

# Respect and Equal Employment Opportunity Policy

**Council Policy Number** 163

**Date adopted** 23 July 2024

**Scheduled for review** June 2027



## 1. Preamble

Campaspe Shire Council is proud of the diversity of its workforce and recognises the strengths this provides in meeting the needs of our community. It is committed to providing a workplace where people are valued, respected and free from all forms of discrimination, harassment, bullying, and victimisation.

Discrimination, harassment, bullying, occupational violence and victimisation are not only unacceptable; they are unlawful. Council is committed to:

- a) Providing a work environment that fosters mutual respect and working relationships free of all forms of discrimination, harassment, bullying, occupational violence and victimisation.
- b) Ensuring the processes and practices of Council are consistent with this Policy.
- c) Providing training and induction programs to ensure workplace participants are educated about their rights and responsibilities in relation to equal opportunity.
- d) Ensuring a prospective employee is assessed on merit, including their skills, qualifications, abilities and experience, in accordance with Council's Recruitment and Selection Procedure.
- e) Ensuring the talents, potential and diverse qualities of all workplace participants increase Council's effectiveness as an organisation.
- f) Ensuring workplace participants, including volunteers, agency staff, contractors and work experience students, have access to information and advice in relation to equal opportunity principles and procedures
- g) Ensuring every employee has access to the Grievance process they feel they have been subjected to discrimination, harassment, bullying or any other breach of this policy.
- h) Ensuring that grievances are dealt with in a timely and confidential (as far as possible) manner. Management will continue to liaise with the workplace participant and their support person in relation to the status of the grievance and/or investigation.

## 2. Purpose

The purpose of this policy is to identify the conduct that is prohibited and articulates what constitutes discrimination, harassment, bullying, occupational violence and victimisation in the workplace.

It also provides an overview of Council's expectations which includes all workplace participants demonstrating behaviour that supports this policy and Council's Values.

## 3. Scope

This policy applies to everyone who works at Council including employees (whether employed on a full-time, part-time, temporary or casual basis), agency staff, Councillors, contractors, consultants, agents, as well as clients, volunteers and visitors to Council. Visitors to Council include work experience students, customers and members of the public in workplaces.

This policy applies:

- a) In the workplace including work outside normal working hours.
- b) During work activities including when dealing with suppliers and customers.
- c) At work related events including conferences and social functions.

This policy also applies to work communications, including email, social media and any other communications about Council or matters related to Council's work whether sent during or after work hours and whether sent from a Council computer or device, or any other computer or device.



#### 4. Definitions

Term	Definition
<b>Bullying</b>	Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.
<b>Bystander Action</b>	Action taken by a person, or persons not directly involved in an incident to identify, speak out about or seek to engage others in responding to specific incidents or behaviours, attitudes, practices, or policies that are sexist, discriminatory, and violent or reinforce unhelpful gender stereotypes.
<b>Discrimination</b>	Being treated badly or unfairly because of a personal characteristic that is protected by the law. The Equal Opportunity Act 2010 describes it as being treated “unfavourably”.
<b>Direct Discrimination</b>	Direct discrimination happens when someone is treated unfavourably because of a personal characteristic protected by the law. Direct discrimination often happens because of unfair assumptions about what people with certain personal characteristics can and cannot do.
<b>Indirect Discrimination</b>	Indirect discrimination happens when there is an unreasonable requirement, condition or practice that disadvantages a person, or a group of people, because of a personal characteristic.
<b>Merit</b>	Decision based on rational criteria, evidence and efficiency. It involves evaluating options or courses of action on intrinsic qualities and expected outcomes rather on personal preference or arbitrary factors.
<b>Harassment</b>	<p>Harassment may be an ongoing pattern of behaviour, or it may be just a single act.</p> <p>Anti-discrimination law defines harassment as any form of behaviour that:</p> <ul style="list-style-type: none"> <li>• you do not want</li> <li>• offends, humiliates or intimidates you</li> <li>• creates a hostile environment.</li> </ul> <p>It may be perpetrated by a person in a position of power over the victim, for example their supervisor at work, or it may occur where there is no power relationship, for example among work colleagues. Anyone can be harassed, including women or men, and people of any age or race.</p>
<b>Protected Attributes</b>	The list of personal characteristics contained within anti-discrimination legislation. Discrimination against or harassment of an individual based on the Protected Attributes is unlawful.
<b>Sexual Harassment</b>	<p>Sexual harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour.</p> <p>Sexual harassment is unlawful under the <i>Sex Discrimination Act</i> in different areas of public life, including employment, service delivery, accommodation and education. Some types of sexual harassment may also be criminal offences.</p> <p><i>Source: Victorian Equal Opportunity &amp; Human Rights Commission</i></p>
<b>Victimisation</b>	Victimisation means a person being treated badly or unfairly because they have made a complaint about discrimination, sexual harassment or racial and religious vilification, it is believed they intend to make a complaint, or they've helped someone else to make a complaint.



	<p>The legal definition of victimisation is when someone “subjects or threatens to subject the other person to any detriment”. The Equal Opportunity Act 2010 makes it against the law to victimise someone because they have:</p> <ul style="list-style-type: none"> <li>asserted their rights under equal opportunity law</li> <li>made a complaint, or it is believed they intend to make a complaint</li> <li>helped someone else make a complaint</li> <li>refused to do something because it would be discrimination, sexual harassment or victimisation.</li> </ul> <p>Victimisation is also against the law under the <a href="#">Racial and Religious Tolerance Act 2001</a></p> <p><i>Source: Victorian Equal Opportunity &amp; Human Rights Commission</i></p>
<b>Vilification</b>	<p>Victoria has a law to protect people from vilification because of their race or religion.</p> <p>The legal definition of vilification is behaviour that “incites hatred, serious contempt, revulsion or severe ridicule” for a person or group of people, because of their race or religion.</p> <p>The law about vilification is the <a href="#">Racial and Religious Tolerance Act 2001</a>.</p> <p><i>Source: Victorian Equal Opportunity &amp; Human Rights Commission</i></p>
<b>Workplace</b>	<p>Place of employment, where a person attends and is required to carry out the roles and responsibilities outlined at the commencement of their working relationship with Council or as altered during their working life at Council. It also includes any work-related context when a person is representing or doing work on behalf of or for Council, whether on Council premises or off-site, including conferences, work functions, team lunches, Christmas parties or business trips.</p>
<b>Workplace participant</b>	<p>For the purpose of this policy, workplace participant includes Council employee (whether employed on a full-time, part-time, temporary or casual basis), agency staff, Councillors, contractors, consultants, agents, customers, clients, volunteers and visitors to Council. Visitors to Council include work experience students, customers and members of the public in workplaces.</p>

## 5. Policy

Council is committed to ensuring the principles of equal employment opportunity and diversity and inclusion are embedded in our work environment.

Council also aims to provide an equitable working environment where equal employment opportunities based on merit are provided in relation to:

- Recruitment and selection,
- Learning and development,
- Career advancement and developmental opportunities.

This policy aligns with our Gender Equality Action Plan (GEAP) and our Workforce Plan. The actions identified within Council’s GEAP work in parallel with the focus areas identified in Council’s Workforce Plan.

Together these actions are aimed at building a more respectful, inclusive culture that supports diversity and empowers workplace participants to be part of cultural change, with a view to achieving equal opportunity and participation for all.



## 5.1. Unacceptable Workplace Behaviours

All workplace participants have a responsibility to respect the rights of one another and to promote diversity, inclusion, safety and equal opportunity. Council will not tolerate any form of the following unacceptable behaviours:

- Discrimination
- Bullying
- Sexual Harassment
- Sex-Based Harassment
- Sex Discrimination
- Victimisation
- Vilification

### 5.1.1. Discrimination

Unlawful discrimination may be direct or indirect.

Direct discrimination is when a person treats, or proposes to treat, a person with a protected attribute unfavourably, because of that attribute. Direct discrimination may happen because people make unfair assumptions about what people with certain characteristics can and cannot do.

Indirect discrimination is also against the law and refers to situations where treating everyone the same is unfair. This occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same ends up either actually or is likely to, disadvantage someone with a personal characteristic protected by the law.

Discrimination can also become systemic when entrenched, structural and sometimes institutional patterns of behaviour or actions affect a range of people. These behaviours and actions may be part of organisational culture and may be reinforced by policies and procedures. If there are many grievances about the same or similar issues, it may be a result of systemic discrimination.

Refer to **Attachment: Discrimination** for further information.

### 5.1.2. Bullying

Bullying is repeated, unreasonable behaviour directed toward an individual or group of individuals that creates a risk to health and safety.

Bullying is an unacceptable and unlawful form of behaviour which will not be tolerated under any circumstances. All workplace participants are required to treat others with dignity, courtesy, respect and professionalism and must not engage in unlawful conduct, including sexual harassment.

Differences of opinion, performance management, conflicts and personality clashes can happen in any workplace, but usually they do not result in bullying. Bullying is not an acceptable part of Council's work culture. It makes the workplace unsafe and contravenes work health and safety laws.

Bullying behaviour may cause a person to lose their self-confidence and perform their work in a manner that impedes them from meeting performance objectives. If bullying occurs in the workplace or a working environment it can cause harm to a person's health and wellbeing, both physical and psychological.

Refer to **Attachment: Workplace Bullying** for further information.

### 5.1.3. Sexual Harassment, Sex-Based Harassment and Sex Discrimination

**Sexual harassment** is unwelcome conduct or behaviour of a sexual nature, which reasonably offends or humiliates or intimates a person. It can be a single incident or repeated behaviour. Under the law, the intention of the harassment is irrelevant.



It is important that workplace participants are aware that the underlying requirement of sexual harassment is that the conduct is unwelcome, with necessary intent, or a reasonable person would have anticipated that the conduct would offend, humiliate or intimidate.

**Sex-based harassment** is any unwelcome conduct of a demeaning nature because of a person's sex, in circumstances which a reasonable person would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

**Sex-discrimination** is when someone is treated unfairly, or is unreasonably disadvantaged, because of their sex, or a characteristic that is generally pertains to or is generally imputed with a person of that sex.

Sexual harassment, sex-based harassment and sex discrimination is an unacceptable and unlawful form of behaviour which will not be tolerated under any circumstances. All workplace participants are required to treat others with dignity, courtesy, respect and professionalism and must not engage in unlawful conduct.

Refer to the **Attachment: Sexual Harassment, Sex Based Harassment and Sex Discrimination** for further information.

#### 5.1.4. Victimization

Victimisation is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint, or they are involved in a complaint of unlawful conduct. Workplace participants must not retaliate against a person who raises a complaint or subject them to any detriment.

Victimisation is unlawful and will not be tolerated by Campaspe Shire Council. Any person found to victimise, harass or take reprisal action against individuals participating in procedures associated with this policy may be subject to separate disciplinary action.

#### 5.1.5. Vilification

Vilification is a public act which is reasonably likely, in the circumstances to incite, encourage or urge others to physically harm, hate, have serious contempt for or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

### 5.2. Employment considerations

Council seeks to ensure that applicants for employment are selected on merit and are afforded equal opportunity in relation to entry into employment with Council. In addition, Council seeks to ensure that workplace participants have an equal chance for selection, secondment, promotion and training and development opportunities based solely on demonstrated skills, qualifications, abilities and performance, without any form of discrimination.

In some instances, the *Equal Opportunity Act 2010 (Vic)* allows employers to limit employment offers to people with a particular characteristic and this is not unlawful discrimination. Council reserves its right to act in accordance with any such lawful exemptions

### 5.3. Reasonable Adjustments

The Equal Opportunity Act requires that reasonable adjustments are considered by Council to avoid discrimination. Reasonable adjustments are changes to the work environment that allow people with a disability (whether temporary or permanent) to work safely and productively.



#### 5.4. Responsibilities

Responsible Officer	Responsibilities
<b>People Leaders (Managers, Coordinators and Team Leaders)</b>	<ul style="list-style-type: none"> <li>• Treat all workplace participants with respect and courtesy</li> <li>• Ensure that acceptable standards of conduct are always observed</li> <li>• Comply with and uphold this procedure and associated policies/procedures within their area of responsibility</li> <li>• Lead by example – do not engage in behaviour that could be regarded as being in breach of the objectives of this policy</li> <li>• Ensure that direct reports are suitably trained and comply with the objectives of this policy</li> <li>• Ensure this policy is available for workplace participants to access</li> <li>• Make it clear that behaviour that may be in breach of this policy will not be tolerated</li> <li>• Act immediately if they witness or are told about any conduct that may be in breach of this policy</li> <li>• Assist with investigations and resolution as required and maintain appropriate documentation</li> </ul>
<b>Workplace participants</b>	<ul style="list-style-type: none"> <li>• Treat other workplace participants with respect and courtesy</li> <li>• Comply with this Policy</li> <li>• Make others aware of an individual's behaviour is making them feel uncomfortable</li> <li>• Speak up if they observe inappropriate behaviour</li> <li>• Take bystander action if they see or hear about sexism, harassment, discrimination, violence or any other form of unacceptable or inappropriate behaviour.</li> <li>• Report any instances of bullying, harassment, discrimination, victimisation or intimidation to their leader or the People and Culture team immediately</li> </ul>
<b>People and Culture</b>	<ul style="list-style-type: none"> <li>• Support all parties involved and ensure that processes are followed</li> <li>• Provide coaching, advice and guidance to all workplace participants to assist them to respond and resolve workplace behaviour matters</li> <li>• Act immediately if they witness or are told about any conduct that may be in breach of this policy</li> <li>• Assist with investigations and resolution as required and maintain appropriate documentation</li> </ul>

#### 5.5. Employee Assistance Program and Support

Converge International are Council's appointed Employee Assistance Program (EAP) provider. Converge International can be contacted by phone 1300 687 327 or email [eap@convergeintl.com.au](mailto:eap@convergeintl.com.au) to seek support.

Other methods of contact for Converge International include Live Chat via the Converge International App.

In addition to our EAP provider, please refer **Attachment: Support Options** for further information and referral services available to all workplace participants.

#### 5.6. Reporting Unacceptable Workplace Behaviour

All instances of unacceptable workplace behaviour should be reported to your direct supervisor. If you feel that this is not appropriate or that they have behaved in a manner which you find inappropriate, you should report the incident to another member of the Leadership team or a member of the People and Culture team.



## 5.7. Training and Awareness

Regular, mandatory training on equal opportunity and respectful workplace behaviour for all workplace participants is provided to ensure understanding of responsibilities and accountability.

## 5.8. Complaints

Grievances concerning EEO matters and unacceptable workplace behaviours (i.e. bullying, discrimination, harassment or victimisation) should be made according to Council's Complaints and Grievance Procedure.

All instances and suspected instances of unacceptable workplace behaviour are taken seriously by Council and will be thoroughly investigated to ensure appropriate measures are taken to remedy the situation and prevent any further occurrences.

In the event of a proven breach of this policy, appropriate action will be taken in accordance with Council's Disciplinary Action Procedure and each case will be treated individually with all relevant circumstances being considered.

In some cases, the breach may constitute a criminal offence or breach of other legislation and may be referred to an external authority such as Victoria Police or WorkSafe.

If a person makes an unfounded complaint or a false complaint in bad faith (e.g. making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

## 6. Exclusions

Not applicable.

## 7. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

## 8. Related Legislation

### **Commonwealth**

*Disability Discrimination Act 1992*

*Human Rights and Equal Opportunity Commission Act 1986*

*Sex Discrimination Act 1984 and Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013*

*Racial Discrimination Act 1975*

*Age Discrimination Act 2004*

*Fair Work Act 2009*

### **Victoria**

*Equal Opportunity Act 2010*

*Local Government Act 2020*

*Occupational Health and Safety Act 2004*

*Gender Equality Act 2020*

*Racial & Religious Tolerance Act 2001*

*Victorian Charter of Human Rights and Responsibilities 2006 (The Charter)*

*Privacy and Data Protection Act 2014*

This policy is not intended in any way to diminish the requirements as outlined in the legislation listed above.



## 9. Related Policies, Procedures and Strategies

Campaspe Shire Council Enterprise Agreement 2022 (or its successor)  
Employee Code of Conduct  
Grievance Procedure  
Disciplinary Action Procedure  
Recruitment and Selection Procedure and Guidelines  
Health Safety and Wellbeing Policy  
Gender Equity, Diversity and Inclusion Policy

## 10. Attachments

The following attachments should be read in conjunction with this policy:

- Sexual Harassment, Sex Based Harassment and Sex Discrimination
- Discrimination
- Workplace Bullying
- Support Options

## 11. Review Period

3 years (or as required by legislation)

## Responsible officer

Manager, People and Culture

## 12. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

## Approval History

### Adopted

April 2019  
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Chief Executive Officer: ..... 

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