## OBJECTIVE

The City of Greater Geraldton is committed to providing a workplace that is free from:

- Workplace Bullying and Victimisation
- Workplace Discrimination and Harassment and
- Workplace Sexual Harassment

The purpose of this policy is to ensure that equal employment opportunities (EEO) are provided to all current and prospective employees and contractors, and that affirmative action is taken when necessary to ensure that no individual or group of individuals are discriminated against. Council is committed to a workplace in which people are treated with fairness, dignity and respect.

The City of Greater Geraldton’s EEO commitment is based on compliance with equal employment opportunity and anti-discrimination laws, as well as the implementation of this EEO Council Policy, to ensure that our workplace is a fair and equal place for all employees to work.

Our commitment to EEO is reflected through this Policy, The City’s EEO Management Plan, Relationship Reconciliation Policy, Investigations and Misconduct Policy and the City’s formalised zero tolerance approach, which addresses bullying, harassment, and discriminatory behaviours, which could lead to potential breaches of EEO in any form, at all levels of the organisation.

## SCOPE

This policy applies all staff and elected members of the City of Greater Geraldton and any contractors employed by it.
DEFINITIONS

“Affirmative Action” refers to a set of actions designed to eliminate existing and continuing discrimination, to remedy effects of past discrimination and to create systems and procedures to prevent future discrimination. Affirmative action includes actions, policies, and procedures to which an organisation commits itself and that are designed to eliminate poor equal employment opportunity;

“Bullying” refers to the repeated, less favourable treatment of a person by another or others, which may be considered unreasonable and inappropriate. It includes behaviour that intimidates, offends, degrades or humiliates a person;

“Contractor” refers to a person or business which provides goods or services to the City of Greater Geraldton under terms specified in a contract. Unlike an employee, a contractor does not work regularly for the City;

“Direct Discrimination” refers to when a person is treated less favourably because of a personal characteristic, which is not job related e.g. sex, ethnic origin, hair colour;

“Disability Harassment” refers to when a person is threatened, abused, offended or excluded because of their disability;

“Discrimination” refers to unequal treatment or access to opportunities. Discrimination may be direct, indirect or systemic;

“Employees” refers to all people employed by the City of Greater Geraldton whether permanent, fixed term or casual contract of service, apprentice, and trainee and independent contractors;

“Elected Member” refers to a person who holds the office of Mayor or the City of Greater Geraldton Council.

“Employer” refers to

a) A person that employs an employee under a contract of employment; and;

b) In relation to an apprentice, a person who employs the apprentice under a training contract registered under the Vocational Education and Training Act 1996 Part 7 Division 2.

“Equal Employment Opportunity” refers to fairness and equity in recruitment and selection, career opportunities, training and development and all other City processes and procedures;

“Harassment” refers to any unwelcome unreciprocated behaviour that makes a person feel belittled, intimidated, offended or apprehensive;

“Indirect Discrimination” refers to the outcome of the application of a rule, practice or attitude which appears to be neutral and fair however which in practice has the effect of excluding or disadvantaging one group of people compared to another;
“Members” refers to all employees, councillors, elected members and contractors;

“Merit” refers to the assessment of each person’s skills and abilities against the needs of the job;

“Racial Harassment” refers to when a person is threatened, abused, insulted or taunted about their race, or a characteristic generally associated with their race, and they believe if they object to the unwanted behaviour, they will be disadvantaged in their workplace, or they are already disadvantaged;

“Serious Misconduct” refers to misconduct that results in a criminal offence being committed, which is identified as serious by the Equal Employment Opportunity Commission, Australian Human Rights Commission or Work Safe, or which is deemed to be so serious that the actions would warrant instant dismissal;

“Sexual Harassment” refers to any behaviour of a sexual nature, which is unwanted, unwelcome or uninvited which makes a person feel humiliated, intimidated or offended;

“Social networking sites” refers to computer based web sites that allow individuals to publicly make comment on matters;

“Systemic Discrimination” refers to the rules or practices that result in different patterns of access to different jobs and different access to benefits or services. It is the result of direct and indirect discrimination;

“Victimisation” refers to an employee who has been discriminated against, harassed, bullied or suffered a disadvantage as a result of making a complaint, or is a witness to a complaint in relation to discriminatory behaviour.

“Vilification” refers to generally any act that occurs publicly as opposed to privately; and that could incite others to hate, have serious contempt for, or have severe ridicule of an individual or a group of individuals, because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, homosexuality (lesbian or gay), HIV or AIDS status or transgender status. This includes vilification because an individual is thought to be lesbian, gay or transgender, or thought to have HIV or AIDS.
POLICY PRINCIPLES

The City of Greater Geraldton is committed to providing an environment of equal employment opportunity, respect and understanding. The City believes that this creates a more harmonious, productive workplace with stronger working relationships, resulting in the improved provision of services and support for our community. As such the City of Greater Geraldton is committed to providing a workplace that is free from:

1. Workplace Bullying and Victimisation

Workplace bullying can be defined as repeated unreasonable or inappropriate behaviour directed towards a worker or group of workers which may be considered unreasonable and inappropriate workplace practice, that create a risk to health and safety.

Victimisation includes threatening, harassing or punishing a person in any way because they have objected to the manner in which they have been treated.

1.1 Workplace bullying and victimisation can be placed under two behaviour categories - overt behaviour and covert behaviour.

1.1.1. Overt behaviour includes:
   a) Loud or abusive language;
   b) Yelling or screaming;
   c) Unexplained rages;
   d) Unjustified criticism or insults, particularly in front of others;
   e) Humiliating or demeaning conduct; or
   f) Unjustified threats of dismissal or other disciplinary action.

1.1.2. Covert behaviour includes:
   a) Sabotage by withholding information;
   b) Hiding documents or equipment;
   c) Constantly changing targets / work guidelines;
   d) Overloading a member of the organisation with work and impossible deadlines, causing physical and/or mental exhaustion;
   e) Withholding training or resources which is typically offered to other members of the organisation;
   f) Isolating or ignoring an employee; or
   g) Practical joking.

1.1.3. Workplace bullying can occur between:
   a) Men and women co-workers;
   b) An employee and a manager/line supervisor;
   c) An employee and an elected member;
   d) An employee and another person in the workplace (e.g., contractor, visitor); or
   e) A group of workers.
1.1.4. Workplace bullying can occur through the following mediums:
   a) Face to face.
   b) Via 3rd parties.
   c) On social media sites including Facebook and Twitter.

All reports of workplace bullying or victimisation will be treated seriously and investigated promptly, with complete confidentiality (where possible) and without discrimination. Appropriate action will be taken against any member of the organisation who partakes in bullying or victimising a fellow colleague.

The City has a duty to protect all members of the organisation who report incidents of workplace bullying and victimisation. Any retaliation or victimisation against any member of the organisation who reports workplace bullying and victimisation will not be tolerated and will result in disciplinary action.

Workplace bullying and victimisation can occur in any work-related context, including council meetings, conferences, work functions and social club events such as City Christmas parties.

It is important for all members of the City to understand that workplace bullying and victimisation does not include the City legitimately exercising its right to direct and control the manner in which work is done, monitoring employees’ performance and dealing with underperformance in appropriate and constructive manner, as per the City’s procedures.

2. Workplace Discrimination and Harassment

2.1 Discrimination

Discrimination occurs when a person is treated less favourably than another person because of certain attributes. Under Federal and State laws, it is against the law to discriminate against people or to harass them, in various areas of public life because of their:
   a) Race, including colour, ethno-religion background or nationality (under the Racial Discrimination Act 1975).
   b) Sex, pregnancy, transgender or marital status (under the Sex Discrimination Act 1984).
   c) Disability (under the Disability Discrimination Act 1992)
   d) Carers’ responsibilities (under WA Equal Opportunity Act 1984)
   f) Age (under the Age Discrimination Act 2004).

It is also against the law to treat people unfairly, or harass them, because of the age, disability, carers’ responsibilities, homosexuality, marital status, race, sex or transgender of any relative, friend or colleague.
2.2.1 There are 2 types of discrimination (direct and indirect):

a) **Direct discrimination** is where someone is treated less favourably because of their sex, age, race, disability, pregnancy or any of the other grounds covered by anti-discrimination legislation.

b) **Indirect discrimination** occurs when a requirement or rule that is the same for everyone has an effect or result that is, or is likely to, disadvantage employees because of their sex, race, disability etc.

For example, a decision to insist that all employees complete a training assessment in a set time may indirectly discriminate against a person with vision impairment.

2.2 Harassment

Harassment is defined as behaviour that is directed at an individual or group of employees which, because of its severity and/or persistence, is likely to create a hostile or intimidating environment and detrimentally affect an individual's participation in employment.

Harassment is determined by the nature and consequences of the behaviour, not the intent of the initiator, and occurs in circumstances where a reasonable person would have expected the behaviour to be offensive, humiliating or intimidating.

2.2.1 General Harassment may include:

a) Abusing a person loudly, usually when others are present;

b) Repeated threats of dismissal or other severe punishment for no reason;

c) Constant ridicule or being put down;

d) Leaving offensive messages on email or the telephone;

e) Sabotaging a person’s work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages or getting a person into trouble in other ways;

f) Maliciously excluding or isolating a person from workplace activities;

g) Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;

h) Humiliating a person through gestures, sarcasm, criticism and insults, often in front of management or other workers; and

i) Spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

2.2.2 Discrimination and harassment in the workplace is unlawful. Discrimination or harassment is not just unlawful during working hours or in the workplace itself but can occur in any work-related context, including council meetings, conferences, work functions and social club events such as the City Christmas party.

2.2.3 Discrimination and Harassment can occur through the following mediums:

a) Face to face
b) Via 3rd parties

c) On social media sites such as Facebook and Twitter

Discrimination or harassment does not only occur between co-workers. A person (male or female) could be harassed or discriminated against by a line supervisor, manager, director, elected member, contractor, service provider, client or customer.

It is important for all members of the City to understand that workplace discrimination or harassment does not include the City legitimately exercising its right to direct and control the manner in which work is done, monitoring employees' performance and dealing with underperformance in appropriate and constructive manner, as per the City's procedures.

3. Workplace Sexual Harassment

3.1 Sexual harassment

Sexual Harassment is any behaviour of a sexual nature, which is unwanted, unwelcome or uninvited which makes a person feel humiliated, intimidated or offended.


Sexual harassment can take many forms, from relatively mild sexual banter to actual physical violence. Members of the organisation may not always realise that their behaviour constitutes sexual harassment, but they must recognise that what is acceptable to one person may not be acceptable to another. Sexual harassment is unwanted behaviour of a sexual nature by one member of the organisation towards another.

3.1.1 Examples of behaviour that may be classed as sexual harassment include however is not limited to include:

a) Unwanted physical contact - e.g. touching; patting; pinching; kissing or embracing someone; sexual assault or rape.

b) Verbal comments - e.g. innuendo; smutty jokes; suggestive comments about someone's appearance or body; persistently inviting someone out; questions about a person's private life; requests for sexual favours.

c) Nonverbal actions - e.g. leers; stares; displays of sexually explicit material; offensive body and hand movements; suggestive letters and drawings including emails; indecent exposure, stalking, taking unwanted photographs or the giving of unwanted gifts.
3.1.2 Although the Commonwealth (Federal) Sex Discrimination Act 1984 declares sexual harassment to be unlawful (deemed a civil offence), some types of sexual harassment may also be offences under criminal law.

Some examples include:
- a) Physical molestation or assault;
- b) Indecent exposure;
- c) Sexual assault;
- d) Stalking; or
- e) Obscene communications such as telephone calls and letters.

If a claim of sexual harassment is found to be valid under criminal law, the offender can be prosecuted and may face a fine or jail sentence.

3.2 Identifying sexual harassment

When identifying sexual harassment, the intent of the person whose behaviour caused offence is largely immaterial, as it is the effect of their behaviour that is relevant.

If the behaviour is unwelcome and is sexually oriented, and occurs in circumstances where a reasonable person would have anticipated the possibility that a person would have been offended, humiliated or intimidated by the conduct, then it is sexual harassment.

Sexual harassment is not just unlawful during working hours or in the workplace itself. Sexual harassment can occur in any work-related context, including conferences, council meetings, work functions and social club events such as City Christmas party.

Sexual harassment does not only occur between co-workers. A person could be sexually harassed by a line supervisor, Manager, Director, Elected Member, Contractor, Service Provider, Client or Customer.

3.2.1 Sexual harassment can occur between:
- a) Males and females;
- b) Males and males;
- c) Females and females;
- d) An individual and a group of people;
- e) Two individuals; or
- f) Two groups

3.2.2 Sexual Harassment can occur through the following mediums:
- a) Face to face;
- b) Via 3rd parties; or
- c) On social media sites such as Facebook and Twitter.
Sexual harassment is not behaviour which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment.

It is also important for all members of the City to understand that workplace sexual harassment does not include the City legitimately exercising its right to direct and control the manner in which work is done, monitoring employees’ performance and dealing with underperformance in appropriate and constructive manner, as per the City’s procedures.

4. ZERO TOLERANCE APPROACH

4.1 Zero Tolerance means:

All Elected Members must conduct their own behaviour within the City’s EEO Policy.

All Elected Members must demonstrate a positive example to all the community and employees of the City in how to act appropriately within the workplace.

All Directors must conduct their own behaviour within the City’s EEO Policy.

All Directors must provide a positive example to all employees of how to act appropriately within the workplace.

All supervisors and line managers must monitor their work environments and immediately refer to the City’s Grievance Management Policy & Procedures, should they witness a suspected breach of the City’s EEO Policy.

All employees must report to their supervisor, coordinator or line manager, any situation in which they have witnessed a suspected breach of the City’s EEO Policy.

All members of the organisation must conduct their own behaviour within the City’s EEO Policy at all times.

4.1.1 All breaches and alleged breaches of the City’s EEO Policy will be fully investigated and any member of the organisation, who disregards the City’s EEO Policy, will be subjected to disciplinary action:

a) Employees will be referred to the City’s Investigation and Misconduct Policy.

b) Elected members will be referred to the City’s Code of Conduct.

5. THE CITY’S COMMITMENT TO EQUAL EMPLOYMENT

5.1 Equal Employment Opportunity at the City of Greater Geraldton means that the City will ensure that all policies, procedures and actions reflect and value the social and cultural diversity within the City and the community it serves through:
a) Structured recruitment and selection policies that are designed to select the best candidate based solely on qualifications, skills and experience.
b) The implementation and constant monitoring of EEO policies to ensure that social and cultural backgrounds of all members of the organisation and customers are recognized and respected.
c) Learning and Development opportunities are directly linked to the future needs of the City.
d) The adherence to the City’s organisational values that support our commitment to respect, fairness, dignity, diversity and equity.
e) Implementation and constant monitoring of a zero tolerance approach identifying the responsibilities of all contractors, employees, managers, directors, the CEO and elected members of their rights and responsibilities in respect of EEO.
f) Provision of equal employment opportunity by making decisions concerning all members of the organisation on the basis of merit and fairness only.
g) The requirement that all staff are required to participate in extensive EEO training and managers, line supervisors, directors and the CEO receive formal training on managing EEO complaints, and understanding the City’s grievance management process.
h) The implementation of a structured grievance management process, by which all EEO complaints are investigated.
i) Provide an enjoyable, challenging, involving and harmonious working environment for all members of the organisation where each has the opportunity to progress to the extent of their ability based solely on merit.

6. LODGING A COMPLAINT

6.1 Any member of the organisation who feels that they have being discriminated against, or witnessed a fellow member being discriminated against, is expected to report the alleged behaviour as follows:

   a) Employees will be required to immediately report any such behaviour to their line supervisor or Manager. In the case that the alleged behaviour is in respect of their direct line supervisor, the employee, should advise their Director, or a member of the Human Resources Team.
   b) Elected Members will be required to immediately report any such behaviour to the Mayor. In the case that the alleged behaviour is in respect of the Mayor, the Elected Member should report the behaviour to the Deputy Mayor.

7. CONSEQUENCES OF BREACHING EQUAL EMPLOYMENT OPPORTUNITY

7.1 Any breach of equal employment legislation by an employee of the City will be considered to be a serious breach, and the individual concerned will be required to participate in the City’s performance counselling process. The outcome of a breach may result in the employee facing disciplinary action up to and including instant dismissal.
7.2 Any breach of equal employment legislation by a contractor of the City will be considered to be a serious breach, and the contractor will be required to explain their actions to the CEO. The outcome of a breach may result in the contractor providing a written apology or contract being terminated for breach of conditions.

7.3 Any breach of equal employment legislation by an Elected Member of the City will be considered to be a serious breach, and as such the Elected Member may be required to participate in disciplinary action.

8. ROLES AND RESPONSIBILITIES

8.1 The overall responsibility for monitoring the effectiveness of this policy and for implementing an on-going program of action lies with:

8.1.1 The **Elected Members of Council** who will be responsible for:

   a) Never engaging in any form of harassing behaviour.
   b) Demonstrating a positive example to the community of the strong principles the City holds in respect of EEO.
   c) Ensuring that all decision making processes are made on the basis of merit and fairness only.

8.1.2 The **Executive Management Team** who will be responsible for:

   a) Never engaging in any form of harassing behaviour.
   b) Enforcing a zero tolerance policy on discrimination, harassment or bullying.
   c) Making recommendations to HR for EEO related training and policy updates taking immediate steps to address any observed (or anecdotal) harassment or discriminatory behaviour.
   d) Taking immediate steps to address any harassment claims and ensuring that they are resolved in a timely manner.
   e) Being aware of Council’s policies in respect of EEO and Discrimination ensuring that all subordinate staff within their teams, participates in all required EEO training and attending themselves.
   f) Ensuring that staff are aware of Council’s EEO Policy.
   g) Ensuring that all new staff are inducted into their team and that they participate in an appropriate induction program.
   h) Providing equal opportunities for staff to participate in career development and higher duties based on merit.
   i) Ensuring all staff members have equal access to employment, development and training opportunities subject to individual, team and organisation priorities.
   j) Ensuring that any recruitment and selection decisions made by them are not discriminatory.
k) Ensuring that the working environment is free of sexist, racist or any other forms of stereotyping material, posters, screensavers, internet, email communications etc.

8.1.3 The **Human Resources Team** who will be responsible for:

a) The collection, analysis, reporting and maintenance of EEO statistics.
b) The writing, distribution and maintenance of the EEO policy and the EEO Management Plan.
c) The provision of up to date and relevant EEO information to management.
d) Design, distribution, analysis and reporting of employee survey data.
e) Ensuring the EEO Management Plans are in accordance with relevant legislation.
f) Educating staff at all levels on their EEO rights and responsibilities.
g) Championing a zero tolerance policy on any form of discrimination, harassment or bullying.
h) Providing support and advice on EEO Matters.

8.1.4 **Individual Members of the organisation** who are responsible for:

a) Treating all work colleagues equally and in a non-discriminatory manner and with consideration and respect at all times.
b) Promoting happy positive and harmonious working relationships with other members of staff in all circumstances.
c) Being aware of what to do if they feel harassed or if they witness a colleague being harassed, bullied or discriminated against.
d) Being aware of their rights and responsibilities under the law.
e) Being aware of Council’s policies in respect to EEO.
f) Undertaking training provided by Council.
h) Completing EEO surveys honestly and returning them in a timely manner.

9. **STATUTORY RESPONSIBILITIES**

9.1 Council has a legal obligation to ensure its workplaces are free from discrimination, harassment and bullying and abides by the following laws:

b) Gender Reassignment Act 2000 (Western Australia legislation).
c) Occupational Safety and Health Act 1984 (Western Australia legislation).
d) Age Discrimination Act 2004 (Commonwealth legislation).
g) Racial Discrimination Act 1975 (Commonwealth legislation).
h) Sex Discrimination Act 1984 (Commonwealth legislation).