

# INFORMATION FOR JOB APPLICANTS

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### EQUAL EMPLOYMENT OPPORTUNITY (EEO)

#### **What is EEO?**

EEO aims to achieve a workforce where people's job prospects and job choice are determined by their skills, experience and abilities regardless of their sex, race, ethnic origin, age or other things irrelevant to the job.

All Warrumbungle Shire Council staff have an obligation under NSW legislation not to discriminate, treat unfairly or harass people because of who they are, who they are related to, or who they associate with, on the following grounds:

#### *NSW Anti-Discrimination ACT 1977*

- Sex, including pregnancy
- Marital status
- Race, colour, ethnic or ethno-religious
- Background descent or nationality
- Disability, including intellectual, physical, psychiatric and HIV/AIDS
- Homosexuality (actual or presumed)
- Age

Under this act homosexual vilification and racial vilification are against the law in NSW.

#### *NSW Disability Services Act 1993*

- All people with disabilities

Other relevant Commonwealth legislation which covers Warrumbungle Shire Council staff includes:

#### *Commonwealth Disability Discrimination Act 1992*

- Psychiatric / physical / intellectual disability which previously existed but no longer exists, presently exists, may exist in the future or is imputed to a person.

#### *Commonwealth Sex Discrimination Act 1984 (amendment 1992)*

- Sex
- Family responsibilities (applies to dismissal only)
- Harassment

#### *Commonwealth Racial Discrimination Act 1975*

- Race

#### **What is discrimination?**

*Indirect discrimination* is where there is a requirement (a rule, policy, practice or procedure) that is the same for everyone, but it has an unequal or disproportionate effect or result on particular groups. Unless this type of requirement is 'reasonable in all circumstances' it is likely to be indirect discrimination.

*Direct discrimination* is treating someone unfairly or unequally because they belong to a particular group or category of people.

#### **What happens if there is discrimination in the workplace?**

If there is a complaint that a manager or staff member has acted in a discriminatory way in the workplace, the complaint may be handled through Council's grievance handling procedures.

If the grievance is not resolved to their satisfaction, staff members have the option to take the complaint to the Equal Opportunity Tribunal. If the Tribunal determines that discrimination has occurred and that the Council, as the employer, has not taken reasonable steps to prevent it, the Council will be liable. In some cases, individuals may bear the liability in these actions.

It is vital that managers act to prevent discrimination when they are aware it is occurring.

#### **Who is responsible for EEO strategies within Warrumbungle Shire Council?**

All Council staff have responsibility for creating and maintaining a work environment that is free from discrimination and harassment. Individual staff members are required to treat each other fairly and with respect.

The major responsibility for implementing EEO strategies lies with line managers. Council wide strategies and targets for EEO are incorporated within an EEO management plan, which is prepared by the Manager Human Resources.

## OCCUPATIONAL HEALTH AND SAFETY (OH&S)

Warrumbungle Shire Council is committed to implementation of the *Occupational Health and Safety Act 2000* and other associated health and safety legislation. By considering physiological, psychological and environmental factors Warrumbungle Shire Council aims to give staff the highest degree of physical, mental and social wellbeing in their work environment.

### ***Who has responsibility for OH&S within Warrumbungle Shire Council?***

Warrumbungle Shire Council and all its staff are responsible for occupational health and safety. The responsibilities of different staff are as follows:

#### **DIRECTORS**

Directors give overall direction to occupational health and safety in the Council by:

- Establishing and reviewing long and short term corporate goals in health and safety.
- Allocating resources for occupational health and safety.
- Ensuring staff comply with occupational health and safety legislation, Council policy and other associated safety standards.

#### **MANAGERS/SUPERVISORS**

Managers are responsible for taking reasonable care of all staff and customers in their areas of responsibility by:

- Implementing and maintaining safe work practices.
- Providing occupational health and safety training to staff.
- Regularly inspecting workplaces to identify and control hazardous situations.

- Taking action to investigate and fix potential health and safety hazards.
- Giving information and instruction for the safe handling of equipment and materials.
- Following legal requirements for protecting staff by providing protective clothing and equipment and supervising their use.
- Helping to select duties for staff on workplace based rehabilitation programs.

#### **INDIVIDUAL STAFF MEMBERS**

Individual staff members are required to:

- Take reasonable care of the health and safety of people at their work place and those who may be affected by their acts or omissions.
- Follow safe working practices and comply with health and safety policies.
- Use all protective clothing and equipment provided by the Council.
- Report unsafe working conditions, faulty equipment and accidents.

#### ***What OH&S Legislation Applies?***

Some of the major Acts and Regulations that could apply are:

- Occupational Health and Safety Act and Regulations
- Factories, Shops and Industries Act and Regulations
- Construction Safety Act and Regulations
- Dangerous Goods Acts and Regulations
- Public Health Act
- Pure Foods Act
- Environmental Protection Offences Act and Regulations
- Protection of the Environment Operations Act

Regulations under the Occupational Health and Safety (OH&S) Act have the same enforcement powers as the act itself. If staff do not comply with these acts or regulations they, or Council could incur a fine or be prosecuted.

