

Equal Employment Opportunity and Anti-Discrimination Policy

Purpose

The City of Sydney (the City) is committed to fostering a safe work environment which values diversity and inclusion and is free from unlawful discrimination, harassment, bullying and vilification. All employees must be given equal access to the opportunities that are available at work.

This policy describes the City's commitment to achieving Equal Employment Opportunity (EEO) and inclusion in its workforce and to create a safe anti-discriminatory environment. This policy also outlines the process for complaint handling in relation to EEO and discrimination.

Scope

This policy applies to all in the City Workers.

Definitions

Term	Meaning
Discrimination	Treating a person less favourably, unfairly or harassing them because they happen to belong to a group, they are perceived to belong to a group, or they do not belong to a particular group. This can include direct and indirect discrimination.
Direct Discrimination	Treating a person less favourably as someone else, in the same or similar circumstances, due to their association with a group or due to personal characteristics. Direct discrimination means treatment that is obviously unfair or unequal.
Indirect Discrimination	Having a policy or procedure that is the same for everyone but, disadvantages people in some groups than for people who are not in those groups. The effect is that the policy or procedure is not reasonable in the circumstances.
Employees	All City of Sydney employees including permanent (whether full-time or part-time), temporary, casual employees and apprentices.
Equal Employment Opportunity (EEO)	Employees are provided with fair and equitable access to all aspects of employment, services, benefits and development opportunities in the workplace and are treated with fairness and respect without being subject to discrimination or harassment.
Equity	Treating a person with impartiality, reasonableness and fairness based on their individual needs. Equity takes into consideration a person's unique circumstances, adjusting treatment accordingly so that the result is equal.

Term	Meaning
Harassment	Employees should refer to the City's <u>Harassment and Bullying Policy</u> for more information about behaviour that could be considered Harassment.
Temporary Absence	Occurs when an employee does not work and utilises sick or unplanned leave for a period of less than three (3) months over a span of 12 months.
Vilification	A public act which incites hatred, severe contempt or severe ridicule of a person or group. Vilification is a particularly serious breach of EEO laws.
Workers	All Employees, agency staff, consultants, outsourced service providers, suppliers, students on work placements, volunteers, trainees and job applicants.
Workplace Bullying	Employees should refer to the City's <u>Harassment and Bullying Policy</u> for more information on behaviours that could be considered Workplace Bullying.

Policy Statement

The City is an EEO employer. All decisions in the workplace will be made fairly on the basis of merit. The City will take all reasonable steps to provide employees with an opportunity to reach their full potential without fear of discrimination.

The City is also committed to incorporating the principles of diversity, respect, equity and merit into our EEO, anti-discrimination programs and strategies for employees and prospective employees.

The City will treat its employees as individuals, and not according to assumptions based on stereotypes.

Equal opportunity will be actively promoted by the City by taking all reasonable steps to:

- create an environment free of discrimination and harassment
- provide clear and accountable policies and practices
- apply policies and practices in a consistent manner across the organisation
- develop, implement, monitor and report on equity strategies and plans
- develop and implement programs to increase access and promote success in employment for designated under-represented groups to overcome past or present disadvantage
- seek to employ a range of employees at all levels reflecting the diversity of the community
- provide the City's employees with learning and awareness programs on equity and diversity issues
- provide effective mechanisms to resolve complaints.

Discrimination

It is against the law to treat potential or current employees unfairly or harass them based on the personal characteristics listed below:

- **Age Discrimination** – a person's age.
- **Sex Discrimination** – a person's biological sex or sex characteristics.
- **Disability Discrimination** – a disability or perceived disability. It is also against the law to treat anybody unfairly or harass anybody due to a past disability or the possibility of future disabilities. Disability can include physical disabilities; diseases that make a part of the body or brain work differently; mental illnesses or psychiatric disabilities; behavioural disorders; intellectual disabilities; learning or cognitive disabilities; adverse changes to the body or brain following an accident or surgery; a different formation of a body part; diseases or illnesses caused by a virus or bacteria.
- **Discrimination by Association** – sex, race, age, marital or relationship status, sexual orientation, gender identity, intersex status, family responsibilities, pregnancy, breastfeeding, carer's responsibility, or disability of people they associate with, including relatives, friends or work colleagues.
- **Sexual Orientation Discrimination** – It is also against the law to discriminate if someone thinks you are gay, lesbian or bisexual or you are the relative, friend or colleague of someone who is gay, lesbian or bisexual.
- **Transgender discrimination** - whether a person is transgender, or people think they are transgender.
- **Marital or Relationship Status Discrimination** – whether a person is:
 - single
 - married
 - married
 - in a de facto relationship
 - separated
 - divorced
 - widowed.
- **Race Discrimination** – race, colour, nationality, descent or ethnic background, ethno-religious background, or national origin.
- **Family Responsibilities Discrimination** – responsibilities relating to caring for family members, kin, and individuals with whom there are close cultural, kinship, or community ties.
- **Gender Identification Discrimination** – gender-related identity, appearance, mannerisms, or other gender-related characteristics of the person, or perception of these characteristics.
- **Infectious Diseases Discrimination** – It is when you treat a person less favourably than somebody else because they:
 - have an infectious disease
 - people think they have an infectious disease
 - used to have an infectious disease
 - may acquire an infectious disease in the future
 - are the friend, relative or colleague of a person with an infectious disease.
- **Intersex Status Discrimination** – physical, hormonal or genetic features that are:
 - a combination of female and male
 - neither wholly female or wholly male, or

- neither female nor male.
- **Pregnancy Discrimination** – pregnancy or perceived future pregnancy.
- **Breastfeeding Discrimination** – breastfeeding requirements.
- **Carer Discrimination** – needing to care for or support their child, a child or adult for whom they are a guardian, or other 'immediate family member'.
- **Beliefs and Associations:**
 - religious belief or activity
 - political beliefs or activity
 - cultural belief and activity
 - employer association membership or non-membership
 - industrial/trade union membership or non-membership.
- **Victimisation** – selective mistreatment of persons for either making a complaint of harassment, intending to make a complaint or supporting someone who has complained of harassment or related unfair treatment.

Termination of Employment

It is unlawful to terminate a person's employment on any of the discrimination grounds listed above, and also on the grounds of Temporary Absence from work because of injury or illness, membership or non-membership of a union, participation in union activities, and absence from work whilst on parental leave.

Recruitment and Selection

The City recruits fairly based on merit. This means that the applicant who has the greatest merit is to be selected. An applicant's merit is determined by evaluating the applicant's ability to meet the selection criteria for the role based on their skills, knowledge and experience.

Fair Access to Workplace Opportunities and Benefits

The City will give every employee fair access to all workplace opportunities and benefits and encourage every employee to make full use of their particular skills and abilities. These may include:

- training and development opportunities
- promotion opportunities
- work allocation
- flexible work arrangements
- higher duties
- internal secondments.

It is a requirement of the City to remove barriers that people with disabilities may face at work. Reasonable adjustments, however, should not cause 'unjustifiable hardship' to the organisation.

Equity and Equality

Equality recognises that everyone should be treated fairly or the same regardless of their needs. Equity recognises that some people require additional resources support or opportunity to achieve equal outcomes. The City is committed to creating inclusive practices and work environments to improve access and opportunity. This is known as affirmative action.

EEO Management Plan

The EEO, Diversity and Inclusion Action Plan is prepared in accordance with section 344-347 of the Local Government Act 1993. The Plan is reviewed and updated on a yearly basis. The progress towards EEO targets and specific initiatives and programs are outlined in the City of Sydney Annual Report.

Responsibilities

Workers will:

- be familiar with and support the objectives of this EEO and Anti-Discrimination Policy and EEO, Diversity and Inclusion Action Plan
- not engage in any unlawful conduct towards other employees, customers, clients or others with whom they come into contact through work
- not aid, abet or encourage other persons to engage in unlawful conduct
- report any unlawful conduct seen occurring to others in the workplace
- co-operate with Management, People and Culture, or a third party in attempting to resolve complaints
- support and cooperate with co-workers who access reasonable adjustments and reasonable flexible work arrangements
- participate in EEO, cultural diversity and disability awareness and other related training, seminars and strategies as required
- maintain confidentiality if they are involved in the complaint procedure.

Employees should be aware that they can be held legally responsible for their unlawful conduct. Employees who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

Managers and Supervisors will:

- be familiar with and understand this policy and other related City of Sydney policies and procedures through training
- use, promote and follow this policy
- model appropriate behaviour in accordance with the City's Code of Conduct and values and maintain work practices which eliminate discriminatory behaviour from the workplace
- monitor the working environment to ensure that acceptable standards of conduct are always observed
- take the appropriate action to ensure the behaviour stops and is appropriately dealt with if they observe discrimination, harassment, bullying or vilification in the workplace.
- ensure all employees in their team have access to training on anti-bullying, harassment and diversity policies, or any other related seminars
- ensure the Recruitment and Selection Policy is adhered to
- take all reasonable steps to provide everyone with equal access to, recruitment, selection, promotion, secondment and transfer opportunities within the City
- support in the provision of flexible working arrangements as appropriate and based upon the individual's circumstances and specific employment needs
- identify, assess and implement workplace accessibility and optimisations in accordance with the City's policies and procedures, as appropriate

- treat all complaints seriously with confidentiality and take appropriate action in response to the complaints
- co-operate with People and Culture, or a third party in attempting to resolve complaints.

People and Culture will:

- provide guidance and advice to employees and managers in relation to EEO matters or complaints
- provide employees who report a complaint with relevant information, guidance, advice and support throughout the process
- provide advice and guidance to managers to resolve matters that are deemed appropriate at a local level
- investigate allegations of a breach of the EEO and Anti-Discrimination Policy
- coordinate employee training on Harassment and Anti-Bullying, Diversity and any other EEO-related issues
- ensure policies and procedures are compliant with relevant legislation
- collect, reporting and confidentially storing data, e.g. EEO Annual Reporting, EEO data collection on an EEO target group
- in accordance with the Local Government Act 1993, prepare, implement and update the EEO Management Plan annually, to ensure EEO objectives are being met.

Complaint Handling

Allegations of discrimination and harassment will be managed in accordance with the Grievance and Conflict Resolution Policy. Workers will not be disadvantaged in their employment conditions or opportunities as a result of making a complaint.

Victimisation or adverse treatment of those who report discrimination, bullying, harassment, vilification or unfair treatment will not be tolerated and may be subject to disciplinary action.

Initially, Workers may attempt to resolve the situation themselves at the local level if appropriate; however, they may seek advice from their manager and People and Culture at any stage. If not appropriate or practical, then Workers should report incidents related to this policy, either against themselves or those they have witnessed, to their manager or People and Culture. Employees may also seek assistance of an outside agency, at any stage.

Employee Assistance Program

The City offers a free and confidential counselling service through the Employee Assistance Program (EAP) to all employees. Workers may refer to the City's EAP Policy or contact a People and Culture Business Partner for more information.

Aboriginal and Torres Strait Islander employees

Aboriginal and Torres Strait Islander employees may contact the Workforce Advisor – Aboriginal and Torres Strait Islander Inclusion for further support.

Consultation

The changes are based on best practice research and consultations with Legal and Governance and relevant employee networks such as:

- The Aboriginal and Torres Strait Islander employee network
- City Pride
- Disability employee network
- City Women's network.

References

Laws and Standards

- Racial Discrimination Act 1975 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Disability Inclusion Act 2014 (NSW)
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Industrial Relations Act 1996 (NSW)
- Local Government Act 1993 (NSW)
- Anti-Discrimination Act 1977 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Privacy Act 1988 (Cth)
- Public Interest Disclosures Act 2022 (NSW)
- Age Discrimination Act 2004 (Cth)
- Work Health and Safety Act 2011 (NSW)
- Fair Work Act 2009 (Cth)
- Guide for Preventing and Responding to Workplace Bullying 2016 (Safe Work Australia)

Policies and Procedures

- Recruitment and Selection Policy
- Harassment and Bullying Policy
- Workplace Bullying, Violence & Harassment Prevention Operational Procedure
- Learning and Development Policy
- Internet Policy
- Email Policy
- Grievance & Conflict Resolution Policy
- Work Health and Safety Policy
- Discipline Procedure
- Workplace Flexibility Policy
- Performance and Development Policy
- Workplace Adjustment Policy
- Code of Conduct
- Equal Employment Opportunity Management Plan
- Employee Assistance Program Policy

Review period

This policy will be reviewed every three (3) years.

Approval Status

The Chief Executive Officer approved this policy on 11 September 2024.

P. M. Barone

Monica Barone, Chief Executive Officer

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	2 November 2015	Endorsed by the Executive	2015/316572
Review	January 2018	Fit for purpose. No significant changes.	2017/497599
Review	15 April 2021	Minor tweaks in the language, usefulness and currency of the policy. No significant changes.	2018/139343
Review	11 September 2024	Minor changes to reflect NSW ADB definitions and language.	2018/139343
Commence Review Date	11 December 2026		
Approval Due Date	11 September 2027		

Ownership and approval

Responsibility	Role
Author	Manager Employee and Organisational Success
Owner	Chief People and Culture
Endorser	City of Sydney Executive
Approver	Chief Executive Officer