



# EQUAL OPPORTUNITY, HARRASSMENT AND BULLYING POLICY

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## 1. OBJECTIVE

The objective of this policy is to:

1. Detail the Shire's commitment to Equal Employment Opportunity.
2. Educate and inform employees and Councillors of what constitutes discrimination, harassment and workplace bullying and their actions to prevent and manage such incidents.
3. Prevent all forms of discrimination, harassment and bullying in the workplace

## 2. PRINCIPLES

### 2.1 Definitions

**Harassment** - as determined under the Occupational Health & Safety Act 1991;

**Discrimination** - as determined under the Equal Opportunity Act 1984 and the Commonwealth Sex Discrimination Act 1984;

**Bullying** – as determined under the Occupational Health & Safety Act 1991.

### 2.2 Commitment

- 2.2.1 The Shire of Wandering will strive to achieve a healthy and safe workplace by addressing the issue of harassment, discrimination (including Equal Employment Opportunity) and workplace bullying.
- 2.2.2 The Shire aims to ensure harassment, discrimination and workplace bullying does not occur, but in the event that it does, appropriate action is taken immediately. The Shire also commits to educate employees as to the nature and effects of harassment, discrimination and workplace bullying and to provide the necessary resources to inform them of the contents of this policy, their rights and responsibilities.
- 2.2.3 The Shire recognises its legal obligations under the Equal Opportunity Act (1984) to actively promote equal employment opportunity based on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, age, disability, religious or political convictions.
- 2.2.4 All offers of employment within the Shire will be directed to providing equal opportunity to prospective employees, provided their relevant experience, skills and ability meet the minimum requirements for engagement.
- 2.2.5 All employment training opportunities within the Shire will be directed towards providing equal opportunity to all employees based on merit and their relevant experience, skills and ability meet the minimum requirements for the position.
- 2.2.6 All promotional policies and opportunities within the Shire will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability are adequate to meet the minimum requirements and they are assessed as the most appropriate candidate for the advertised position. In this context, as a minimum, all vacancies shall be advertised internally within the organisation.
- 2.2.7 The equal opportunity goals of this Council are designed to provide an enjoyable, challenging, involving and harmonious work environment for all employees, where each has the opportunity to progress to the extent of their ability.



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## 2.3 Breach

A person will be deemed to be in breach of this Policy when they-

- 2.3.1 Display any behaviour or series of behaviours (directly or indirectly) that unfairly or unreasonably offends, humiliates, belittles, undermines, frightens, excludes without justification or embarrasses anyone it is directed at or anyone who sees or overhears it; and
- 2.3.2 Exhibits behaviour of a sexual nature which is unwanted and unwelcome, may be regarded as offensive, and or place the victim in a vulnerable position or make them feel that they may be disadvantaged if they object to the advances; and
- 2.3.3 Show any form of behaviour or series of behaviours which may constitute any form of discrimination.

This policy does not address-

- Mutually agreed personal relationships / friendships.
- Reasonable and appropriate performance management processes which are intended to manage an employee's poor performance.
- Enforcement of lawful instructions, issued by any person authorised.

## 3. ROLES AND RESPONSIBILITIES

### 3.1 Shire employees, contractors and consultants and Councillors

All Shire Councillors, employees, contractors and consultants are responsible for ensuring that breaches of this policy do not occur.

All persons in authority at the Shire must strive to prevent behaviour which constitutes a breach of this policy. Should a person in authority, encourage or fail to take action where a breach of this policy has occurred in their area of responsibility, they may be subject to disciplinary action and in serious cases may be subject to termination.

- (i) CEO, Managers, Supervisors (Persons in Authority) and the Shire President must-
  - (a) Ensure all team members are aware and understand the EEO – Discrimination / Harassment / Bullying policy.
  - (b) Be aware and able to explain the arguments supporting a workplace free from harassment, discrimination and bullying in order to answer questions related to this policy.
  - (c) Role model behaviours expected of employees as outlined in this policy.
  - (d) When required to make decisions in relation to staff (employment, performance etc.) make decisions based on equity and a non-discriminatory basis.
  - (e) Be able to justify decisions with reasonable explanation.
  - (f) Listen to opposing arguments and be prepared to accept reasonable and valid objections when raised.
  - (g) Establish a clear position on discriminatory and harassing behaviour.
  - (h) Maintain an awareness and note any signs of racist, sexist displays (screensavers, calendars)
  - (i) Encourage the reporting of any instances of harassment, discrimination or bullying.



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Furthermore, act immediately if notified of any matter that is covered by this policy.

- (j) Refer to Executive Management for support and guidance where required.
- (ii) All staff must report any matter pertinent to this policy to a person in authority (refer to Statement 3.1 (i)) with all claims and supporting information presented to be dealt with in a confidential manner.

## 4. CONSEQUENCES

Engaging in harassing, discriminating or bullying conduct in the workplace constitutes a breach of this policy, the Code of Conduct and the Act, and may result in disciplinary action up to and including termination being taken against the offending employee or contractor.

Victimisation by an employee or a Councillor against a complainant or person supporting the complainant in alleged misconduct of harassment, discrimination or bullying may also result in disciplinary action being taken against that person, including termination of employment.

Breaches which constitute a criminal offence will be reported to the Police.

## 5. REFERENCES TO RELATED DOCUMENTS

- *Equal Opportunity Act 1984*
- *Commonwealth Sex Discrimination Act 1984*
- *Occupational Health & Safety Act 1991*

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Last Reviewed:	November 2017
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Responsible Officer:	Shire President and CEO

[Signature]  
Signed

B M WHITELEY

[Print Name]  
Shire President

This Policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.