

# EQUAL EMPLOYMENT OPPORTUNITY

## PREFACE

We aim to be an effective organisation. The implementation of sound personnel policies such as equal employment opportunity (EEO) is one way to achieve this aim.

## PURPOSE

The purpose of this policy is to outline our commitment to the principles of EEO and the strategies that we use to promote those principles.

This policy and the accompanying management plan should be used as a tool to achieve best practice in both personnel and general management of the office. Our EEO management plan builds on work already done to date to ensure that all current and future staff are provided with opportunities in regards to employment, promotion and training. In addition, management will take positive steps to eliminate any discriminatory practices from personnel related activities including recruitment, training and career development. Where necessary, principles such as reasonable adjustment will be used to assist target group members to better contribute to the work of the office.

### *1. What is Equal Employment Opportunity?*

Equal Employment Opportunity is about:

- ensuring a diverse and skilled workforce
- making sure that workplaces have fair work practices and behaviours
- improving employment access and participation by EEO groups

All NSW Public Sector agencies must ensure that their policies and procedures are non-discriminatory and contribute to EEO outcomes. This means having workplace policies, practices and behaviours that are fair and do not disadvantage people because they are attributed to particular groups.

### *2. Aims of EEO*

EEO aims to achieve fair practices and behaviour in the workplace, including:

- recruitment, selection and promotion practices which are open, competitive and based on merit. Merit assessed by clearly defined, job-related criteria ensures that the best applicant is selected for the job
- access for all employees to training and development
- flexible working arrangements that meet the needs of all employees and create a productive workplace
- grievance handling procedures that are accessible to all employees and deal with workplace complaints promptly, confidentially and fairly
- sound communication channels that give employees access to information and allow their views to be heard
- management decisions made without bias
- no unlawful discrimination or harassment in the workplace, and
- respect for the social and cultural backgrounds of all employees and customers.

### ***3. Eliminating discrimination***

Discrimination is treating someone unfairly or harassing them because they belong to a particular group. It is against the law in NSW for any employer, including the Government, to discriminate against an employee or job applicant because of their:

- age
- sex
- pregnancy
- disability (includes past, present or possible future disability)
- race, colour, ethnic or ethno-religious background, descent or nationality
- marital status
- carer's responsibilities
- homosexuality
- gender identification

There are a few exceptions allowed at law - eg under circumstances filling a job with a person from a particular group.

Both direct and indirect discrimination are against the law. Direct discrimination means treatment that is obviously unfair or unequal, for example, not employing someone because they are a woman. Indirect discrimination means having a requirement that is the same for everyone but has an effect or result that is unfair to particular groups, for example, not considering an employee's overseas skills and training when determining his or her level of pay can constitute indirect race discrimination.

### ***4. EEO targets***

Targets based on the estimated representation of EEO groups in the NSW working age population have been set for all public sector agencies. These benchmarks are currently:

- 50% for women
- 2.6% for Aboriginal people
- 19% for people from racial, ethnic and ethno-religious minority groups, and people whose language first spoken as a child was not English
- 12% for people with a disability and
- 7% for people with a disability requiring adjustment at work.

## **RESPONSIBILITY**

All staff are responsible for ensuring that the principles of EEO are promoted within the office. In particular, managers and supervisors are responsible for taking all necessary steps to promote EEO principles in the employment and management of staff. Specific roles and responsibilities are:

### ***1. Office EEO requirements and responsibilities***

We must ensure that:

- all work practices and behaviours are fair in the workplace, including fair allocation of workloads
- the work environment is free from bullying and from all forms of unlawful discrimination and harassment
- employees are provided with information and resources to enable them to carry out their work
- employees are consulted about decisions that affect them
- all employees are provided with equal opportunity to apply for available jobs, higher duties, job rotation schemes and flexible working arrangements
- selection processes are transparent and the methods used are consistent
- all employees have equal access to fair, prompt and confidential processes to deal with complaints and grievances
- employees have equal access to relevant training and development opportunities
- special training and development needs of EEO group members are identified

## ***2. A staff members rights and responsibilities***

As a staff member you have the right to:

- a workplace that is free from unlawful discrimination and harassment
- fair practices and behaviour in your workplace
- competitive merit-based selection processes for recruitment or promotion
- training and development that enables you to be productive in your work and to pursue your chosen career path
- equal access to benefits and conditions including flexible working arrangements
- fair allocation of workloads, and
- fair processes to deal with work-related complaints and grievances.

You have the responsibility to:

- work to the best of your ability and provide quality service to customers and colleagues
- recognise and respect the skills and talents of other staff members
- act to prevent harassment, discrimination and bullying against others in your workplace
- respect cultural and social differences among your colleagues and customers, and
- treat people fairly (don't discriminate against, harass or bully them).

You may also be asked to complete EEO surveys. These give statistical and other information about EEO in the public sector.

## ***3. A supervisors/managers rights and responsibilities***

As a supervisor/manager you have the same rights and responsibilities as staff members and you also have the responsibility to:

- take steps to ensure that all work practices and behaviours are fair in your workplace, including fair allocation of workloads
- ensure the work environment is free from bullying and from all forms of unlawful discrimination and harassment
- provide employees with information and resources to enable them to carry out their work
- consult employees about decisions that affect them
- provide all employees with equal opportunity to apply for available jobs, higher duties, job rotation schemes and flexible working arrangements
- ensure selection processes are transparent and the methods used are consistent
- provide all employees with equal access to fair, prompt and confidential processes to deal with complaints and grievances
- give your employees equal access to relevant training and development opportunities
- identify special training and development needs of EEO group members in your team and help them gain access to training and development opportunities, and
- participate in learning opportunities and seek feedback to help you manage staff effectively.

You may also be accountable for achieving specific EEO outcomes in the office.

## **LEGISLATIVE FRAMEWORK**

*Anti-Discrimination Act 1977*

*Freedom of Information Act 1989, Part 3*

*Industrial Relations Act 1996, sections 14, 39 and 131*

*Occupational Health and Safety Act 2000, Part 2*

*Public Sector Employment and Management Act 2002*

*Government and Related Employees Tribunal Act 1980*

## DEFINITIONS

Not applicable.

## POLICY STATEMENT

The NSW Government promotes management policies and practices that reflect and respect the social and cultural diversity contained within the sector and the community, and support goals of:

- a workplace culture displaying fair practices and behaviours, and
- improved employment access and participation for EEO groups.

The Ombudsman supports the achievement of these goals and commits the Office to the implementation of EEO principles. We are committed to the development of a culture that is supportive of employment equity and diversity principles.

The EEO Management Plan which accompanies this policy, as well as a range of other personnel and general management policies and practices, outline how we will implement these principles. The EEO Management Plan facilitates the identification and removal of systemic barriers to the participation and promotion in employment of EEO groups, including:

- Women
- Aboriginal People and Torres Strait Islanders
- People from racial, ethnic and ethno-religious minority groups
- People whose language first spoken as a child was not English
- People with a disability, and
- People with a disability requiring adjustment at work.

This EEO Management plan is prepared in accordance with Part 9A of the *Anti-Discrimination Act 1977*, under section 122J.

## OMBUDSMAN APPROVAL



Bruce Barbour  
OMBUDSMAN