

POL 0005: Equal Opportunity, Discrimination, Harassment and Bullying

Purpose

The Shire of Esperance is committed to providing an environment of equal opportunity in its workplace. The Shire and its employees are committed to providing a workplace where every employee is treated equally, fairly and without prejudice. Council believes that equal opportunity creates a more harmonious and productive workplace, which not only benefits Council, but also, the wider community. For the purpose of this policy the term employee will extend to cover contractors, volunteers and any person performing work for or with the Shire of Esperance.

Scope

This Policy applies to all Shire of Esperance employees.

Definitions

Bullying: is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable including behaviour that is victimising, humiliating and intimidating or threatening.

Bullying is also unlawful under the *Work Health and Safety Act 2020 (WA)* and the *Work Health and Safety (General) Regulations 2020 (WA)*.

Discrimination: is treating someone unfairly or less favourably than another person due to their race, sex, marital status, pregnancy, impairment, religious or political conviction, age, family responsibility or family status, physical or mental disability, criminal record, breastfeeding, gender history, impairment, national extraction or social origin or trade union activity. These grounds may change as legislation is amended.

Harassment is defined as any unwelcome, offensive comment or action relating to the grounds of discrimination. It is behaviour towards another employee that is offending, humiliating or intimidating. It shall not be condoned and if necessary, disciplinary action shall be taken. Any individual who experiences harassment should immediately make it clear to the person(s) concerned that such behaviour is unwelcome. However, if the individual has difficulty in doing this, then assistance should be sought from others to confront the person(s) concerned.

Sexual Harassment: can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

The *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)* provide that it is unlawful to engage in sexual harassment.

Practice

The Shire of Esperance aims to provide an environment of equal opportunity in its workplace. Council believes that equal opportunity creates a more harmonious and productive workplace, which not only benefits Council, but also, the wider community.

Council considers it the right of every individual to carry out his or her job in an environment, which promotes job satisfaction, maximises performance and provides economic security. Such an environment is dependent of it being free from all forms of harassment and victimisation. Council operates under the following State and Federal legislation (as amended) -

1. *Equal Opportunity Act 1984*;
2. *Racial Discrimination Act 1976 (Cth)*;
3. *Sex Discrimination Act 1984 (Cth)*;
4. *Human Rights Commission Act 1986 (Cth)*;
5. *Disability Discrimination Act 1992 (Cth)*;
6. *Age Discrimination Act 2004 (Cth)*

In accordance with the *WA Equal Opportunity Act 1984*, the Shire of Esperance shall develop and maintain an Equal Opportunity Management Plan.

Procedure

It is the responsibility of all staff to ensure that proper standards of conduct are upheld in the workplace. Management and staff in supervisory positions shall ensure that the work environment is free from all forms of harassment.

Employees subject to discrimination or harassment may obtain advice and assistance from the Manager Human Resources or the Chief Executive Officer.

Complaints of harassment shall be considered seriously and sympathetically and authorised and trained mediators shall attend to them promptly and confidentially. In all cases, the utmost care shall be taken to investigate complaints impartially by recognising the rights of all parties. However, if an employee is dissatisfied with the outcome of any conciliation attempt, they may take the matter up with the Equal Opportunity Commission or their Union.

Where an employee makes a threat of violence or assaults another employee, the Police should be called.

Equal Employment Opportunity

In accordance with the *Local Government Act 1995* (as amended) the Council shall recruit in accordance with the principles of merit and equity and shall ensure that discrimination does not occur. All employment training with the Council shall be directed towards providing equal opportunity to all employees provided their relevant experience; skills and ability meet the minimum requirements for such training.

All promotional policies and opportunities with the Council shall be directed towards providing equal opportunity to all employees provided their relevant experience; skills and ability meet the minimum requirements for such promotion.

The equal employment opportunity goals of the Council shall be designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.

Consequences of Breaching this Policy

Any breach of this Policy, may result in disciplinary action up to and including termination of employment.

.....End.....

Document Information

Responsible Position	Manager Human Resources
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- *Work Health and Safety Act 2020 (WHS Act)*
- *Work Health and Safety (General) Regulations 2022*
- *Equal Opportunity Act 1984;*
- *Sexual Discrimination Act 1984 (Cth).*
- *Racial Discrimination Act 1976 (Cth);*
- *Human Rights Commission Act 1986 (Cth);*
- *Disability Discrimination Act 1992 (Cth);*
- *Age Discrimination Act 2004 (Cth)*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2003	1		New policy	O1203-0751	Dec 2005
Sept 2007	2	D12/33			Sept 2009
Oct 2015	3		Clarification and improvement to Policy.	O1015-019	Oct 2017
Jun 2018	4	D16/29076	Minor formatting and rewording	O0618-022	Jun 2020
Feb 2020	5		No change, laid on table for further discussion	O0220-046	
Apr 2020	6	D16/29076[v2]	Amend title to include Discrimination. Amend listed legislation in Policy section. Add sentence to procedure section regarding threat or assault. Add 'consequences' paragraph. Minor spelling amendments.	O0420-109	Apr 2022
Nov 2021	7	D16/29076[v3]	Biennial review, no change.	O1121-202	Nov 2023
Nov 2023	8	D16/29076[v4]	Amend references to WHS Act	O1123-189	Nov 2025