

PROCEDURE NAME	Diversity Procedure
DIRECTORATE	Executive – Human Resources

PURPOSE

AlburyCity is committed to providing a workplace that embraces diversity, fosters positive working relationships and promotes fairness and equity. Our culture is based on mutual respect and our work environment enables employees to reach their full potential without discrimination and regardless of personal attributes.

Equal Employment Opportunity (EEO) principles are applicable to all Council activities and decisions, particularly recruitment, performance management, skills assessment, staff development and higher duties assignments.

This procedure supports a work environment where diversity, respect and fairness in employee and client interactions are highly valued. The procedure also encourages the early notification of issues and provides for their prompt resolution.

Note:

- 1. This procedure was previously known as the Equal Employment Opportunity Procedure.*
- 2. The prevention of bullying and harassment is covered in a separate procedure.*

SCOPE

This policy applies to all AlburyCity employees, persons on work experience placements, volunteers and job applicants.

DEFINITIONS

'Equal Employment Opportunity' (EEO) means that all persons regardless of protected attributes i.e. gender, race, colour, age, marital or parental status, sexual preference, disability or religious belief have the right to be given fair consideration for a job or job related benefits such as higher duties and training and development opportunities.

'Discrimination' is the unfair or less favourable treatment of employees or job applicants based on an actual or assumed interpretation of their or an associate's protected attributes.

Protected attributes include:

- Gender, sexual orientation, gender identity or inter sex status
- Pregnancy
- Breastfeeding
- Race or ethno-religious background
- Marital or domestic status
- Disability including infectious diseases
- Homosexuality and transgender
- Age

- Carer's responsibilities.

Note: Disability includes genetic predisposition to a disability and behaviour that is a symptom or manifestation of a disability. E.g. multiple sclerosis

'Offensive materials' are items that a reasonable person would consider to be objectionable if displayed or distributed in the workplace. E.g. pornographic images

'Religious items' are symbols that signify followers of personal belief systems or similar practices including jewellery and clothing.

'Vilification' is any behaviour that could incite hatred, contempt or ridicule towards a person or group of people based on any protected attribute.

'Protected attributes' are any of the features covered by anti-discrimination legislation.

REFERENCES

Relevant Legislation

- Age Discrimination Act (C'wealth) 2004
- Age Discrimination Act (C'wealth) 2004
- Anti-Discrimination Act 1977 (NSW)
- Anti-Discrimination Amendment (Carers' Responsibilities) Act 2000 (NSW)
- Disability Discrimination Act (C'wealth) 1992
- Fair Work Act (C'wealth) 2009
- Government Information (Public Access) Act 2009 (NSW)
- Human Rights and Equal Opportunity Commission Act (C'wealth) 1986
- Local Government (State) Award
- Privacy and Personal Information Protection Act 1998 (NSW)
- Racial Discrimination Act (C'wealth) 1975
- Sex Discrimination Act (C'wealth) 1984
- Work Health and Safety Act 2011 (NSW)
- Workers' Compensation Act 1987 (NSW)

Relevant Council Policies

- Code of Conduct
- Disciplinary Procedure
- Human Resources Policy
- Internal Investigation Procedure
- Recruitment and Selection Procedure
- Training and Development Procedure

ACTIVITY

1. Responsibilities

1.1 Manex is responsible for ensuring that:

- A positive contribution to is made to diversity throughout the organisation;
- Council's values and guiding principles are the focus of the AlburyCity culture;
- Appropriate Human Resource policies and procedures are implemented and monitored;
- AlburyCity meets its legal obligations;
- Reviewing the results of employee opinion surveys and exit interviews and associated action plans.

1.2 Directors are responsible for:

- Supporting a work environment of open communication and mutual respect within their group;
- Monitoring the work environment and taking appropriate action if required;
- Administering this procedure, and ensuring prompt action is taken on any allegation or complaint;
- Providing advice to staff on this procedure;
- Ensuring that staff members are not victimised for lodging an allegation or complaint;
- Ensuring that all allegations or complaints are investigated fairly and according to the agreed procedure;
- Following up and monitoring particular workplaces where issues have occurred to confirm that they have been resolved and that no further problems occur.

1.3 Group Leaders/Team Leaders/Supervisors are responsible for:

- Promoting a work environment of open communication and mutual respect within their work area;
- Monitoring the work environment and taking appropriate action when required;
- Providing advice and training to staff on this procedure;
- Ensuring that staff members are not victimised for lodging an allegation or complaint;
- Following up and monitoring particular workplaces where issues have occurred to confirm that they have been resolved and that no further problems occur.

1.4 The Human Resources Group is responsible for:

- Reviewing and maintaining this procedure;
- Supporting leaders in the promotion of a positive work environment;
- Ensuring prompt action is taken on any complaint;
- Providing advice and support to the General Manager, Directors, Group/Team Leaders, all supervisors, and investigators in the application of this procedure;
- Providing advice to staff on this procedure;

- Providing conflict resolution and collaborative problem solving skills training for the organisation as required; and
- Providing workplace training for all staff on diversity principles, including during Induction training.

1.5 Employees are responsible for:

- Contributing to a work environment that embraces AlburyCity's values and guiding principles and diversity concepts;
- Participating in the resolution of issues relating to discrimination, including providing the necessary information to support an allegation/complaint;
- Maintaining confidentiality regarding an allegation or complaint;
- Refraining from victimising a colleague for raising an allegation or complaint; and
- Avoiding frivolous or vexatious allegations or complaints.

2. Impact of Discrimination

Discrimination in any of its forms that is not dealt with promptly and effectively has the potential to lead to severe consequences for AlburyCity, resulting in:

- Increased levels of stress;
- Reduced morale and job satisfaction;
- A negative impact on organisational culture;
- A lower level of employee engagement;
- Lower productivity;
- Industrial problems and absenteeism;
- Increased staff turnover;
- Breakdowns in communication and trust;
- Potential legal action;
- Potential negative public relations for the organisation;
- Loss of status as an 'employer of choice'; and,
- A negative impact on the employee's life/home environment.

3. Prevention of Discrimination

Through the application of these procedures, AlburyCity's objective is to create a workplace where all employees treat each other with dignity and respect. By promoting the understanding that everyone is different and accepting that everyone has the right to feel safe and comfortable at work, it is anticipated that discriminatory behaviour will be gradually eliminated.

AlburyCity has undertaken a number of key initiatives to ensure a work environment that is free from discrimination. These include:

- The development and implementation of the EEO Management Plan;
- The development and implementation of procedures for managing EEO issues;
- Training staff on the EEO procedure;
- Ensuring that all procedures are reasonable in all circumstances;
- Ensuring that all decisions are fair and effectively communicated;

- Outlining to all employees what standards of behaviour are expected;
- Embracing diversity;
- Ensuring that all recruitment decisions are fair and based on merit;
- Continually monitoring work environments for signs of discrimination and vilification; and
- Providing the Employee Assistance Program.

AlburyCity is a large organisation and aims to have a diverse range of people in the workplace. In this regard, the above frameworks are aimed at ensuring a harmonious workplace, preventing all forms of discrimination and having an effective process for resolving issues as they arise.

4. Offensive material in the workplace

Any item that may be offensive to a reasonable person may not be brought into the workplace in any form. Some material may not be illegal, however if it is displayed or distributed in the workplace, it may cause offence.

Our community and the AlburyCity workforce, accepts the use, possession or wearing of items which are an individual reflection of personal religious or similar belief or practice. It is highly unlikely that such items or practices would offend other employees and they are not prohibited under this policy.

5. Making a complaint

In the interests of prompt resolution, employees are encouraged to raise all discrimination or vilification issues immediately with their supervisor, a more senior officer or with a member of the Human Resources Group, depending on the level from which the behaviour originates. Ideally details of any such issues should be lodged in writing and include any evidence or examples to assist with the resolution/investigation process.

In all instances these issues will be treated seriously with due regard for confidentiality and impartiality.

AlburyCity's Employee Assistance Counsellor is available to provide support to employees throughout this process.

Sometimes a discrimination issue can arise where employees feel hurt or offended by the unintentional behaviour of another person. An informal way of resolving such a situation is for a facilitator to convene a meeting where the employee can explain to the person who is behaving in an inappropriate way that their actions are causing offence and should be modified or cease immediately. The offending employee is then aware that their behaviour is not acceptable and has a chance to cease or modify it.

6. Investigation of Discrimination or Vilification Complaints Against Staff

If the discriminatory behaviour or vilification continues or the issue remains unresolved, an investigation in accordance with the AlburyCity Internal Investigation Procedure is undertaken with the possibility of disciplinary action as an outcome.

The AlburyCity Internal Investigation Procedure is applied after consultation with the Group Leader Human Resources.

7. Investigation Outcomes

When an investigation confirms a complaint, the following may be warranted:

- an apology, verbal or written;
- counselling;
- further EEO training; and
- Disciplinary action in accordance with the AlburyCity Disciplinary Procedure.

Generally, when deciding on what action will be taken, the following factors need to be considered:

- the seriousness of the issue;
- the recipients perception of the action/s
- the offending person's intent;
- previous disciplinary action; and
- any other mitigating circumstances.

8. Frivolous or Vexatious Complaints

Where the complaint or allegation has been deemed to be frivolous or vexatious or the alleged incident did not occur, then appropriate action may be taken against the complainant.

9. Storage of Records

It is important that relevant information is kept on all discrimination issues, no matter how minor it may seem. This could range from diary entries to more detailed file notes. All information should be recorded in a factual, non-judgemental manner and filed confidentially.

Once a formal investigation is complete, a decision will be made by the Group Leader Human Resources regarding the information to be filed on the complainant's file and the file of the person/s being complained about. All other detailed notes, statements or investigation information are passed on to the Human Resources Team for confidential filing.

Any documentation relating to disciplinary action will be filed in accordance with the Disciplinary Policy.

10. Appeals

Either party involved in a complaint may appeal the outcome.

The avenues for appeal are dependent upon the circumstances of each situation (e.g. the next most senior officer or an external agency). An employee wishing to lodge an appeal should seek advice from the Human Resources Team.

AUTHORISATION

Status	Committee	Consultative Committee – 4 August 2016
	Manex	6 September 2016
	Council	
Owner	Human Resources	
Compliance	Mandatory	
History	This is a separate procedure which supercedes part of the previous EEO Procedure. Updates 2013 - legislation amendments; September 2016 incorporation of policy into procedure.	
Register	This procedure is included in the Internal Policy and Procedures Register.	
Last issued	September 2016	Review September 2020
TRIM REFERENCE DOC16/1244		