

Equal Employment Opportunity Policy

1. POLICY

The Department of Corrective Services aims to ensure that all existing and prospective employees have fair and equitable access to jobs, benefits and services and are not inhibited or prevented from taking up those opportunities and benefits through the operation of arbitrary barriers. All employees will be provided with the opportunity to develop their skills, advance their careers and balance work and personal commitments, including family responsibilities.

The Department's strategies to achieve these aims are communicated through the EEO Management Plan. The EEO Management Plan is based on a legislative imperative to maintain workplaces free from all forms of unlawful discrimination, but it also recognises the benefits to the Department and its employees of fostering a fair, safe, flexible and harmonious work environment.

Implementation of the EEO Management Plan is designed to achieve:

- a workplace culture displaying fair work practices and behaviours
- a diverse and skilled workforce
- improved employment access and participation by EEO groups

All employees have rights and responsibilities in relation to equal employment opportunity.

2. SCOPE

This policy applies to all employees working for the Department and those engaged by other agencies, including consultants, contractors and voluntary workers, on behalf of the Department.

All aspects of employment are covered by the policy including job evaluation, advertising positions, the selection process, promotion, learning and development opportunities, access to information, working conditions, supervision and management.

3. STRATEGIC FOCUS

The NSW Government continues to be committed to Equal Employment Opportunity with the aim of achieving fair practices and behaviour in the workplace - see www.eeo.nsw.gov.au

The Department's EEO Management Plan fits within the NSW Government's legislative and policy framework.

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4. EEO MANAGEMENT PLAN

In terms of Part 9A of the Anti Discrimination Act 1977 the Department is required to prepare and implement an EEO management plan and to report annually on activities undertaken and achievements made. An EEO management plan outlines strategies, agents and performance indicators for improving EEO outcomes.

The Corrective Services EEO Management Plan comprises the full range of measures taken by the Department to eliminate unlawful discrimination, to promote equity and diversity in the workplace and to address the past and continuing disadvantage of EEO groups. The EEO Management Plan includes provision for or complements the following resources:

- EEO policy
- EEO Data Collection survey
- Managing Work-Related Bullying and Harassment policy
- Grievance Management Policy and Guidelines
- Recruitment and Selection Policy Statement
- Family and community services leave, sick as carer's leave and flexible use of other leave entitlements policy
- Aboriginal Employment and Careers Strategy
- Plan For Cultural Inclusion
- Disability Action Plan
- Guide to Conduct and Ethics
- Spokeswomen's Program
- Ethnic Affairs Priorities Statement www.crc.nsw.gov.au/eaps

The successful implementation of the Department's EEO Management Plan is the responsibility of all executives and managers. Achieving a fair and equitable work environment is the responsibility of all employees.

5. EEO GROUPS

The Department is committed to assisting the NSW Government in meeting its target for the employment of EEO group members in proportion to their representation in the NSW community. This may include implementing special measures to overcome past and current disadvantage eg running management development programs for women.

The EEO groups include women, Aboriginal and Torres Strait Islander people, members of racial, ethnic, and ethno-religious minority groups and people with a disability. The Department's progress in increasing the employment of EEO groups is reported each year in the Annual Report.

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Special measures are actions which the Department can take to enable substantive equality for individuals who belong to groups which have experienced past disadvantage because of laws and rules, stereotypes and attitudes. Special measures aim to redress past disadvantage and improve employment outcomes. Anti-discrimination legislation enables the Department to implement special measures for specific groups.

6. DISCRIMINATION

Except where an exemption has been granted under the Anti Discrimination Act 1977, it is against the law in NSW for any employer 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.

Both direct and indirect discrimination are against the law. Direct discrimination means treatment that is obviously unfair or unequal. For example, if an employer won't hire someone just because they are a woman, this is likely to be direct sex discrimination.

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 the level of pay can constitute indirect race discrimination.

Every employee is responsible for helping prevent unlawful discrimination in their workplace.

7. RESPONSIBILITY

7.1 Employees

All employees are entitled to be treated fairly and to work in an environment free from discrimination, bullying and harassment. In addition, employees have the right:

- to be considered for promotion based on merit,
- to choose an individual career path,

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- of equal access to, and opportunity for, appropriate learning and developmental opportunities
- of access to all appropriate benefits and conditions.

All employees must conduct themselves in a manner that will promote EEO principles and good working relationships amongst colleagues.

Employees conducting business for the Department either within or outside the Department's premises have a general responsibility to treat others in a fair and respectful manner.

In addition, employees have a responsibility to:

- respect the cultural and social diversity of colleagues and other contacts
- contribute to the development of a productive and harmonious workplace.

7.2 Executives, managers and supervisors

Executives, managers and supervisors have the same rights and responsibilities as all employees. They also have responsibility for creating and maintaining a productive, positive and safe work environment which is free of bullying and harassment and unlawful discrimination.

All executives, managers and supervisors have a general responsibility to:

- model and maintain acceptable standards of conduct;
- ensure that employees are aware of their rights and responsibilities;
- manage effectively employee grievances in accordance with departmental policy.

In addition, executives, managers and supervisors must ensure that:

- employees have access to legislation and other information that will assist them to carry out their duties.
- all employees have equal opportunity to:
 - increase their skills to meet work demands
 - attend appropriate training courses
 - undertake developmental opportunities, including acting in higher duties
 - apply for all available jobs that are suited to their skills and level of development.

All executives, managers and supervisors should be prepared to provide information and advice about issues of workplace equity and diversity. They should be familiar with this policy and related documentation.

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8. ADVICE AND REFERRALS**8.1 Human Resources Division**

Human Resources Division (HRD) staff are available in the regions and elsewhere to provide practical assistance and advice on EEO issues. The Aboriginal Employment and Careers Officer and the Workplace Behaviour Adviser can provide specialist advice.

8.2 Other references

Spokeswomen have been elected in many workplaces to assist women to develop their knowledge and skills to enable full participation on equal terms in the work environment. For more information go to the intranet at Home » Organisation » Probity and Staff Development » Brush Farm Corrective Services Academy » Spokeswomen's Program.

Staff in the Aboriginal Planning and Support Unit and the Additional Services Unit (formerly the Disability Services Unit) can provide some assistance with employee enquiries.

9. LEGISLATION

- (State) Anti-Discrimination Act 1977
- (State) Disability Services Act 1993
- (Commonwealth) Racial Discrimination Act 1975
- (Commonwealth) Sex Discrimination Act 1984
- (Commonwealth) Disability Discrimination Act 1992
- (Commonwealth) Equal Opportunity for Women in the Workplace Amendment Act 1999

10. IMPLEMENTATION AND REVIEW

This policy supersedes the Equal Employment Opportunity policy document issued in December 2003.

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Ownership: Assistant Commissioner, Office of the Commissioner and Human Resources is assigned ownership to ensure the policy is maintained and updated.

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