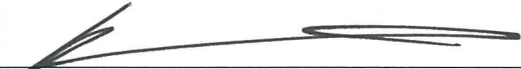




Policy and Procedure Title:	Equal Opportunity Policy		
Date of Adoption:	14 August 2015		
Adoption Method:	<input type="checkbox"/> Council	<input checked="" type="checkbox"/> CEO	<input type="checkbox"/> Other (please specify)
CEO Signature:			Date: 21/08/2018
Responsible Officer and Unit:	Manager Organisational Development		
Nominated Review Period:	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Other (3 years)	
Last Review Date:	August 2018		
Next Review Date:	August 2021		
Purpose / Objective:	Macedon Ranges Shire Council's commitment to providing a safe, flexible and respectful environment for staff that is free from all forms of discrimination, harassment, sexual harassment and racial and religious vilification.		
Background / Reasons for Policy and Procedure:	To confirm Macedon Ranges Shire Councils commitment in promoting a culture that is inclusive, respectful and free from discrimination, respectful of differences and ensures that everyone has equal opportunities within the workplace.		
Definitions:	<p>Protected Personal characteristics:</p> <ul style="list-style-type: none"> • A disability, disease or injury • Parental status or status as a carer • Race, colour, descent, nationality, ancestry or ethnic background • Age, whether young or old • Sex • Employment activity – because they ask questions about their rights or entitlements • Industrial activity including being a member of an industrial organisation like a union, taking part in industrial activity, or joining a union. • Physical features, such as height, weight, size, hair or birthmarks • Religious belief, taking part in a religious activity or not holding a religious belief • Pregnancy and breastfeeding • Lawful sexual activity • Sexual orientation or gender identity, including gay, lesbian, bisexual, trans, intersex, queer, questioning and heterosexual 		

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	V2	27 July 2015	CHR
Second Draft		31 July 2015	CHR
Final Draft	Final	11 August 2015	CHR
Approval		13 August 2015	CHR

	<ul style="list-style-type: none"> • Marital status, whether married, divorced, unmarried or in a de facto relationship • Political opinion • An association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.
References:	<p>Victorian Human Rights and Equal Opportunity Commission Fair Work Ombudsman</p>
Related Policies:	<p>Recruitment and Selection Policy Workplace Resolution Policy and Procedure Sexual Harassment Policy Bullying Policy Staff Code of Conduct Social Media Policy</p>
Related Legislation:	<p>Equal Opportunity Act 2010 (Vic) Racial and Religious Tolerance Act 2001 (Vic) Occupational Health and Safety Act 2004 (Vic) Charter of Human Rights and Responsibilities Act 2006 (Vic) Local Government Act 1989 (Vic) Sex Discrimination Act 1984 (Cth) Racial Discrimination Act 1975 (Cth) Disability Discrimination Act 1992 (Cth) Age Discrimination Act 2004 (Cth) Australian Human Rights Commission Act 1986 (Cth) Workplace Gender Equality Act 2012 (Cth) Fair Work Act 2009 (Cth) Human Rights and Equal Opportunity Commission Act 1986 (Cth)</p>

Discrimination

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Discrimination can occur either **directly** or **indirectly**.

Direct discrimination occurs when a person or group is treated unfavourably because of a personal characteristic protected by law as outlined in the definitions of this policy.

For example, refusing to employ someone on the basis of their age because you think they are too old to learn new skills.

Indirect discrimination occurs when an unreasonable requirement, which could be a rule, practice or procedure is imposed that has or is likely to have the effect of disadvantaging people with a personal characteristic protected by law.

For example, a policy requiring all employees to read and write English fluently when this is not needed for all jobs within the organisation.

Bullying

Bullying because of a protected personal characteristic is a form of discrimination. Bullying can take many forms including jokes, teasing, emails, pictures, social isolation and unfair work practices.

Under the Equal Opportunity Act 2010, this behaviour does not have to be repeated to be discrimination – it may be a one off event.

Reasonable management action carried out in a reasonable manner is not bullying.

It is important to distinguish between a person reasonably exercising their legitimate authority at work in a proper and reasonable way, and instances of bullying.

Managers and supervisors have a broad range of responsibilities including directing and controlling how work is performed. They are responsible for monitoring workflow and providing feedback to employees on their work performance.

Sexual harassment

Sexual harassment is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, spoken or written. For further information please refer to the Sexual Harassment Policy located on the intranet.

Racial and religious vilification

Vilification is behaviour that encourages others to hate, disrespect or abuse a person or group of people because of their race or religion.

This includes spoken, written, online or physical behaviour towards a particular race or religious group that encourages others to ridicule them, be hateful or violent towards them, damage their property or make false claims against them.

A complaint of racial and religious vilification can be made using the Resolution Policy and Procedure.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under the equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

Victimisation is against the law.

Victimisation is a serious breach of this policy, and depending on the severity and circumstances is likely to result in formal discipline against the perpetrator.

Anyone who believes they have been victimised should immediately report the matter to their manager, the Manager Organisational Development or the Coordinator Human Resources.

Gossip

It is not appropriate for staff to talk with other staff members, suppliers or members of the community about any equal opportunity complaint, whether it is theirs or anyone else's.

Gossip is likely to reinforce a problem, create new problems like victimisation, and make it harder to solve the original issue.

Reasonable Adjustments

The Equal Opportunity Act 2010 requires that reasonable adjustments be made to avoid discrimination. A reasonable adjustment is an adjustment that will avoid discrimination without requiring a disproportionately high expenditure or disruption to the employer.

Merit

All recruitment and selection decisions at Macedon Ranges Shire Council will be based on merit – the skills and abilities of the candidate measured against the inherent requirements of the position – regardless of personal characteristics.

It is unacceptable and against the law to ask job candidates questions, or to in any other way seek information, about their personal characteristics, unless this can be shown to be directly relevant to a genuine requirement of the position.

Employee Responsibility

All employees must:

- Understand and comply with this Policy
- Ensure they do not engage in any unlawful conduct towards other employees customers/clients or others with whom they come into contact through work
- Ensure they do not aid, abet or encourage other persons to engage in unlawful conduct

- Follow the complaint procedure as outlined in the Resolution Policy and Procedure
- Report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy and
- Maintain confidentiality if they are involved in the complaint procedure.

All employees should be aware that they can be held legally responsible for their unlawful conduct. Anyone who aids, abets or encourages others to engage in unlawful conduct, can also be legally liable.

Resolving Issues

Employees should use the Resolution Policy and Procedure to resolve any issues.

Employees who do not feel safe or confident to take such action may seek assistance and advice from the Manager Organisational Development or Coordinator Human Resources.

Breach of this Policy

All employees are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment.

Contact Officers

Contact Officers are staff members who have been trained to provide confidential and impartial information and support to help staff make an informed decision about how to resolve an issue.

Contact Officers will not solve the problem for you, but they can be a very useful sounding board for you to reflect on your situation, provide a new perspective and help you make a practical and effective decision that meets your needs.

Contact Officers details can be found on the Intranet.

Employee Assistance Program

Council has a 24/7 Employee Assistance service provided by Converge International. They can be contact by calling 130 687 327 or at convergeinternational.com.au.