Introduction

Council is wholly committed to the principles of Workplace Diversity/Equal Employment Opportunity.

In all policies and practices of the council there shall be no discrimination relating to sex, marital status, parenthood, race, colour, national origin, physical or mental impairment, religion, political views or responsibilities as a ‘carer’ as defined in the Anti-discrimination Act and the circumstances of a ‘carer’ within the meaning of the Carer Recognition Act 2010.

Selection of individuals for employment, promotion or advancement, training and staff development will be on the basis of personal merit in fair and open competition according to the skills, qualifications, knowledge and level of ability to carry out the duties involved in the position.

Council’s Policy reflects our desire to enjoy a workplace free of discrimination where each person has the opportunity to progress to the extent of their ability.

This Policy in no way prevents Council from taking up grants for special programs to train or employ people for groups underrepresented in the workforce.

Background

Workplace Diversity/Equal Employment Opportunity (EEO) means that all employment related activities, from recruitment through to termination, will be fairly conducted to ensure that for each job, training and/or career development opportunity within an organisation, people will be equally considered based on their relevant skills and qualifications. It is the underlying principle of recruitment, training, development, promotion on merit and termination procedures.

Legislation

There is Federal, State and Local Government legislation in place to ensure that employees are not discriminated against or harassed.

Federal Legislation

- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Fair Work Act 2012
- Carer Recognition Act 2010
This legislation makes it unlawful for an organisation or its employees to discriminate against job applicants or employees on the basis of race, colour, nationality or ethnic origin, sex, marital status, pregnancy or disability.

The legislation has additional provisions relating to discrimination involving harassment and specifically provides for sexual harassment being unlawful.

**State Legislation**

- **NSW Anti-Discrimination Act 1977**

  This legislation specifies that it is against the law to discriminate against, or harass someone on the basis of race, sex, marital status, disability, homosexuality, age (including compulsory retirement) or HIV/AIDS vilification.

  The Act is administered by the NSW Anti-Discrimination Board which is responsible for the investigation and conciliation of formal complaints of discrimination or harassment.

**Local Government Act 1993**

Section 344 of the Local Government Act compels Councils to prepare and implement an EEO management plan to eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital status and physical impairment in Councils. The Act also promotes EEO for women, members of racial minorities and people with physical disabilities.

**Discrimination**

Basically discrimination means acknowledging differences and making distinctions on the basis of differences. Discrimination is unfair if it is based on irrelevant considerations, bias or prejudice. People are often judged on the basis of general beliefs held about their race, sex or disability rather than on the basis of their individual skills and abilities.

There are two types of discrimination, both of which are against the law:

- **Direct discrimination**
  
  Occurs when a person is openly treated unfairly because of their sex, race, physical or intellectual impairment.

- **Indirect discrimination**
  
  Occurs where a general requirement or rule is imposed (such as minimum height for a position) and the requirement has an effect or result that is unequal for all.