

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Human Resources
Responsible Officer	Manager Human Resources
Affected Business Unit/s	All

Objective

The City of Stirling (the City) is committed to equal opportunity and diversity and promotes a work environment that is free from discrimination and harassment, and where individuals are treated with fairness, respect, equality and dignity.

Scope

This policy applies to all City of Stirling employees.

Policy

The City recognises the need for an open and inclusive workplace culture where diversity is valued and the social and cultural backgrounds of all employees are respected. Diversity can contribute to the creation of a productive environment in which the skills of staff are utilised to meet the City's goals. A diverse workforce can broaden workplace knowledge and experience, enhance service delivery and generate new ideas and insights.

This policy provides guidance for the development and implementation of relevant plans, programs and initiatives to recognise and promote workforce diversity across all areas of the workforce.

The City is committed to providing an ethical culture by encouraging employees to meet their behaviour obligations and responsibilities in line with the City's core values.

The key principles include:

- A skilled workforce that reflects the diversity of the City's community and leads to continuous improvement in service delivery.
- A work environment that values and utilises the contribution of employees with diverse backgrounds, experiences and perspectives through improved awareness of the benefits of workforce diversity and successful management of diversity.
- Awareness for all employees of their rights and responsibilities with regards to fairness, equity and respect for all aspects of diversity.
- The active management of diversity to ensure we proactively utilise the differences that exist in order to improve the organisation and how the City deals with customers/stakeholders by seeking to accommodate the uniqueness of many different employees and customers/stakeholders.

Roles and Responsibilities

Business Unit Managers and Supervisors

It is the responsibility of the Business Unit Manager and/or Supervisor to create a working environment where:

- The City will ensure that all employees are treated fairly and with respect and dignity with a tolerance of difference;
- The ability to access opportunities is based on merit.
- The City will adopt and actively encourage opportunities based on merit with prescribed practices and procedures that enable employees to contribute to the best of their ability; and
- The City will treat seriously any instance of inappropriate behaviour and confront attitudes based on inappropriate stereotypes.

In providing commitment to diversity the City will:

- Communicate this policy and procedures to all employees as appropriate;
- Ensure that all employees have equal access to employment opportunities within the workplace;
- Treat all employees fairly and with respect;
- Encourage and facilitate employment and promotion from groups recognised in accordance with equal opportunity related legislation; and
- Review employment practices to ensure flexibility to meet the changing needs of the workplace.

It is essential that all employees are responsible for the creation of a respectful and tolerant workplace.

All employees must actively implement the principles of this policy and demonstrate:

- Respect individual differences and contributions to a workplace that is fair and equitable; and
- Behave in a manner which is consistent with the values and spirit of this policy at all times.

Advice and Support

Employees are encouraged to contact Human Resources on 9205 8965 or email Employee.Relations@stirling.wa.gov.au for support, or access the Employee Assistance Program (EAP) People Sense on (08) 9388 9000 or free dial 1300 307 912.

External Advice

The following agencies are also available to assist:

- Relevant Industrial Union or Professional Association
- The Western Australian Equal Opportunity Commission Telephone (9216 3900) (www.eoc.wa.gov.au)
- The Australian Human Rights Commission Telephone (02 9284 9600) (www.humanrights.gov.au)

Resolution of Discrimination and Harassment Matters

Resolution of discrimination or harassment matters (other than suspected misconduct) may be managed and processed in accordance with the City of Stirling Employee Grievance Management Practice.

What is Discrimination?

Discrimination is essentially any practice that makes distinctions between individuals or groups of individuals on unlawful grounds so as to treat some less favourably than others. It can take two forms:

Direct discrimination - occurs when a person is treated less favourably than another person, in the same or similar circumstances, on one or more of the grounds and in one of the areas of public life covered by the *Equal Opportunity Act 1984* (the Act).

Indirect discrimination – occurs when a rule that applies to everyone has a worse effect on a group of people with a particular characteristic compared to people without that characteristic, and the rule is unreasonable in the circumstances.

Discrimination is unlawful on the following grounds:

Race	Religious or political conviction
Impairment	Age
Sex	Pregnancy
Breastfeeding	Marital Status
Gender history	Sexual orientation
Family responsibility	Family status

The City applies zero tolerance to:

- Racial harassment
- Racial vilification
- Victimisation
- Bullying

Definitions

Bullying is when people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing. These actions are usually done by people who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless.

Diversity encompasses acceptance, respect and recognition of individual differences such as background, skills talents and perspectives, as well as characteristics that are protected under equal opportunity legislation.

Equal Opportunity (EEO) ensures that everyone has equal access to available employment by ensuring that workplaces are free from discrimination and harassment. This includes ensuring workplace rules, policies, practices and behaviours are fair and do not directly or indirectly discriminate unlawfully.

Harassment comes in many forms including sexual, racial and bullying. It can be identified as physical, verbal, written or signalled. It is anything that is inappropriate or unwanted behaviour towards another person.

Racial harassment occurs if a person is threatened, abused, insulted or taunted based upon a person's race or characteristic belonging to, or generally believed to belong to, a particular race including colour, ethnic background or origin.

Racial vilification under the WA Criminal Code the possession, publication and display of written or pictorial material that is threatening or abusive with the intention of inciting race hatred or of harassing a racial group is illegal.

Sexual harassment occurs when a person makes unwelcome sexual advances or makes requests for sexual favours or engages in any unwelcome conduct of a sexual nature.

Supervisor means business unit managers, supervisors and coordinators.

Victimisation includes threatening, harassing or punishing a person in any because they have objected about the discriminatory manner in which they been treated. It also applies to anyone who has made a complaint, or intends to make a complaint or anyone giving evidence in relation to a complaint.

Relevant management practices/documents

Countering Harassment and Bullying in the Workplace Management Practice
City of Stirling Code of Conduct
Employee Grievance Management Practice
Recruitment and Selection Management Practice
Occupational Safety and Health Policy
Misconduct Investigations Management Practice
City of Stirling Strategic Community Plan

Relevant Websites (hyperlinked)

[Equal Opportunity Commission](#)
[Disability Services Commission](#)
[Public Sector Commission](#)
[Department of Commerce](#)
[Australian Human Rights Commission](#)

Legislation/local law requirements

Local Government Act 1995
Equal Opportunity Act 1984 (WA)
Equal Opportunity Regulations 1986 (WA)
Equal Opportunity for Women in the Workplace Amendment Act 2012 (Cth)
Age Discrimination Act 2004 (Cth)
Age Discrimination Amendment Act 2006 (Cth)
Disability Discrimination Act 1992 (Cth)
Disability Discrimination Amendment Act 2002 (Cth)
Fair Work Act 2009
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)
Sex and Age Discrimination Legislation Amendment Act 2011 (Cth)
Human Rights and Equal Opportunity Commission Act 1986 (Cth)
Human Rights and Equal Opportunity Commission (Transitional Provisions and Consequential Amendments Act 1986 (Cth)
Human Rights and Equal Opportunity Commission Amendment Act 2002 (Cth)
Human Rights Legislation Amendment Act 2017 (Cth)
Occupational Safety and Health Act 1984 (WA)
Public Interest Disclosure Act 2003 (WA)
Criminal Code (WA)
Spent Convictions Act 1988 (WA)
Work Place Gender Equality Act 2012

Office use only

Relevant delegations	Not applicable			
Initial Council adoption	Date	5 March 2013	Resolution #	0313/007
Last reviewed	Date	26 May 2020	Resolution #	0520/027
Next review due	Date	2021		