPLAY MATERIAL

**The Shire of Chapman Valley is committed to ensuring that Council workplaces present a positive public image and do not display material which is unlawfully discriminating and likely to cause offence. Council is also required to comply with legislation which makes sexual harassment and racial vilification unlawful.**

As such, all material of a sexist, racist or otherwise offensive or discriminatory nature **shall not be displayed** in any Council workplace. Material could include graphics such as pictures, posters, cartoons, picture calendars, graffiti or writing such as poems, quotes, notes or jokes. Examples of such material could be calendars or posters of almost nude females or males or material which portrays a stereotypical view of a person of another race.

It is the responsibility of every supervisor and manager to ensure that their workplace does not display sexist, racist or otherwise offensive material and that any such material on display is removed. Any employee who displays such material will be asked to remove it as it is inappropriate in the workplace and against Council policy. If an employee does not remove the material, the supervisor will take the responsibility to do so and the employee will be given a written warning advising them that any future breaches of policy will result in formal disciplinary action being taken against them. All existing and future suppliers and contractors, who wish to make available such material, will be advised of Council's policy regarding workplace discrimination.