



ADMINISTRATIVE POLICY

Diversity, Equity and Fair Treatment

Policy Number:	PO026		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Chief Executive Officer	Record Number:	16/13909 v4
Responsible Officer:	Manager People Culture and Safety	Minute Reference:	CMT: 09/04/2024
Date Adopted:	13/05/2024	Next Review Date:	May 2028

1. POLICY OBJECTIVES

The Yorke Peninsula Council (Council) is committed to ensuring that the workplace is free from harassment, bullying and inappropriate behaviour and promotes the recognition, acceptance and right of all people to be treated with fairness, equity and justice.

2. SCOPE

Council employees must comply with this policy and the associated PR168 Diversity, Equity and Fair Treatment Procedure which sets out the behavioural standards required in their interactions with each other or the broader community whilst carrying out their functions as public officers. This includes Council activities including business, social and community activities, and also where interaction are via email, text messaging or social media.

Other persons working on behalf of Council are also expected to comply with the provisions of the Policy, including:

- Employees of a labour hire company;
- Apprentices or trainees;
- Student or work experience placements; and
- Volunteers.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

Council has the responsibility and is committed to providing a safe working environment that is free from inappropriate behaviour and seeks to ensure that reasonable steps are taken to minimise any risk of harm to individuals. In support of this commitment, Council will endeavour to:

- Foster a culture which promotes the Employee Values Trademarks being 'Collaboration, Fairness, Transparency, Integrity and Purpose'.
- Provide an inclusive and flexible environment for Employees by identifying and removing any barriers to equitable access, participation and progression in employment so that all Employees have the opportunity to fully contribute to Council life.
- Ensure that Employees are aware of their rights and their responsibilities.
- Use non-discriminatory, inclusive language and practices.
- Ensure that all Employees have fair access to benefits and services in an equitable manner, including assistance to reasonably accommodate a person's Disability.
- Educate Council employees on the importance of equal opportunity, equity and social justice.
- Develop an associated procedure that promotes processes to support the implementation, monitoring, reporting and management of diversity, equity and equal opportunity for all Employees and eliminate inappropriate behaviours including unlawful discrimination, bullying, harassment, sexual and gender-based harassment and occurrences of workplace violence, vilification, racist behaviour or victimisation in addition to providing effective mechanisms to resolve complaints made in relation to inappropriate behaviours.

5. COMPLAINTS

Complaints can be made in writing to the Manager People, Culture and Safety. All complaints will be managed in accordance with Council's PO147 Complaints Policy or in the case where the policy only applies internally and not to the public, in line with the Dispute Resolution procedure contained within the respective Enterprise Agreement.

6. REVIEW

In line with Councils PO019 Document Management Policy this procedure shall be reviewed every four (4) years or more frequently if changes to Councils requirements or legislation occurs.

7. TRAINING

Council is committed to supporting employees in complying with this Policy with awareness of this policy being provided in line with the requirements of the Training Needs Analysis.

8. RECORDS

Records will be maintained as required by Council's Records Management Policy PO063 and relevant legislation.

9. RELATED COUNCIL POLICIES AND DOCUMENTS

Council's Training Needs Analysis

PO014 Employee Behavioural Standards Policy

PO146 Support, Disciplinary and Performance Management Policy

PO147 Complaints Policy

PO171 Public Interest Disclosure Policy

PR168 Diversity, Equity and Fair Treatment Procedure

Yorke Peninsula Council Enterprise Agreements (Local Government Employees and Municipal Officers)

10. REFERENCES AND LEGISLATION

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Disability Discrimination Act 1992 (Cth)

Equal Opportunity Act 1984 (SA)

Fair Work Act 1994 (SA)

Local Government Act 1999 (SA)

Code of Practice – Guide Prevention and Responding to Workplace Bullying

Privacy Act 1988

Public Interest Disclosure Act 2018 (SA)

Racial Discrimination Act 1975 (Cth)

Racial Vilification Act 1996 (SA)

Sex Discrimination Act 1984 (Cth)

Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill Act 2013 (Cth);

Work Health and Safety Act 2012 (SA)

Work Health and Safety Regulations 2012 (SA)

Return to Work Act 2014 (SA)

Workplace Gender Equality Act 2012

11. COUNCIL DELEGATION

Any applicable delegations are available on Councils website via the Delegations register via <https://yorke.sa.gov.au/about-us/forms-plans-and-publications/register/>

12. VERSION HISTORY

Version No	Issue Date	Description of Change
1	20/03/2014	Merged PO026 Equal Employment Opportunities, PO076 Sexual Harassment Policy and Procedure and PO119 Workplace Bullying Policy.
2	24/08/2016	Minor Update.
3	14/11/2019	Minor Update
4	13/05/2024	Reduced to Policy format and all procedure content moved to PR168.

ATTACHMENT 1: DEFINITIONS

Term/Reference	Definition
Bullying	<p>Repeated and unreasonable behaviour directed towards an employee or a group of employees that a reasonable person, having disregard to the circumstances, would expect to victimise, humiliate, undermine or threaten and which creates a risk to health and safety.</p>
Discrimination	<p>Unlawful discrimination is unfairly treating people because of their particular personal characteristics or because they belong to a certain group.</p> <p>Discrimination can be direct or indirect. Indirect discrimination is treatment which appears to be equal but is unfair on certain people. To be unlawful, it must also be unreasonable.</p> <p>Unlawful discrimination occurs when a person(s) are treated unfavourably or are denied fair and equitable access to services, employment, training, development or advancement because of a particular attribute or personal characteristic without lawful reason. Discrimination can be:</p> <ul style="list-style-type: none"> • on the basis of personal characteristics such as age, relationship status, pregnancy, race, colour, sex, sexual orientation, gender identity, marital or domestic partnership status, intersex status, religious appearance or dress, family or carer’s responsibilities or spouse or partner’s identity; or • on the grounds of a disability or medical condition; or • on the grounds of religion, criminal record (where irrelevant), political opinion or trade union activity.
Employee	<p>Any person who is employed by Council but also includes any contractors, volunteers and consultants undertaking work for, or on behalf of Council.</p>
Fair treatment	<ul style="list-style-type: none"> • treating people as individuals with different skills and abilities, without making judgement based on stereotypes, or on characteristics (such as sex, age, race, sexuality, disability, pregnancy or marital status) that are irrelevant to a person’s capacity to do the job; • ensuring a work environment that allows for all employees to work to their full potential, and that is free from all forms of discrimination and harassment, including sexual harassment; and • ensuring that work decisions are based on the merit principles. That is, the applicant who best meets the needs of the job is selected, and the employee who best meets the needs of the job is retained.
Gender-based Harassment	<p>Unwelcome conduct based on a person’s gender, sex or sexuality. Harassment may be directed at the LGBTIQ+ (lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual) or workers who do not conform to traditional gender stereotypes.</p>
Harassment	<p>Harassment involve deliberate conduct and may be done maliciously, to cause anxiety or distress or to harm or may be done for other purposes. Harassment is subjecting someone to unwanted conduct which may be related to protected characteristics (race, sex, disability, age etc.), or is of a sexual nature or where the conduct has the purpose or effect of violating the victim’s dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive.</p> <p>Harassment is the repeated, unwelcomed and unsolicited, uninvited, offensive behaviour or comments aimed at a person or group that makes that person feel offended, humiliated or threatened.</p> <p>Examples of harassment can include behaviour such as:</p> <ul style="list-style-type: none"> • telling insulting jokes about particular racial groups

Term/Reference	Definition
	<ul style="list-style-type: none">• sending explicit or sexually suggestive emails or text messages• displaying racially offensive or pornographic posters or screen savers• making derogatory comments or taunts about a person’s disability, or• asking intrusive questions about someone’s personal life, including his or her sex life.
Sexual Harassment	Sexual harassment is unwelcome or unwanted behaviour of a sexual nature as a result of which a person feels offended, humiliated or intimidated and which would make a reasonable person feel offended, humiliated or intimidated. It may result from a single incident or a series of incidents. Both men and women can sexually harass or be harassed. Sexual harassment is determined from the point of view of the person feeling harassed. It is how the behaviour is received not how it is intended.
Repeated behaviour	Persistent nature of the behaviour and can involve a range of behaviours over time.
Unreasonable behaviour	Behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
Victimisation	Treating someone unfairly because they have acted on the rights afforded them under legislation or Council policy or because they have supported someone else who acted upon those rights.
Vilification or Racist Behaviour	It is an offence to incite hatred or severe ridicule or have contempt of a person or group of persons on the basis of their race, religion or beliefs which includes threatening physical harm or harm to property or inciting others to do so. Vilification is unlawful and in certain circumstances may be a criminal offence.
Workplace Violence	Work-related violence is any incident which a person is abused, threatened or assaulted in circumstances relating to their work. Examples may include but not limited to: <ul style="list-style-type: none">• Biting, spitting, scratching, hitting, kicking• Throwing objects• Pushing, shoving, tripping, grabbing• Verbal threats, armed robbery, sexual assault