

# EQUITY DIVERSITY INCLUSION & BELONGING (EDIB) POLICY

**Date Adopted:** 25 February 2025

**Version:** 6.0

## Policy Objectives

The objectives of this policy are to:

- Promote the principles of equity, diversity, inclusion and belonging to create an inclusive workplace for all
- Value and celebrate our differences such as age, ethnicity, gender, religion, language, physical appearance disability status, sexual orientation, socioeconomic status, education, nationality and diversity of thought
- Foster an equitable organisation where every employee receives equal opportunities, is treated fairly, and has the resources they need to succeed in their job, regardless of their background
- Foster an inclusive environment where all employees are treated with respect and care, despite any differences, and are made to feel welcome, valued, and heard
- Raise organisational awareness of discrimination, harassment, bullying, victimisation and the importance of belonging, to foster a psychologically safe environment where everyone is comfortable expressing themselves without fear of judgment or retribution
- Create a self-monitoring culture where all employees acknowledge, support and champion the principles of EDIB and a workplace free from discrimination, harassment, bullying and victimisation
- Encourage the reporting of behaviour which breaches this policy.

## Policy Scope

This policy applies to current and prospective employees and extends to cover councillors, contractors, labour hire employees and volunteers.

This policy applies to interactions between all councillors, managers, employees, contractors, volunteers and members of the public either in person or via any form of communication including email, social media, text message, live chat and voice calls/messaging.

## Policy Statement

Maitland City Council values equity, diversity, inclusion and belonging, and is committed to creating an inclusive workplace. Opportunities for development, progression, and work conditions are provided fairly to all. We celebrate differences in age, ethnicity, gender, religion, language, physical appearance, disability status, sexual orientation, socioeconomic status, education, nationality and diversity of thought.

We are inclusive and committed to creating a respectful and supportive environment for all individuals and groups, making reasonable adjustments to provide a positive, barrier-free recruitment process and supportive workplace.

Maitland City Council aims to provide, model and encourage an environment where employees and others in the workplace are treated fairly, with respect and are free from unlawful discrimination, harassment, bullying and victimisation.

Council is committed to providing a confidential grievance procedure where employees can gain accurate advice and make complaints about EDIB issues in the workplace. Any breaches of this policy are to be reported immediately.

Maitland Council will not tolerate any form of bullying, discrimination, harassment or victimisation from any manager, employee, contractor, volunteer, visitor, councillor or member of the public under any circumstance. This includes behaviour conducted via the use of electronic media and mobile phones. To support the achievement of objectives within this policy, Council will implement its Equal Employment Opportunity (EEO) & Diversity Management Plan.

## Responsibility

Maitland City Council has a legal responsibility to prevent discrimination, harassment, bullying and victimisation in the workplace. Everyone within the workplace also has an individual responsibility and a duty of care to ensure a safe and healthy workplace.

### General Manager

- Promote EDIB and a workplace free from discrimination, harassment and bullying for all persons described within the scope of this policy
- Endeavour to ensure every employee and prospective employee is treated fairly and with respect
- Endeavour to ensure the behaviour of all employees complies with this policy
- Ensure Council's EEO and Diversity Management Plan is implemented.

### Managers and Supervisors

- Model appropriate workplace behaviours and monitor the work environment to ensure acceptable standards of conduct are followed at all times
- Endeavour to ensure decisions relating to employment, promotion and training are equitable and based upon merit
- Endeavour to ensure employees are aware of and understand this policy
- Act to resolve incidences of discrimination, harassment bullying and victimisation when made aware of a problem, even if a formal complaint has not been made
- Treat all complaints seriously, equitably and confidentially, and in accordance with the Grievance Procedure.

### Employees

- Ensure individual behaviour complies with this policy
- Ensure they do not participate or encourage discrimination, harassment, bullying or victimisation against other employees, prospective employees and any other person under the scope of this policy
- Maintain confidentiality if involved with the investigation of a grievance
- Report breaches of this Policy in accordance with the Grievance Procedure.

### EEO & Diversity Management Plan

The EEO & Diversity Management Plan assigns responsibility for initiatives and activities to foster an environment that provides an inclusive workplace free from discrimination, harassment and bullying and to ensure that all current and prospective employees are afforded equal access to opportunities and benefits relating to employment, promotion and training.

EEO Contact Officers are trained and available to advise employees about the options available to them if they have any concerns or grievances in relation to discrimination, harassment, bullying or victimisation.

## Liability

**Accessory liability, aiding and abetting:** A person will be liable if he/she causes, instructs, induces, aids or permits another person to do a discriminatory act (individuals and unions can be held liable).

**Individual liability:** An individual may be held liable for their own discriminatory or harassing conduct in the workplace or in connection with their employment.

**Primary liability:** Employer

**Vicarious liability:** Employers are liable for acts of employees and agents unless all reasonable steps have been taken to prevent the conduct.

## Policy Definitions

### Bullying:

A worker is bullied at work if:

- A person or group of people repeatedly act unreasonable towards them or a group of workers
- The behaviour creates a risk to health and safety.

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether the behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

### Direct Discrimination:

Occurs when someone is treated unfairly compared to someone else in the same or similar circumstances and it is because of their sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status or carer's responsibilities.

### Discrimination:

Treating a person unfairly or differently because they belong to a particular group of people or have a particular characteristic. It is against the law in NSW to discriminate or harass a person on the grounds of sex, race (including ethno religion), age, disability, marital or domestic status, homosexuality, transgender status, carer's responsibilities and/or discrimination because of who you are related to or who you associate with.

### EEO

Equal Employment Opportunity

### Indirect Discrimination:

When there is a requirement or rule that is the same for everyone but in effect disadvantages people from a particular group more than people from other groups — unless the requirement is reasonable in the circumstances.

### Harassment:

Harassment is unwelcome behaviour that offends, humiliates or intimidates a person or group of people and creates a hostile environment. It is unlawful if the person or group of people are targeted because of: sex, pregnancy, breastfeeding, race, age, disability, marital or domestic status, homosexuality, carer's responsibilities or transgender status, or that of your relatives, friends or associates.

**Merit:**

Assessing each person's skills and abilities against the needs of the job and disregarding unlawful personal characteristics which are irrelevant for the job. This means that people's sex, race, age, marital or domestic status, disability, homosexuality, transgender, and carer's responsibilities, must not bar them from applying or being properly considered for the job.

**Sexual Harassment:**

When a person is subjected to unwanted sexual advances; unwelcome requests for sexual favours or other unwelcome conduct of a sexual nature, and a reasonable person would expect you to be offended, humiliated or intimidated by this behaviour. Sexual harassment is unlawful under the NSW Anti-Discrimination Act 1977 and Sex Discrimination Act 1984 (Cth).

**Vexatious complaints:**

Complaints that are frivolous; made maliciously and without grounds.

**Victimisation:**

Hassling, victimising or treating a person unfairly because they have made a discrimination or harassment complaint or supported a person with a complaint, or acted as a witness in a discrimination or harassment case.

**Workplace harassment:**

Where a person is subjected to behaviour, other than sexual harassment, by an employer, worker, co-worker or group of co-workers, apprentice, volunteer, contractor or member of the public that:

- Is unwelcome and unsolicited
- The person considers to be offensive, intimidating, humiliating or threatening
- A reasonable person would consider that the harassed person would be offended, humiliated, intimidated or threatened in that particular situation.

Workplace harassment and bullying is not:

- Setting reasonable workplace goals and standards
- Reasonable supervisory practices, including feedback and performance/misconduct processes.

## Policy Administration

<b>Business Group:</b>	People & Performance
<b>Responsible officer:</b>	Executive Manager People and Performance
<b>Council reference:</b>	Ordinary Council Meeting insert date – Item insert number
<b>Policy review date:</b>	Three (3) years from date of adoption
<b>File number:</b>	130/1 & 49/4
<b>Relevant legislation</b>	<ul style="list-style-type: none"> <li>• Age Discrimination Act 2004 (Cth)</li> <li>• Anti-Discrimination Act, 1977 (NSW)</li> <li>• Australian Human Rights Commission Act 1986 (Cth)</li> <li>• Disability Discrimination Act 1992 (Cth)</li> <li>• Industrial Relations Act 1996 (NSW)</li> <li>• Local Government Act 1993 (NSW)</li> <li>• Local Government (State) Award 2014</li> <li>• Racial Discrimination Act, 1975 (Cth)</li> <li>• Sex Discrimination Act, 1984 (Cth)</li> <li>• Work Health Safety Act 2011 (NSW)</li> <li>• Work Health Safety Regulation 2011</li> <li>• Fair Work Act 2009 (Cth)</li> </ul>
<b>Related documents</b>	<ul style="list-style-type: none"> <li>• Performance Improvement and Management Protocol</li> <li>• Attraction and Engagement Protocol</li> <li>• Code of Conduct</li> <li>• EEO and Diversity Management Plan</li> <li>• Performance &amp; Misconduct Protocol</li> <li>• Social Media Policy</li> <li>• Councillor and Staff Interaction Policy</li> <li>• Computer System Acceptable Use Protocol</li> <li>• EEO, Harassment and Bullying Grievance Protocol</li> </ul>

## Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	26.3.2002	New policy adopted
2.0	23.01.2007	Renamed Respect at Work Policy
3.0	22.09.2009	Amended Respect at Work Policy
4.0	14.08.2012	Policy title changed from Respect at Work to Equity, Diversity & Respect Update of legislation and relevant policies Addition of email internet statement.
5.0	28.06.2016	Updated to reflect new policy format and to ensure the content of the document is clear and succinct; the title of People & Performance has been changed back to Human Resources; objectives and statement updated; addition of liability information; additional legislation and policies included and definitions updated.
6.0	25.02.2025	Change of policy name and content to reflect contemporary language related to diversity and inclusion. Updated to reflect current organisational structure. Updated to current related documents.