



**POLICY NO: CCC007**

# **EQUITY, DIVERSITY AND RESPECT POLICY**

**AUGUST 2017**

AUTHORITY	NAME & TITLE	SIGNATURE	DATE
AUTHOR	Kerrie Hamilton, Project Manager. People & Culture		
MANAGER	Krystie Bryant, Unit Manager. People, Planning & Operations		
EXECUTIVE LEADER	Kellie Reeves, Executive Manager. People & Culture		
CHIEF EXECUTIVE OFFICER	Rob Noble, Chief Executive Officer		

**History of Revisions:**

Version	Date	TRIM Doc. #
1	1 April 2017	
2	1 August 2017	



Table of Contents

Summary .....4

Policy Statement.....4

Policy Purpose.....5

Policy Scope .....5

General.....5

Definitions.....6

Compliance to Policy ..... 10

Harmonised of Policy Documents ..... 10

Related Resources ..... 10

### SUMMARY

1. This Policy ensures Central Coast Council provides a workplace environment that embraces and promotes equity, diversity and respect, recognising the rich and valuable contribution of its employees

### POLICY STATEMENT

2. Central Coast Council (Council) is committed to the goals of equal opportunity employment. It aims to provide a work environment for employees that fosters equity, diversity and respect and is free from unlawful discrimination, harassment and vilification as determined by legislation.
3. The commitment to equity, diversity and respect is linked to Council's Vision, Purpose and Values. These emphasise care and respect for ourselves and each other, building relationships based on mutual trust and taking personal responsibility for actions and decisions.
4. Central Coast Council's Disability Action Plan is an important measure of Council's commitment to equality and inclusion and will guide Council with the following key principles:
  - Council will uphold and respect the human rights of people with disabilities;
  - Council will demonstrate a genuine valuing of people with disabilities as customers and employees of the organisation; and
  - Council will respect that people with disabilities are the experts in their own lives and will consult and engage with them on matters that will impact their employment and environment.
5. Council will not tolerate any form of bullying, discrimination, harassment or victimisation from any manager, employee, contractor, volunteer, visitor, councillor or member of the public under any circumstance. This includes behaviour conducted via social media platforms.

Any Person who causes, instructs, aids or knowingly permits another person to engage in bullying, harassment or discrimination in the workplace shall be deemed to have committed the act and shall also be treated accordingly.

### **POLICY PURPOSE**

6. The aim of this Policy is to:
  - Confirm Council's expectations regarding appropriate behaviour;
  - Ensure employees understand their obligations with regard to appropriate behaviour;
  - Ensure people management policies and practices are non-discriminatory and are underpinned by the principles of merit, equity and transparency; and
  - Operate with Applicable Laws and related Policies and Procedures including the Code of Conduct.

### **POLICY SCOPE**

7. All Council employees have a responsibility to contribute to the achievement of a productive, ethical, safe and equitable work environment. This responsibility also extends to contractors and volunteers.
8. Equal employment opportunity and diversity will be integrated into all management processes and implemented by every organisational unit.

### **GENERAL**

9. Central Coast Council:
  - Believes every employee is entitled to work in an environment where the rights and dignity of all are respected;
  - Is committed to creating and sustaining a positive and mutually supportive environment based on its values and behaviours of care, respect and mutual trust where employees can work collaboratively and at their best together;
  - Expects the highest standard of acceptable behaviour from employees, and expects employees to be aware of how their behaviour can affect others;
  - Requires all employees read the Code of Conduct which sets out core behavioural expectations for employees;
  - Requires all employees commit to and support Council's Values and Behaviours which establish organisational wide standards of working;
  - Will assure social privilege is explicitly recognised and appropriate measures undertaken to address barriers that inhibit people from diverse backgrounds to actively participate in all facets of Council employment;
  - Recognises a one size fits all approach compromises the achievement of equal opportunity, and an equity based approach assures that all employees are provided with the opportunity and appropriate support to succeed;

- Will not tolerate unlawful or unacceptable behaviour in the workplace; and
- Assumes complaints are made in good faith. Complaints that are found to be vexatious or frivolous may constitute breach of this Policy.

10. This Policy may be varied, withdrawn or replaced at any time by the Chief Executive Officer.

## DEFINITIONS

11. The list below defines a number of terms used in this document and should be referred to in conjunction with this Policy, including:

### 11.1 Values and Behaviours

A common set of Values and Behaviours position organisational wide standards of work at Council. There are five Values and fourteen supporting Behaviours.



### 11.2 Equal Employment Opportunity (EEO)

EEO forms part of the [Local Government Act 1993 \(NSW\)](#) and is a positive way of describing the absence of discrimination in the workplace. This means that employment decisions, including recruitment, selection, opportunities and employment conditions, will not be made on the basis of irrelevant characteristics such as a person's age, sex, marital status, race, colour, pregnancy, sexuality, religion, political belief, impairment or disability or association with a person(s) having such characteristics. Basing decisions on these characteristics is both unfair and unlawful.

In order to ensure EEO, employment decisions at Council are made on the basis of individual merit of the employee or applicant on such attributes as skills, knowledge and experience and recognising that having a diverse workforce can enhance the performance of Council.

EEO also means the absence of harassment in the workplace. Under Federal and State legislation, unlawful harassment occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, sex, disability, or sexual preference. It can also happen if someone is working in a hostile or intimidating environment. This is often described as workplace bullying.

### 11.3 **Workplace Bullying**

Workplace bullying is repeated, unreasonable behaviour directed toward a person or a group of people that creates a risk to health and safety. Bullying can be seen as psychological violence and/or physical violence, and can include:

- Persistent and repeatedly aggressive behaviour that makes someone feel victimised, intimidated or humiliated;
- Any physical abuse;
- Repeated verbal abuse, including yelling, screaming, personal comments, offensive language or sarcasm;
- Vindictive, offensive, cruel or malicious behaviour;
- Removal of status and authority if it's being done in an underhand or devious manner;
- Repeatedly having impossible deadlines, workload or pressure; being given meaningless tasks; being set up to fail;
- Persistent unjustified criticism, constantly being "singled out" or targeted for practical jokes or gossip;
- Gender or racial discrimination or sexual harassment;
- Deliberately being ostracised, isolated or ignored;
- Frequently withholding important information or resources or supplying the wrong information and resources;
- Having personal belongings, tools or equipment hidden or tampered with; and/or
- Initiation practices.

### 11.4 Harassment

Harassment is behaviour which occurs when someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin, sex, disability, or sexual preference. It can also happen if someone is working in a hostile or intimidating environment. This is often described as workplace bullying.

### 11.5 Discrimination

Discrimination is treating people less favourably because of their:

- Sex;
- Pregnancy;
- Race (including colour, nationality, descent, ethnic or ethno-religious background);
- Religion;
- Culture;
- Marital status;
- Disability (actual or presumed; current, past or future; physical intellectual or psychiatric disability or long-term illness);
- Age;
- Homosexuality (actual or presumed); and/or
- Transgender status (actual or presumed).

### 11.6 Direct Discrimination

Direct discrimination is when a person or group is specifically excluded from or has significantly reduced chances of gaining a benefit or opportunity.

### 11.7 Indirect Discrimination

Indirect discrimination is a requirement (a rule, policy, practice or procedure) that is the same for everyone but has an effect or result that has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is "reasonable, having regard to all the circumstances".

### 11.8 Acceptable Behaviour

The Central Coast Council expects all employees to:

- Act in a professional manner when interacting with others;



- Commit to and support Council's Values and Behaviours which establish organisational wide standards of working;
- Read and understand the Code of Conduct which provides guidance on key and valued behaviours that should be observed; and
- Be aware of how their behaviour impacts others.

While recognising personalities and management styles can be different, the expectation is that employees base their approach on principles such as:

- Council's common set of Values and Behaviours;
- Working cooperatively with others to achieve effective outcomes;
- Accepting responsibility for one's own behaviours and actions;
- Being responsive to change; and
- Being considerate of other people's perspectives to help reach agreement.

### 11.9 **Unreasonable Behaviour**

Unreasonable behaviour is behaviour that is offensive or harmful to someone. This could be a single incidence or a pattern of behaviour.

### 11.10 **Unacceptable Behaviour**

Unacceptable behaviour is:

- Behaviour inconsistent with Council's Code of conduct including unacceptable behaviour resulting from drugs, alcohol and/or medications; or
- Any act or oversight which amounts to a breach of Council policies or regulations.

### 11.11 **Unlawful Behaviour**

Unlawful Behaviour is any behaviour that constitutes a criminal offense or defamation.

### 11.12 **Repeated**

Repeated behaviour refers to the persistent nature of the behaviour, not the specific form the behaviour takes. Behaviour is considered "repeated" if an established pattern can be identified. It may involve a series of diverse incidents – for example verbal abuse, deliberate damage to personal property and intimidation and frequently withholding important information or resources.

### COMPLIANCE TO POLICY

12. Compliance with this Policy is mandatory for all who work at, or with, Council.
13. Council supports the right of an employee to raise any concerns they have with workplace behaviour and commits to having concerns dealt with in a timely, professional and appropriate manner.
14. A breach of this Policy will be considered a breach of the [Code of Conduct](#).

### HARMONISED OF POLICY DOCUMENTS

15. This Policy harmonised the following former Policy for:
  - Former Wyong Shire Council
    - Policy for Conduct at Corporate and Social Functions (WSC072);
    - Policy for Conduct During Business Hours (WSC106); and
    - Policy for Equal Employment Opportunity and Workplace Behaviour (WSC078).
  - Former Gosford City Council
    - Equal Employment Opportunity (Policy No: C31.05);
    - Grievance Procedures (Policy No: C36.02);
    - Harassment and Bullying (Policy No: C36.03); and
    - Workplace Display Material (Policy No: C36.14).

### RELATED RESOURCES

16. Legislation:
  - [Local Government Act 1993](#)
  - [Local Government \(General\) Regulations 2005](#)
17. Associated Documents:
  - [Code of Conduct](#)
  - Procedures for the Administration of the Code of Conduct.
  - State of NSW and Commonwealth of Australian Anti-Discrimination Laws.