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# Equity Diversity and Respect Policy

18/01/2022

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## Purpose

1. 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 principals of merit, equity and transparency; and
  - operate with applicable laws and related policies and procedures including the Code of Conduct.

## Policy summary

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.

## Scope

2. This Policy covers personnel employed by Council; any person or organisation contracted to or acting on behalf of Council; and any person or organisation employed to work on Council premises or facilities and all activities of the Council.
3. 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.
4. Equal employment opportunity and diversity will be integrated into all management processes and implemented by every organisational unit.

## Background

5. 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
6. 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.

7. 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:
  - a. Council will uphold and respect the human rights of people with disabilities;
  - b. Council will demonstrate a genuine valuing of people with disabilities as customers and employees of the organisation; and
  - c. 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.
8. 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.
9. 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.
10. Reasonable management action carried out in a reasonable manner shall not constitute bullying behaviour.

## General

11. 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.

## Review

### Compliance, monitoring and review

- This policy aligns with relevant legislation, government policy and/or Central Coast Council requirements, strategies, values and activities
- This policy is implemented and monitored by People and Culture (the policy reflects the changing environment and emerging issues are identified)
- This policy is reviewed to evaluate its continuing effectiveness every four (4) years (e.g. achieving its purpose, up to date).
- Compliance to this Policy is mandatory for all who work at, or with Council.
- 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.
- A breach of this policy will be considered a breach of the [Code of Conduct](#)

12. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.

### Records management

13. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

## Definitions

Terms not defined in this document may be in a Council glossary or else state the terms and definitions as below.

14. In this policy:

**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.

**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.

**Discrimination:** Discrimination is treating people less favourably because of their:

- Gender;
- Pregnancy status;
- 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).

**Equal Employment Opportunity:** 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.

**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.

**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".

**Reasonable Management Action:** Reasonable management action carried out in a reasonable manner shall not constitute bullying behaviour. Examples of reasonable management action may include, but are not limited to:

- Performance management practices;
- Disciplinary action for misconduct;
- Informing an employee about unsatisfactory work performance or inappropriate work behaviour;
- Directing an employee to perform duties in keeping with their job;
- Maintaining reasonable work goals and standards;
- Legitimately exercising a regulatory function; and
- Legitimately implementing a council policy or administrative process.

**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.

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

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

**Values and Behaviours:** A common set of values and behaviours position organisational wide standards of work at Council. There are six values (Serve, Improve, Collaborate, Be your Best, Be Positive, Be Safe) under pinned by supporting behaviours.

**Workplace Bullying:** 'Bullying' shall mean conduct at work where a person or group of people repeatedly act unreasonably towards an employee or group of employees, and that behaviour creates a risk to health and safety.

Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- Aggressive, threatening or intimidating conduct;
- Belittling or humiliating comments;
- Spreading malicious rumours;
- Teasing, practical jokes or 'initiation ceremonies';
- Exclusion from work-related events;
- Unreasonable work expectations, including too much or too little work, or work below or beyond an employee's skill level;
- Displaying offensive material; and
- Pressure to behave in an inappropriate manner.

## Related resources

15. Legislation:

- [Local Government Act 1993 \(NSW\)](#)
- [Local Government \(State\) Award 2020](#)
- [Anti-Discrimination Act 1977](#)
- [Commonwealth of Australian Anti-Discrimination Laws](#)

16. Associated/Internal documents:



e. [Code of Conduct](#)

## History of revisions

## Policy amendment history and version details

Amendment history	Details
<b>Original approval authority details</b>	Original Policy – approved April 2017 Ross Noble (CEO)  CM D12768771
<b>Version # 2</b>	18/01/2022  Award updates approved by Unit Manager, People and Culture  D15007064
<b>Reason for amendment</b>	<i>Amendments brought about due to Award variations of Local Government State Award 2020 in relation to the definition of bullying in the workplace.</i>