

HUMAN RESOURCES

Equity and Diversity

HR 4.1 Equal Employment Opportunity

1 Purpose

This policy aims to have employment practices at the Zoological Parks Board of NSW (ZPB) such as recruitment and selection, promotion, training, employee development, transfer, remuneration, compensation, conditions of employment, performance management and discontinuation of employment adhere to the principles of equal opportunity; and to ensure that all supervisors/managers and employees comply with this and other related ZPB policies and procedures.

2 Policy Statement

The ZPB is an equal opportunity employer. The ZPB will not tolerate any form of harassment, victimisation and/or unlawful discrimination in the workplace (which includes customers/clients), and is committed to the principles of equal opportunity.

Equal opportunity principles will be adhered to in ZPB employment practices including recruitment and selection, promotion, training, employee development, transfer, remuneration, compensation, conditions of employment and discontinuation of employment.

It is the responsibility of all employees to contribute to a working environment free of harassment, victimisation and/or unlawful discrimination. In addition, all managers share responsibility for ensuring that equal opportunity principles are firmly entrenched in decision making and implementation processes.

This policy must be read in conjunction with the ZPB's HR 4.2 Anti-Discrimination and Harassment Free Workplace Policy.

3 Definitions

3.1 Equal Employment Opportunity (EEO)

EEO is about:

- making sure that workplaces are free from all forms of harassment and unlawful discrimination; and
- providing programs to assist members of EEO groups to overcome past or present disadvantage.

EEO is designed to achieve the following outcomes:

- a diverse and skilled workforce;
- improved employment access and participation of EEO groups; and
- a workplace culture displaying fair workplace practices and behaviours.

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3.2 Equal Employment Opportunity (EEO) Groups

EEO groups consist of a common group of people affected by past or continuing disadvantage or discrimination in employment. As a result, they may be more likely to be unemployed or working in lower paid jobs. These groups are:

- women;
- Aboriginal people and Torres Strait Islanders;
- members of racial, ethnic, and ethno-religious minority groups; and
- people with a disability.

3.3 Workforce Profile

The Workforce Profile is a collection of anonymous information on the biographical characteristics, working conditions, earnings and mobility of all employees in all New South Wales public sector agencies. The profile is completed on an annual basis and represents a collated 'snapshot' of the New South Wales public service which is used as a tool for workforce planning and policy development at both agency and whole-of-sector level.

3.4 Discrimination

Discrimination is any practice which makes distinction between individuals or groups so as to disadvantage some or advantage others. However, not all forms of discrimination are unlawful. (Refer to *HR 4.2 Anti-Discrimination and Harassment Free Workplace Policy*).

Discrimination may be direct, or indirect.

3.5 Direct Discrimination

Direct discrimination means someone is treated unfairly compared to someone else in the same or similar circumstances, and this is because of their sex, pregnancy, race, age, marital status, homosexuality, disability, transgender status or carers' responsibilities. (For example, if an employer will not hire a person just because they are a woman, this is likely to be direct sex discrimination).

3.6 Indirect Discrimination

Indirect discrimination means a requirement (or rule) that is the same for everyone but has an effect or result that is unequal and unreasonable having regard to the circumstances. (For example, an employer stating that they require a person over 180 cm tall to do a certain job could be indirectly discriminating against women and some ethnic groups, who are less likely to be this height than men or people from other ethnic groups. They could claim indirect sex or race discrimination if they could show that the job does not really need someone that tall to perform the role).

3.7 Harassment

Harassment is a form of unlawful discrimination. Harassment may be non-sexual, or sexual.

Harassment refers to unwelcomed or unreciprocated behaviour which makes an individual feel intimidated, offended, or belittled and includes acts of bullying and intimidation (i.e., shouting, intimidation through voice, gestures or threats).

3.8 Non-Sexual Harassment

Non-sexual harassment is any form of behaviour that:

- the other person does not want and does not return; and
- offends, humiliates or intimidates them; and
- targets them because of their race, sex, pregnancy, marital status, transgender (actual or presumed), homosexuality (actual or presumed), disability (actual or presumed), age, carer's responsibilities (actual or presumed), or any other reason that is against the law.

3.9 Sexual Harassment

Sexual harassment is any form of sexually related behaviour that:

- the other person does not want and does not return; and
- offends, humiliates or intimidates them; and
- in the circumstances, a reasonable person should have expected would offend, humiliate or intimidate them.

3.10 Bullying

Bullying is a form of harassment. Generally, workplace bullying is any behaviour or series of behaviours that is unreasonable or undesirable at the place of work and/or in the course of or related to employment which intimidates, humiliates and/or undermines a person or a group of people.

Bullying will generally meet the following four criteria:

- it is repeated;
- it is unwelcome and unsolicited;
- the recipient/s consider the behaviour to be offensive, intimidating, humiliating or threatening; and
- based on the available information, the behaviour would be considered offensive, intimidating, humiliating or threatening to the individual it is directed at, or, for that matter, others who are witness to or affected by it.

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3.11 Victimization

It is against the law for anyone to:

- victimise anyone else because they complained about harassment; or
- victimise anyone else because they supported someone who complained about harassment.

4 Policy Practice and Procedure

4.1 Scope

This policy applies to the employment practices of the ZPB including the advertisement of jobs, recruitment and appointment, training, conditions of work and pay. It also applies equally to the treatment of ZPB customers/clients.

4.2 Discrimination

The ZPB is an equal opportunity employer. Consequently, the ZPB will not unlawfully discriminate on grounds of sex, pregnancy, race, age, marital status, homosexuality, disability, transgender status, carer's responsibilities or other grounds for discrimination prohibited by legislation.

Types of situations commonly covered by Federal and State anti-discrimination legislation are:

- contents of application forms;
- access to interviews;
- job offers;
- terms and conditions of job offers;
- terms and conditions of employment;
- access to promotion, training and transfer opportunities;
- recruitment advertising;
- preparation of positions descriptions and essential criteria;
- performance management;
- harassment and discrimination in the workplace;
- dismissal; and
- retrenchment.

Employment practices of the ZPB which support the principles of equal opportunity and anti-discrimination include (but are not limited to): equal pay and conditions of employment; training and development opportunities for all employees; grievance handling procedures that are accessible to all employees and deal with workplace

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complaints promptly, confidentially and fairly; merit based recruitment processes for advertised positions; inclusion of anti-discrimination and EEO criteria for all positions; and an induction program which creates awareness of EEO, anti-discrimination and harassment principles and practices. In addition, the ZPB ensures the use of essential selection criteria only, and that interview questions are reviewed by the Human Resources Division to ensure there is no potential for discrimination. Further, employee performance reviews are based on demonstrated competencies and goal achievement and are conducted in accordance with the ZPB's *HR 6.2 Performance Management and Review Policy*.

4.3 Equal Opportunity for Women in the Workplace

Equal Opportunity for Women in the Workplace is an overarching term for a wide range of programs undertaken by organisations to achieve equal employment opportunities for women in the workplace.

The *Equal Opportunity for Women in the Workplace Act 1999* aims to:

- promote the principle that employment for women should be dealt with on the basis of merit;
- promote the elimination of discrimination and the provision of equal employment opportunity for women; and
- foster workplace consultation between employers and employees on equal employment opportunity for women.

In support of this legislation and in addition to the ZPB's equal opportunity practices, the ZPB has programs in place to:

- regularly review its Human Resources policies and procedures to ensure they do not disadvantage women; and
- analyse the employment profiles and workforce statistics to monitor trends in the employment and promotion of women.

In addition, ZPB conditions of employment include access to Maternity Leave, Parental Leave, Adoption Leave, Carer's Leave and Family and Community Service Leave in accordance with ZPB policy.

4.4 Aboriginal People and Torres Strait Islanders

The ZPB values the skills and experience of Aboriginal people and Torres Strait Islanders.

Through the implementation of its Aboriginal Employment Strategy, the ZPB seeks to achieve a minimum 2% of Aboriginal employment representation in its workforce. In addition, the ZPB identifies positions specifically for Aboriginal people (e.g. Aboriginal Education Officer) and also acknowledges the Aboriginal history of the sites upon which its Zoos are located.

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4.5 Members of Racial, Ethnic and Ethno-Religious Minority Groups

The ZPB supports a culturally diverse workforce. Consequently, the ZPB's recruitment strategies seek to attract a broad range of applicants; are free from unlawful discrimination; and follow merit selection guidelines.

In support of these endeavours, the ZPB:

- uses plain English in advertisements;
- places advertisements on the NSW Government's online recruitment service (www.jobs.nsw.gov.au);
- uses press/media avenues that target multi-cultural audiences;
- places information packages regarding vacant positions and the ZPB work environment on the ZPB's website;
- provides information on its recruitment process; and
- ensures the use of essential selection criteria only, merit based selection processes for advertised positions, and practices that are free from unlawful discrimination.

In addition, the ZPB is committed to valuing the cultural diversity of its employees, their Holy Days, and accommodating their needs to observe religious duties through access to leave entitlements and flexible working arrangements. (Refer to *HR 4.5 Holy Days Religious Duty Policy*).

4.6 People with a Disability

In accordance with the New South Wales *Anti-Discrimination Act 1977*, the ZPB will ensure that people with a disability are given an equal opportunity, and will make adjustments that are reasonable (and thereby do not create an unjustifiable hardship for the ZPB) to provide necessary special facilities or services to enable a person with a disability to carry out a job for which they are qualified.

Such reasonable adjustments are a form of equal opportunity and may include changing the work area, or purchasing/modifying equipment. (For example, a person with limited manual dexterity may not be able to operate a standard computer mouse. However, the reasonable adjustment of purchasing a trackball mouse, voice recognition software or other adapted device/s would mean the individual could perform their job and computer based responsibilities just as effectively as another person. Another example is altering the physical layout of the office to provide unobstructed access such as lowering or raising desks, relocating filing cabinets and/or adjusting lighting).

Employees with disabilities or who become disabled in the course of their employment should inform their supervisor/manager and may also wish to advise of any 'reasonable adjustments' to their employment or work conditions which they consider to be necessary or which may assist them in the performance of their duties. Due consideration will be given to any proposals of this nature and where reasonable and practicable, such adjustments will be made. However, there may be

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circumstances where it may not be reasonable, or reasonably practicable for the ZPB to accommodate such a proposal and therefore not implemented in accordance with statutory provisions.

4.7 EEO Data Collection

EEO Data Collection Forms are provided to all new employees (and are available to all other ZPB employees) for their voluntary completion. The collection of this data enables the ZPB to monitor and report on the diversity of its workforce, and provides a valuable source of information for EEO strategic planning purposes. The Human Resources Division is responsible for collecting and reporting on EEO data received via these Forms and strictly ensures that the confidentiality of employees who provide EEO data is maintained in all instances by producing statistical summary EEO reports which exclude the names/identity of employees.

EEO reports are produced annually and are provided to the ZPB's Senior Management Team and Board for their information, and form part of the ZPB's Annual Report. In addition, the ZPB is required to provide the New South Wales Government with a copy of this report for public sector agency Workforce Profile purposes.

4.8 EEO and Management Plan

The ZPB develops an organisational EEO and Management Plan annually to report on progress in achieving EEO outcomes and to ensure a continued commitment to equal opportunity in the workplace. In accordance with the New South Wales *Anti-Discrimination Act 1977* this report is also submitted to the Director of Equal Opportunity in Public Employment.

4.9 Grievance Procedure

Employees may use the ZPB's *HR 4.3 Workplace Grievances Policy* to complain about discriminatory conduct or harassment. If the matter relates to serious issues, then the grievance may be raised directly with the General Manager Human Resources.

The ZPB is concerned to ensure that employees feel able to raise such grievances and no individual will be penalised for raising such a grievance unless it is untrue and made in bad faith.

4.10 Disciplinary Procedure

Any employee who discriminates against any other employee and/or customer/client on the grounds given above, or harasses or bullies another person will be subject to the ZPB's *HR 4.4 Disciplinary Procedure*. In serious cases, such behaviour will be deemed to constitute gross misconduct and as such will result in summary dismissal in the absence of mitigating circumstances.

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4.11 External Resources

Employees also have the right to seek appropriate external support and assistance to deal with their work related concerns and grievances.

Agencies which may provide assistance in grievance matters include:

- Employee Assistance Program (Refer to *HR 2.3 Employee Assistance Program Policy*)
- Office of the Director of Equal Opportunity in Public Employment (NSW)
- Public Employment Office
- Ethnic Affairs Commission for a Multicultural New South Wales
- Anti-Discrimination Board

Employees are also entitled to seek the advice and support of their union and be represented by a union official, or other support person.

4.12 Confidentiality

Confidentiality will be maintained and action to address a grievance will only be taken with the explicit consent of the person raising the grievance. However, in extraordinary circumstances, legal or safety issues may require the disclosure of confidential information. The highest standards of discretion will be maintained at all times.

5 Accountability

5.1 Employees

Employees are responsible for:

- following the principles of EEO and ensuring their behaviour meets an acceptable standard and contributes to a productive workplace environment free from harassment, victimisation and unlawful discrimination;
- reporting where an employee notices or suffers harassment, victimisation and/or unlawful discrimination to their immediate supervisor, or where the employee is not comfortable in doing so, reporting the circumstances to their Manager, General Manager or a designated grievance receiver. If the matter is of a serious nature, then it should be raised directly with the General Manager Human Resources;
- complying with this and other related ZPB policies; and
- seeking advice and support through their supervisor/manager and/or Human Resources as necessary.

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5.2 Senior Management and Supervisors/Managers

The Director and Chief Executive and the ZPB's Senior Management Team have a leadership role in principles of equal opportunity.

Senior management and supervisors/managers are responsible for:

- adhering to the principles of EEO for all decisions made;
- taking steps to ensure that all work practices and behaviours are fair, including fair allocation of workloads;
- providing employees with information and resources to enable them to carry out their work;
- consulting employees about decisions that affect them;
- providing employees with equal opportunity to apply for available jobs, higher duties, job rotation schemes and flexible working arrangements;
- ensuring selection processes are transparent and the methods used are consistent;
- providing all employees with equal access to fair, prompt and confidential processes to deal with complaints and grievances;
- ensuring the workplace is free of harassment, victimisation and unlawful discrimination;
- actively promoting and supporting the ZPB's policies and strategies for anti-discrimination, and harassment prevention;
- taking appropriate action in circumstances where they become aware of harassment, victimisation and/or unlawful discrimination without a complaint being lodged;
- responding to grievances on the grounds of harassment, victimisation and/or unlawful discrimination in an effective, timely and impartial manner; and
- seeking advice from Human Resources regarding this policy as necessary.

5.3 Human Resources

Human Resources are responsible for:

- advising employees and supervisors/managers with regard to this policy;
- reviewing this policy regularly to ensure consistency with legislative changes;
- maintaining confidentiality;
- maintaining records of EEO data; and
- preparing the ZPB's annual EEO and Management Plan and statistical reports.

6 Reference

State Legislation and Policy:

- Anti-Discrimination Act 1977
- Criminal Records Act 1991
- New South Wales Government Dignity and Respect in the Workplace Charter

Federal Legislation:

- Age Discrimination Act 2004
- Crimes Act 1914
- Disability Discrimination Act 1992
- Equal Opportunity for Women in the Workplace Act 1999
- Human Rights and Equal Opportunity Commission Act 1986
- Sex Discrimination Act 1984
- Racial Discrimination Act 1975
- Workplace Relations Act 1996

ZPB Policies and Plans:

- Equal Employment Opportunity and Management Plan
- HR 1.1 Recruitment, Selection & Appointment Policy
- HR 2.3 Employee Assistance Program Policy
- HR 3.2 Carer's Leave Policy
- HR 3.3 Parental Leave Policy
- HR 3.8 Family Leave Policy
- HR 4.1 Equal Employment Opportunity Policy
- HR 4.1.2 EEO Data Collection Form
- HR 4.3 Workplace Grievances Policy
- HR 4.5 Holy Days Religious Duty Policy
- HR 6.2 Performance Management and Review Policy
- HR 8.1 Code of Conduct
- HR 8.4 Discipline Procedure



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7 Approval

Guy Cooper

Director and Chief Executive

Date