

<b>TITLE:</b>	Equal Employment Opportunity		
<b>DIVISION:</b>	Human Resources		
<b>ADOPTED BY:</b>	Council		
<b>DATE OF ADOPTION:</b>	16 June 2016	<b>DATE OF REVIEW:</b>	1 June 2020
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<b>POLICY NUMBER:</b>	CP000049		
<b>AUTHORISED:</b>	Chief Executive Officer		

### THIS POLICY APPLIES TO:

All employees of the Barkly Regional Council.

### SUMMARY

To outline the Barkly Regional Council's Equal Employment Opportunity (EEO) policy to include its zero-tolerance stance towards discrimination, harassment, bullying, and victimisation. Furthermore, to outline the complaint procedure for employees who feel they have been subject to unfair treatment in regards to the Council's EEO policy. Additionally, to cover compulsory EEO training for all Council employees to ensure understanding of the EEO policy, fair treatment, and the complaint process.

### POLICY

#### 1. Barkly Regional Council Equal Employment Opportunity (EEO) Policy.

- 1.1. It is the policy of the Australian and Northern Territory governments and the Barkly Regional Council not to condone or tolerate unlawful discrimination, harassment, bullying or victimisation of any kind.
- 1.2. This Zero Tolerance policy ensures that once unlawful discrimination, harassment, bullying, or victimisation is alleged, immediate and appropriate action will be taken to investigate and resolve the allegations and ensure any proven unlawful behaviour stops.
- 1.3. Appropriate disciplinary action, up to and including termination, will be taken against any employee who engages in unlawful discriminatory practice. Depending on the nature of the offense, criminal and/or civil action may be taken against an employee found guilty of an unlawful discriminatory practice.

#### 2. Intent of the Barkly Regional Council EEO Policy.

- 2.1. It is the policy of the Council to provide equal treatment and employment opportunity thereby enhancing Council cohesiveness and mission accomplishment.
- 2.2. As the EEO program is a function of leadership, the Council shall.
  - 2.2.1. Provide sufficient resources to ensure successful and efficient operation.
  - 2.2.2. Ensure prompt, fair, and impartial processing of complaints.
  - 2.2.3. Conduct a continuing training program to eradicate every form of unlawful discrimination.

- 2.2.4. Communicate the policy to all employees, as well as all new applicants for advertised position vacancies.
- 2.2.5. Identify, assess, and remove EEO barriers through the utilisation of Organisational Climate Surveys to gather information, identify and assess EEO barriers to assist the Chief Executive Officer in the removal and neutralisation of those barriers to prevent unlawful discrimination.
- 2.2.6. Appoint Contact Officers to provide counselling for aggrieved employees.
- 2.2.7. Ensure complaints are fairly and thoroughly addressed and that final actions are taken in a timely manner.

### **3. Objectives of the Barkly Regional Council EEO Policy.**

- 3.1. Eradication of unlawful discrimination through a continuing training campaign to rid all forms of discrimination, harassment, victimisation, and bullying from the workplace.
- 3.2. Fostering a positive human relations environment through the use of Organisational Climate Surveys to evaluate the positives and negatives in the local environment and further training to help employees and managers at all levels to understand the need for a positive human relations environment.

### **4. Responsibilities.**

#### 4.1. Chief Executive Officer.

- 4.1.1. Has ultimate responsibility to ensure the Council has an effective EEO program.
- 4.1.2. Shall promote EEO to all directors, managers and employees within the Council.
- 4.1.3. Shall provide an environment free of unlawful discrimination, harassment, victimisation, and bullying.
- 4.1.4. Shall advise Human Resources when an Organisational Climate Survey is to be released and will ensure a Survey is conducted, at a minimum, once in a 12-month period.
- 4.1.5. Shall inform an alleged offender that they are the subject of a formal EEO complaint and provide only general information as to the nature of the allegation without disclosing the complainant's identity.
- 4.1.6. Shall caution the alleged offender from taking reprisal or other retaliatory actions against the complainant and/or witness if the alleged offender suspects or discovers their identity.
- 4.1.7. Shall inform the alleged offender of the outcome of the EEO complaint against them.

#### 4.2. Human Resources Manager

- 4.2.1. Has functional responsibility to develop and carry-out the EEO program initiatives.
- 4.2.2. Shall submit Organisational Climate Survey's within 2 weeks of receiving the Chief Executive Officer directive to perform the Survey.
- 4.2.3. Shall analyse and report on the Survey findings to the Council Executive Team.
- 4.2.4. Shall maintain neutrality in the performance of investigating complaints.
- 4.2.5. Shall assist the complainant with determining their basis, framing claims, and clarifying any ambiguities.
- 4.2.6. Shall seek a reasonable resolution at the lowest possible level.
- 4.2.7. Shall prepare and provide a Clarification report to the Chief Executive

- Officer within 2 workdays of a claim being resolved.
- 4.2.8. Notifies the Chief Executive Officer of situations involving possible unlawful discrimination, harassment, victimisation, or bullying when no claim has been lodged.

#### 4.3. Contact Officers.

- 4.3.1. Shall maintain neutrality in the performance of Contact Officer duties.
- 4.3.2. Shall assist the complainant with determining their basis, framing claims, and clarifying any ambiguities.
- 4.3.3. Shall seek a reasonable resolution at the lowest possible level.
- 4.3.4. Shall prepare and provide a Contact Officer report to the Chief Executive Officer, through the Human Resources Manager, within 5 workdays of a claim being resolved.
- 4.3.5. Notifies the Human Resources Manager of situations involving possible unlawful discrimination, harassment, victimisation, or bullying when no claim has been lodged.

### 5. Prohibition of Discrimination.

#### 5.1. Discrimination can be either direct or indirect.

- 5.1.1. Direct discrimination operates on a comparative basis such as when a person with a particular characteristic is treated less favourably than a person without that characteristic.
- 5.1.2. Indirect discrimination occurs where an employer's policies or work practices are the same for everyone but place a particular employee or group of employees at a disadvantage.

#### 5.2. For discrimination to be unlawful, it must also be unreasonable.

#### 5.3. It is unlawful to unfairly treat people due to the following attributes.

- 5.3.1. Age.
- 5.3.2. Sex.
- 5.3.3. Chosen gender.
- 5.3.4. Race.
- 5.3.5. Disability or impairment.
- 5.3.6. Sexuality.
- 5.3.7. Marital or domestic partnership status.
- 5.3.8. Social origin.
- 5.3.9. Trade union or employer association activity.
- 5.3.10. Pregnancy.
- 5.3.11. Parenthood.
- 5.3.12. Caring responsibilities.
- 5.3.13. Identity of spouse.
- 5.3.14. Religious belief or activity.
- 5.3.15. Breastfeeding.
- 5.3.16. Political opinion, affiliation, or activity.
- 5.3.17. Irrelevant criminal record.
- 5.3.18. Irrelevant medical record.
- 5.3.19. Association with a person who has or is believed to have an attribute.

#### 5.4. The Council shall not discriminate against any recruit with an attribute. A recruit with an attribute shall be considered equally against those recruits without an attribute.

5.5. The Council shall not ask an employee or recruit a question which would result in seeking unnecessary information in attempt to discover an attribute when the attribute has no relevance to the job.

## **6. Prohibition of Sexual Harassment.**

6.1. Unlawful sexual harassment includes.

- 6.1.1. Unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature particularly when submission to such conduct is made directly or indirectly as a term of condition or employment and/or when submission to or rejection of such conduct is used as a basis for an employment decision affecting the person.
- 6.1.2. Creating an intimidating, hostile working environment.
- 6.1.3. Conduct which has the purpose or effect of unreasonably interfering with an individual's work performance.
- 6.1.4. Actions/behaviours with the intention of offending, humiliating, or intimidating the aggrieved person.

## **7. Prohibition of Racial Harassment**

7.1. Unlawful racial harassment pertains to one's actual or assumed race in relation to one of the following attributes.

- 7.1.1. Place of birth
- 7.1.2. Nationality
- 7.1.3. Colour
- 7.1.4. Accent
- 7.1.5. Language
- 7.1.6. Physical characteristics

7.2. Racial harassment includes.

- 7.2.1. Jokes relating to racial characteristics.
- 7.2.2. Belittling comments
- 7.2.3. Offensive mimicry relating to accent of physical characteristics
- 7.2.4. Derogatory comments about customs and traditions
- 7.2.5. Excluding a person from activities or information because of their race
- 7.2.6. Setting different work or conduct standards for people on the basis of their race

## **8. Prohibition of Victimisation.**

8.1. Unlawful victimisation is behaviour displayed by a person against another person who does the following:

- 8.1.1. Has made, or intends to make, a complaint.
- 8.1.2. Has given, or intends to give, evidence or information in connection with proceedings under this policy.
- 8.1.3. Has alleged, or intends to allege, that a person has committed an act which would amount to a contravention to this policy.
- 8.1.4. Has done anything in relation to a person under or by reference to this policy.

8.2. Victimisation takes place if a person subjects or threatens to subject another person or an associate of the other person to any detriment.

## 9. Prohibition of Bullying.

9.1. Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

9.1.1. Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

9.1.2. Unreasonable behaviour refers to the behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

9.1.2.1. A single incident of unreasonable behaviour is not considered to be workplace bullying, however it may have the potential to escalate and should not be ignored.

9.2. Prohibited bullying activities include the following:

9.2.1. Abusive, insulting, or offensive language or comments.

9.2.2. Unjustified criticism or complaints.

9.2.3. Deliberately excluding someone from workplace activities.

9.2.4. Withholding information that is vital for effective work performance.

9.2.5. Setting unreasonable timelines or constantly changing deadlines.

9.2.6. Setting tasks that are unreasonably below or beyond a person's skill level.

9.2.7. Denying access to information, supervision, consultation, or resources to the detriment of the worker.

9.2.8. Spreading misinformation or malicious rumours.

9.2.9. Changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

9.3. The following managerial actions are not considered as bullying:

9.3.1. Setting reasonable performance goals, standards, and deadlines.

9.3.2. Rostering and allocating working hours where the requirements are reasonable.

9.3.3. Transferring a worker for operational reasons.

9.3.4. Deciding not to select a worker for promotion where a reasonable process is followed.

9.3.5. Informing a worker about unsatisfactory work performance in an honest, fair, and constructive way.

9.3.6. Informing a worker about inappropriate behaviour in an objective and confidential way.

9.3.7. Implementing organisational changes or restructuring.

9.3.8. Taking disciplinary action, including suspension or terminating employment.

## 10. Informal Complaints.

10.1. The objective of the informal complaint process is to attempt resolution at the lowest possible level.

10.2. The informal complaint program addresses allegations of unlawful discrimination on the basis of any category identified in paragraph 5.3, harassment, victimisation, or bullying.

10.3. Only a complainant may file an informal complaint.

10.3.1. Third parties may not file an informal complaint on behalf of the complainant. A third party may have a confidential discussion with the

- Contact Officer or Human Resources to seek out guidance in order to assist an aggrieved person handle the possible situation at their level without filing a complaint.
- 10.3.2. Complaints stemming from activity outside the scope of the Barkly Regional Council by an aggressor who is not an employee of the Council shall not be considered. Complainants shall be referred to the local authorities for assistance.
- 10.4. An informal complaint shall be submitted within 5 work days of the alleged offense occurring.
- 10.5. The Contact Officer shall advise to the complainant:
- 10.5.1. Whether they are a proper complainant, whether their allegation can be accepted, and of informal resolution options.
- 10.5.2. That the Contact Officer does not have the privilege of confidentiality, however all information provided will be used for official purposes only and the privacy of the individual will be protected to the extent permitted by law.
- 10.5.3. That allegations of unlawful discrimination, harassment, victimisation or bullying claims and all information concerning the case will be documented and followed-up with the complainant every 3 work days until closure.
- 10.5.4. To return to the Contact Officer if the complainant experiences any form of reprisal.
- 10.5.5. If the complainant's concerns have not been resolved, the complainant may file a formal complaint.
- 10.6. The complainant may do the following during an informal complaint.
- 10.6.1. May orally address or prepare written correspondence to the alleged offender advising him or her of the perceived inappropriate behaviour with a clear message that continuation of that behaviour may result in a formal complaint.
- 10.6.2. May request intervention by a co-worker or manager.
- 10.7. The Contact Officer shall do the following during the Informal Complaint process.
- 10.7.1. Counsel the complainant as described in paragraph 10.5.
- 10.7.2. Ensure the complainant identifies the type of discrimination that is alleged to have occurred. For sexual harassment complaints, also indicate the primary nature of the case.
- 10.7.2.1. Verbal
- 10.7.2.2. Non-verbal
- 10.7.2.3. Physical
- 10.7.3. Ensure the complainant provides specific allegations. Identify who, what, where, when, how, and why, the complainant believes they are an aggrieved person.
- 10.7.4. Shall complete a memorandum to document and accept the complaint along with documenting the overall impact the allegations have had or may have on the complainant.
- 10.7.5. Have the complainant sign the memorandum. If the complainant makes allegations but does not wish to file an informal complaint, the complainant does not have to sign. In lieu, the Contact Officer shall document on the memorandum the complainant's intentions.
- 10.7.6. Notify the Human Resources Manager of the informal complaint.
- 10.7.7. Conduct follow-up actions at least every 3 work days.

- 10.7.8. Document all actions taken during the informal process.
- 10.7.9. Conduct a final follow-up to determine if the complainant has decided that their allegation has been resolved, not resolved, or the complainant elects to file a formal complaint.
- 10.8. An informal complaint is considered closed after the final follow-up. The Contact Officer shall complete a case synopsis which is specific and fully detailed and send to the Human Resources Manager
- 10.9. The Human Resources Manager shall
  - 10.9.1. Forward a copy of the case synopsis to the Chief Executive Officer.
  - 10.9.2. Retain the case synopsis on file for 7 years.

## **11. Formal Complaints.**

- 11.1. The objective of the formal complaint process is for an employee to formally present allegations of unlawful discrimination, harassment, victimisation, or bullying in order to attempt resolution.
- 11.2. The formal complaint program addresses allegations of unlawful discrimination on the basis of any category identified in paragraph 5.3, harassment, victimisation, or bullying.
- 11.3. Only a complainant may file a formal complaint.
  - 11.3.1. Third parties may not file a formal complaint on behalf of the complainant. A third party may have a confidential discussion with the Contact Officer or Human Resources to seek out guidance in order to assist an aggrieved person.
  - 11.3.2. Complaints stemming from activity outside the scope of the Barkly Regional Council by an aggressor who is not an employee of the Council shall not be considered. Complainants shall be referred to the local authorities for assistance.
- 11.4. An formal complaint shall be submitted within 10 work days of the alleged offense occurring.
  - 11.4.1. A formal complaint can be filed more than 10 work days of the alleged offense occurring only if the complainant attempted to resolve the situation through the informal complaint process.
  - 11.4.2. When a complainant files a formal complaint as an appeal to an informal complaint, the formal complaint must be filed within 5 work days after closure of the informal complaint.
- 11.5. The Contact Officer shall:
  - 11.5.1. Advise the complainant whether they are a proper complainant and whether their allegation can be accepted.
  - 11.5.2. Advise that the Contact Officer does not have the privilege of confidentiality, however all information provided will be used for official purposes only and the privacy of the individual will be protected to the extent permitted by law.
  - 11.5.3. Shall refer the complainant to Human Resources in order to file the formal complaint.
- 11.6. The Human Resources Manager shall:
  - 11.6.1. Advise that Human Resources does not have the privilege of confidentiality, however all information provided will be used for official

- purposes only and the privacy of the individual will be protected to the extent permitted by law.
- 11.6.2. Advise the complainant to inform Human Resources if the complainant experiences any form of reprisal.
  - 11.6.3. Advise that the complainant can withdraw their complaint, in writing, at any time.
  - 11.6.4. Advise the complainant of their appeal rights.
  - 11.6.5. Ensure the complainant identifies the type of discrimination that is alleged to have occurred. For sexual harassment complaints, also indicate the primary nature of the case.
    - 11.6.5.1. Verbal
    - 11.6.5.2. Non-verbal
    - 11.6.5.3. Physical
  - 11.6.6. Ensure the complainant provides specific allegations. Identify who, what, where, when, how, and why, the complainant believes they are an aggrieved person.
  - 11.6.7. Shall complete a memorandum to document and accept the complaint along with documenting the overall impact the allegations have had or may have on the complainant.
  - 11.6.8. Have the complainant sign the memorandum
  - 11.6.9. Notify the Chief Executive Officer of the formal complaint.
  - 11.6.10. Conduct a follow-up with the complainant at least every 3 work days to advise on the status of the complaint.
  - 11.6.11. Document all actions taken during the formal process, to include:
    - 11.6.11.1. When case clarification began
    - 11.6.11.2. When case clarification ended
    - 11.6.11.3. When the clarification report was forwarded to the Chief Executive Officer
    - 11.6.11.4. When the Human Resources Manager received information of any actions which the Chief Executive Officer elects to take.
- 11.7. The Chief Executive Officer shall do the following:
- 11.7.1. Notify the alleged offender that they are the subject of a formal EEO complaint, the general nature of the allegations made against them, and that the Human Resources Manager will be performing a formal complaint clarification.
  - 11.7.2. Shall make every effort to protect the complainant's identity or demographics.
  - 11.7.3. Shall caution the alleged offender against taking reprisal or other retaliatory actions against the complainant or witnesses if the alleged offender suspects their identity.
  - 11.7.4. Shall caution the alleged offender to not discuss the case with others during the clarification process.
  - 11.7.5. Shall advise the alleged offender that Human Resources will conduct impartial interviews of potential witnesses.
  - 11.7.6. Shall advise the alleged offender that they may provide the names of potential witnesses to Human Resources.
  - 11.7.7. Shall advise the alleged offender that they will be given the opportunity to respond to Human Resources regarding the allegations.
  - 11.7.8. Shall advise Human Resources once the alleged offender has been briefed.



- 11.8. A formal complaint is considered closed after all actions which were elected by the Chief Executive Officer has been accomplished. Human Resources shall complete a case synopsis which is specific and fully detailed to be retained on file for 7 years.

## **12. Formal Complaint Clarification Process.**

- 12.1. The complaint clarification includes interviewing and taking statements from persons, to include complainants, alleged offenders, and potential witnesses, who may have information relevant to the case and gathering data from records or reports.
- 12.2. The Human Resources Manager may use information gathered from other investigations in conjunction with their own clarification process to establish a preponderance of credible evidence.
  - 12.2.1. Credible evidence is defined as evidence that is believable, confirmed, and corroborated.
- 12.3. Human Resources will coordinate all interviews with the Chief Executive Officer.
- 12.4. Human Resources will develop an interview outline from the specific allegations of unlawful discrimination, harassment, victimisation, or bullying and forward the proposed interview questions and allegations to the Chief Executive Officer.
  - 12.4.1. The interview outline should include open-ended questions and provide witnesses with the opportunity to evaluate the complainant's allegations and provide additional evidence that assists in evaluating whether the facts meets the elements of the definition of the alleged violation(s).
  - 12.4.2. Human Resources may deviate from the outline as necessary to ask follow-up questions and explore issues.
- 12.5. Disclosures made during EEO complaints are for official use only but do not have any privilege of confidentiality. Human Resources shall advise complainants that the complaint shall be discussed with appropriate officials and witnesses in an effort to resolve the matter.
  - 12.5.1. Human Resources shall not disclose the name of the complainant without the consent of the individual unless such disclosure is necessary during the course of clarification or required by law.
- 12.6. When interviewing witnesses, Human Resources shall advise the witness that they are conducting a clarification into an allegation of unlawful discrimination, harassment, bullying, or victimisation.
- 12.7. At the end of the interview, Human Resources will ask the witness to write a witness summary statement. Human Resources may assist the witness, but the witness must author and sign the statement.
- 12.8. After Human Resources completes the interviews and gathers all required information and evidence, the Human Resources Manager must write a clarification report.
- 12.9. If the clarification results in a determination that a preponderance of credible evidence indicates that an EEO violation has occurred, the complaint is substantiated.
  - 12.9.1. The clarification report is forwarded to the Chief Executive Officer for review and action.
  - 12.9.2. The clarification report must contain information sufficient to enable the

Chief Executive Officer to take action to eliminate unlawful discrimination, harassment, bullying, or victimisation.

- 12.10. If the clarification does not substantiate the allegations of unlawful discrimination, harassment, bullying, or victimisation, by a preponderance of credible evidence, the Human Resources Manager will forward the report to the Chief Executive Officer for review.
- 12.11. The Chief Executive Officer shall brief the alleged offender of the outcome and/or findings of the complaint.
- 12.12. Human Resources shall brief the complainant on the outcome of their complaint.
  - 12.12.1. The complainant shall sign a statement indicating that they have been briefed on the outcome.
- 12.13. Human Resources shall conduct a follow-up with the complainant within 30 calendar days of the complaint being closed to ensure reprisal has not occurred.
  - 12.13.1. If the complaint was substantiated, Human Resources shall follow-up to ensure the offender has stopped the acts of unlawful discrimination, harassment, bullying, or victimisation.

## 13. Appeals.

- 13.1. Informal Complaint Appeals.
  - 13.1.1. The sole mechanism to appeal an informal complaint is to file a formal complaint.
  - 13.1.2. The complainant must file the formal complaint, as an appeal, within 5 work days after closure of the informal complaint.
- 13.2. Formal Complaint Appeals.
  - 13.2.1. Appeals can be submitted by complainants who wish to appeal unsubstantiated findings.
  - 13.2.2. Appeals can be submitted by offenders who wish to appeal substantiated findings.
  - 13.2.3. Complainants and offenders must submit an appeal through Human Resources within 30 calendar days after notification of the result of the case.
  - 13.2.4. All appeals must be made in writing and will contain no more than three single-spaced typewritten pages. The appellant may attach supporting documents to the written appeal.
  - 13.2.5. Human Resources, upon receiving the appeal, shall provide the Chief Executive Officer a complete copy of the case file, the written appeal, and an evaluation of any new evidence presented in the appeal for consideration.
  - 13.2.6. The Chief Executive Officer shall base all decision on appeals based on the case file and any additional written matters submitted with the appeal.
  - 13.2.7. The Chief Executive Officer may either sustain or overrule any finding or return the case to Human Resources for further fact finding.
  - 13.2.8. The Chief Executive Officer shall issue a written determination briefly reporting the action taken on the appeal.
  - 13.2.9. Human Resources will deliver the written appeal decision to the appellant and maintain a copy of the determination in the case file.
  - 13.2.10. If the Chief Executive Officer returns the case for further fact finding, Human Resources will advise the appellant of this fact and inform them of an anticipated date of further action.

## **14. Use of Outsourced Investigators.**

- 14.1. When an investigation arises where there may be a conflict of interest for Human Resources to conduct an investigation, the Human Resources Manager reserves the right to outsource the investigation to enable a fair and unbiased process.

## **15. Contact Officer.**

- 15.1. Contact Officers are an important first point of contact for people who believe they have an issue in the workplace pertaining to unlawful discrimination, harassment, bullying, or victimisation.
- 15.2. Contact Officers shall be appointed by the Chief Executive Officer. When possible, volunteers shall be sought prior to appointing non-volunteers.
- 15.3. Distribution of Contact Officers.
  - 15.3.1. At a minimum, Contact Officers shall work in the following locations.
    - 15.3.1.1. One Contact Officer at 41 Peko Road, Tennant Creek.
    - 15.3.1.2. One Contact Officer at 58 Peko Road, Tennant Creek.
    - 15.3.1.3. One Contact Officer at each Community.
- 15.4. Contact Officers shall attend an official Contact Officer training course.
  - 15.4.1. In lieu of attending an actual course, Contact Officers can receive training from the Human Resources Manager regarding Contact Officer duties until such time as to when official Contact Officer training becomes available.
- 15.5. Duties.
  - 15.5.1. Listen to the complainant and act as a support person.
  - 15.5.2. Explaining and providing information about what constitutes unlawful discrimination, harassment, bullying, and victimisation.
  - 15.5.3. Providing information about the options available to deal with the complainant's concerns.
  - 15.5.4. Discussing possible strategies the complainant can use to deal directly with the alleged offender.
  - 15.5.5. Referring the complainant to Human Resources if they decide to file a formal complaint.
- 15.6. Contact Officers shall remain neutral when performing their duties and not take sides causing a conflict of interest.
- 15.7. Contact Officers shall only advise options to the complainant and not coerce or influence the complainant to take or not take a certain action. It is completely the complainant's choice as to which option, if any, they elect to take.

## **16. Organisational Climate Surveys (OCS).**

- 16.1. The purpose of the OCS is to assist the Chief Executive Officer in assessing the organisation's human relations climate and to make recommendations for improvement.
- 16.2. The objective of the OCS is to provide the Chief Executive Officer insight into positive and negative factors that may impact the organisation's effectiveness and human relations environment.

- 16.3. Human Resources shall conduct an OCS at least once in a 12-month period or more frequently upon Chief Executive Officer request.
  - 16.3.1. If a new Chief Executive Officer is appointed, an OCS shall be conducted within 60 calendar days of appointment.
- 16.4. Participation in the OCS is strictly voluntary, but highly encouraged.
- 16.5. OCS's shall be sent electronically through an on-line survey tool such as Survey Monkey.
  - 16.5.1. Paper-based OCS's may be used to help enable an employee complete the OCS where computer access may not be available or when long-term computer and/or network connectivity is compromised.
  - 16.5.2. Any paper-based OCS's received will be inputted into the survey tool by Human Resources.
- 16.6. OCS's shall remain open for a minimum of 2 weeks and a maximum of 4 weeks.
  - 16.6.1. The OCS may remain open longer if mitigating factors dictate to ensure a population group has the opportunity to complete the survey.
- 16.7. After the OCS is closed, Human Resources shall analyse the data and prepare and present the OCS report to the Chief Executive Officer no later than 10 work days after the OCS is closed.
- 16.8. The OCS report shall consist of the following:
  - 16.8.1. First Paragraph. An introductory statement addressing the who, what, when, where, why, and how of the OCS.
  - 16.8.2. Second Paragraph. A demographic breakout of employees completing the OCS to allow the Chief Executive Officer to evaluate the relevance of information and to see whose views are represented.
  - 16.8.3. Third and Subsequent Paragraphs. Addresses each category of the OCS to include data analysis.
  - 16.8.4. The final paragraph should outline recommendations and should close by expressing appreciation for those who participated in the OCS.

## **17. Special Needs Accommodation.**

- 17.1. When an employee or a recruit has a special need, the Council shall make all reasonable accommodations for the employee or recruit. Factors to be considered are as follows:
  - 17.1.1. Nature of the special need.
  - 17.1.2. Cost of accommodating the special need and the number of people who would benefit or be disadvantaged.
  - 17.1.3. Disruption accommodating the special need might cause.
  - 17.1.4. The nature of any benefit or detriment to all persons concerned.
- 17.2. The Council has the right to decline accommodating a special need if the need is unreasonable.
  - 17.2.1. An unreasonable accommodation is one which would result in a costly outcome to the Council, either monetarily or otherwise.

## **18. EEO Training.**

- 18.1. Periodic EEO training for all employees is vital to help ensure that all personnel have a basic understanding of EEO principles and the complaint process if an employee feels to be a victim of an EEO aggression.
- 18.2. EEO training shall occur during Induction briefs and every two years thereafter and conducted and/or coordinated by Human Resources.
  - 18.2.1. The Chief Executive Officer may mandate additional training to occur if a negative trend of EEO infractions is noted.
  - 18.2.2. Directors and Area Managers may request additional training for their area if they note negative trends within their areas.
- 18.3. Employees attending EEO training shall be recorded on a sign-in sheet. Human Resources shall maintain the sign-in sheets for a period of 2 years.
- 18.4. Survey's regarding EEO training will be sent to all attendees within 5 workdays through an on-line survey tool such as Survey Monkey.
  - 18.4.1. EEO training conducted during Induction briefs may be critiqued within the Induction survey.

## 19. Continuity Folder.

- 19.1. Human Resources shall maintain a EEO continuity folder to consist of the following:
  - 19.1.1. A copy of the EEO policy.
  - 19.1.2. A copy of all EEO training sign-in sheets, to include copies of sign-in sheets from Inductions where EEO training was provided.
    - 19.1.2.1. Sign-in sheets are to be maintained for a period of 2 years.
  - 19.1.3. A copy of the OCS report.
  - 19.1.4. A summary of all informal and formal complaints free of any personal identifiers.
  - 19.1.5. A copy of any paper-based training tools, if any.
  - 19.1.6. Any other documentation pertaining to the EEO program.

## 20. Definitions

- 20.1. **Aggrieved Person.** An employee who believes he or she has been discriminated against on the basis of any factor identified in paragraph 6e.3.
- 20.2. **Anecdotal Comments.** Comments made by an interviewee that describes events experienced. Anecdotal comments are not word for word, but provide a synopsis of an event.
- 20.3. **Climate Assessment.** Actions taken to evaluate the human relations climate within an organisation.
- 20.4. **Complainant.** A person who files a complaint of discrimination or who submits allegations of unlawful discrimination, sexual harassment, bullying, or victimisation.
- 20.5. **Complaint.** An allegation of unlawful discrimination, sexual harassment, bullying, or victimisation.
- 20.6. **Contact Officer.** First point of contact for people who believe they have an unlawful discrimination, harassment, bullying, victimisation issue in the workplace.
- 20.7. **Credible Evidence.** Evidence that is believable, confirmed, and corroborated.

- 20.8. **Direct Discrimination.** Operating on a comparative basis, such as when a person with a particular characteristic is treated less favourably than a person without that characteristic.
- 20.9. **Equal Employment Opportunity (EEO).** An employment practice where employers do not engage in employment activities which are prohibited, to include unlawful discrimination, sexual harassment, bullying, and victimisation.
- 20.10. **Formal Complaint.** Allegation of unlawful discrimination, sexual harassment, bullying, or victimisation submitted in writing by a complainant.
- 20.11. **Human Relations Climate.** The prevailing perceptions of individuals concerning interpersonal relationships within their working environment.
- 20.12. **Indirect Discrimination.** Occurs when an employer's policies or work practices are the same for everyone but place a particular employee or group of employees at a disadvantage
- 20.13. **Informal Complaint.** Allegation of unlawful discrimination, sexual harassment, bullying, or victimisation, made either orally or in writing to the Contact Officer by a complainant, that is not submitted as a formal complaint.
- 20.14. **Mediation.** A structured process in which the parties seek the assistance of a third party to help them in resolving their issue. The primary attributes of mediation are a structured process, the use of interest-based negotiation techniques, and the use of separate and confidential caucuses between each party and the mediator.
- 20.15. **Preponderance of Evidence.** Evidence which is of greater weight or which is more credible and convincing to the mind than the evidence which is offered in opposition to it.
- 20.16. **Racial Harassment.** Inappropriate behaviour pertaining to one's actual or assumed race as it pertains to the place of birth, nationality, colour, accent, language or physical characteristics.
- 20.17. **Repeated Behaviour.** The persistent nature of behaviour which can involve a range of behaviours over time.
- 20.18. **Reprisal.** Taking or threatening to take an unfavourable action, withholding or threatening to withhold a favourable action, or any other act of retaliation against an employee for making or preparing to make a protected communication.
- 20.19. **Sexual Harassment.** Unwelcomed sexual advances, requests for sexual favours, or other unwelcomed verbal or physical conduct of a sexual nature.
- 20.20. **Substantiated.** A substantiated finding occurs when a preponderance of the evidence supports the complainant's allegation with the documented facts indicating that the alleged violation occurred.
- 20.21. **Unreasonable Behaviour.** Behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.
- 20.22. **Victimisation.** Unfairly treating people for complaining or helping others to lodge a complaint.
- 20.23. **Workplace Bullying.** Repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

## 21. Legislation

- 21.1. Equal Employment Opportunity (Commonwealth Authorities) Act 1987.
- 21.2. Racial Discrimination Act 1975.
- 21.3. Sex Discrimination Act 1984.
- 21.4. Human Rights and Equal Opportunity Commission Act 1986.
- 21.5. Disability Discrimination Act 1992.
- 21.6. Age Discrimination Act 2004.
- 21.7. Northern Territory Anti-Discrimination Act 1992.