

Equal Employment Opportunity Policy

Purpose

Riverina Water seeks to provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, vilification and bullying. Our aim is to ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess.

Policy Statement

Riverina Water is committed to ensuring the principles of equal employment opportunity, fair treatment and non-discrimination in the work environment.

Our goal is to eliminate direct, systemic and indirect discrimination. Riverina Water will promote EEO and fulfil its obligations as outlined in the NSW Local Government Act 1993 and NSW Anti-Discrimination Act 1977.

We aim to:

- Establish an equitable working environment where equal employment opportunities based on merit are provided in relation to access to services and information, transparent decision making, recruitment and selection, learning and development and career advancement and professional development.
- Create a working environment of mutual trust in which diversity and inclusion is valued, is free from discrimination and harassment and where each person is treated fairly with dignity and respect.

Scope

This policy applies to employees, board members, members of Council committees, agents and contractors of Riverina Water, collectively referred to in this policy as 'workplace participants'. This policy is not limited to the workplace or work hours but extends to all functions and locations that are work-related such as work lunches, conferences, and Christmas parties.

Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of services.

Definitions

Riverina Water	This means 'Riverina Water County Council' – may also be referred to as Council
Discrimination	Discrimination occurs when a person or a group of people are treated less favourably than another person or group because of their background or certain personal characteristics
EEO Contact Officers	This is a staff member who assists employees who experience discrimination and harassment in the workplace
Harassment	Harassment is an unwelcome behaviour that intimidates, offends or humiliates a person. It may target personal characteristics such as age, race, gender, religion, disability, or sexuality.
Workplace Bullying	Workplace bullying is a repeated and unreasonable behaviour that is directed towards a person or a group of people that creates a risk to their health and safety.
Workplace Participant	Workers (employees, agents, board members, committee members and contractors) at the workplace under the management and control of Riverina Water

Principles

1 Discrimination

Discrimination is unlawful and may occur even if there is no intention to discriminate. Discrimination can be direct or indirect.

1.1 Direct Discrimination

Direct Discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the federal, state and territory anti-discrimination laws and include sex, race, age etc.

Relevant current prohibitive grounds for NSW are:

- ✓ Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
- ✓ Religious belief, affiliation, conviction or activity
- ✓ Sex
- ✓ Marital status, domestic status, relationship status

- ✓ Pregnancy (including potential pregnancy)
- ✓ Homosexuality, transsexuality, sexuality, sexual preference/orientation, lawful sexual activity, gender identity
- ✓ Carers' responsibilities, family responsibilities, carer or parental status, being childless
- ✓ Disability/impairment, including physical, mental and intellectual disability
- ✓ Breastfeeding
- ✓ Age (including compulsory retirement)
- ✓ Industrial/trade union membership, non-membership or activity
- ✓ Political belief, opinion, affiliation, conviction or activity
- ✓ Employer association membership, non-membership or activity
- ✓ Political opinion
- ✓ Medical record
- ✓ Association (i.e., association with a person who has one or more of the attributes for which discrimination is prohibited)

1.2 Indirect Discrimination

This occurs when a person (i.e., discriminator) imposes an unreasonable requirement, rule, policy, practice or procedure;

- ✓ that is more difficult for one group of people to meet than others: or
- ✓ disadvantages people with a particular attribute or condition.

An example of indirect discrimination would be if Riverina Water were to impose a height restriction on all applicants for the position of 'Maintenance Operator' in order to be successfully considered for the position. This requirement at first glance appears equitable because it applies to all applicants irrespective of gender. However, in practice this requirement will disadvantage women as a group because statistically, women are naturally shorter than men.

2. Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, homosexuality, transgender, transsexuality or HIV/AIDS. Vilification is a particularly serious breach of EEO laws and will be dealt with accordingly.

3 Harassment

Harassment occurs when someone engages in unwelcome conduct that results in a person feeling offended, humiliated or intimidated, and in the circumstances, a reasonable person would have anticipated that the other person would have felt this way.

Examples of harassment can include:

- insulting/insensitive jokes about a particular racial group
- derogatory comments
- pranks
- deliberate exclusion
- abusive, threatening or insulting words and behaviours, and/or
- displaying abusive writing and pictures

Harassment can occur even when there is no intention to offend or humiliate.

3.1 Sexual Harassment

Sexual Harassment is an unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated or intimidated. Conduct can amount to sexual harassment even if the person did not intend to offend, humiliate or intimidate the other person.

Examples of sexual harassment include, but are not limited to:

- physical contact such as pinching, touching, grabbing, kissing or hugging
- staring or leering at a person or at parts of their body
- sexual jokes or comments
- requests for sexual favours
- persistent requests to go out, where they are refused
- sexually explicit conversations
- displays of offensive material such as posters, screen savers, internet material etc.
- accessing or downloading sexually explicit material from the internet
- suggestive comments about a person's body or appearance
- sending rude or offensive emails, attachments or text messages.

Please refer to the Occupational Harassment and Bullying Policy on the intranet.

4 Bullying

Bullying is a repeated, unreasonable behaviour directed towards an individual or group that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person. Single incidents of unreasonable behaviour

can also create a risk to health and safety and may escalate into bullying. There is no requirement that bullying be intentional.

Please refer to the Occupational Harassment and Bullying Policy on the intranet.

5 Victimization

Victimization is where a person is retaliated against or subjected to a detriment because they have:

- lodged a complaint against any person
- brought any other proceedings under the relevant legislation against any person
- given evidence or information, or produced a document, in connection with any proceedings under the relevant legislation
- or because the person believes that the other person or the associate has done, or intends to do any of the above

Examples of victimisation include:

- threatening behaviour
- disciplinary action that is not warranted and would not otherwise have been taken if a complaint had not been made
- exclusion or isolation
- unfair loss of benefits

Riverina Water Officials must not retaliate against a person who raises a complaint or subject them to any detriment.

6 Gender equality in the workplace

Riverina Water aims to fulfil its obligations as outlined in the NSW Local Government Act 1993 and NSW Anti-Discrimination Act 1977, by developing and implementing a workplace program aimed at eliminating discrimination and ensuring gender equality in employment and in the workplace.

The aim is to:

- promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace.
- remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters.
- promote the elimination of discrimination on the basis of gender identity in relation to employment matters (including in relation to family and caring responsibilities)

- foster workplace consultation on issues concerning gender equality in employment and in the workplace.
- improve the productivity and competitiveness of Riverina Water through the advancement of gender equality in the workplace.

7 Expectations and responsibilities

7.1 All workplace participants must:

- understand and comply with this Policy.
- treat each other with respect and ensure that their conduct complies with this policy.
- comply with Riverina Water's Code of Conduct
- ensure they do not engage in any unlawful conduct towards other workplace participants, customers/clients, or others with whom they come into contact through work.
- ensure they do not aid, abet, or encourage other persons to engage in unlawful conduct.
- follow the complaint procedure in this Policy if they experience any unlawful conduct.
- report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy; and
- maintain confidentiality if they are involved in the complaint procedure.

Workplace participants should be aware that they can be held legally responsible for their unlawful conduct. Workplace participants, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

Managers have a duty to address issues and potential issues regarding harassment and/or discrimination. Any issue raised with a manager or People & Culture will follow Riverina Water's complaint handling procedure

7.2 Managers and supervisors must also:

- model appropriate standards of behaviour
- take steps to educate and make staff aware of their obligations under this policy and the law.
- intervene quickly and appropriately when they become aware of inappropriate behaviour.
- act equitably to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard.
- help staff resolve grievances informally

- refer formal grievances about breaches of this policy to the People and Culture unit for investigation
- ensure staff who raise an issue or grievance are not victimised
- ensure that recruitment decisions are based on merit
- consider requests for flexible work arrangements in an equitable manner.

8 Resolving Issues under this policy

Riverina Water strongly encourages any workplace participant who feels that they have been subjected to any form of inappropriate conduct contrary to this policy, or who observes, witness or is made aware of any behaviour that could be deemed as harassment or discrimination, to take action by talking to their unit manager or People & Culture.

The complaint procedure has different options available to suit the circumstances of each individual situation. The manner in which a complaint will be handled is solely at the discretion of the unit manager and People & Culture.

8.1 Ways in which a complaint can be dealt with

8.1.1 Confront the issue

If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

This is not a compulsory step. If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the workplace participant should report the issue to the unit manager or People & Culture.

If a workplace participant is unsure about how to handle a situation and is also unsure if they want to make a complaint, they should contact an EEO Contact Officer for support and guidance. The EEO Contact Officers aim to assist people uncertain about their rights. EEO Contact Officers are listed at the end of this EEO Policy.

8.1.2 Report the issue

A workplace participant should report the issue to a Complaints Officer. The Complaints Officer(s) is/are the People & Culture staff (People & Culture Officer and/or People & Culture Business Partner).

The Complaints Officer will aim to deal with the workplace participant's complaint in accordance with this Policy. There are two complaint procedures that can be used: informal

and formal (detailed further below). The type of complaint procedure used will be determined by the nature of the complaint that is made.

8.1.3 Informal complaint procedure

Under the informal complaint procedure there is a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- the Complaints Officer discussing the issue with the person against whom the complaint is made; and/or
- the Complaints Officer facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

8.1.4 Formal complaint procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by a Complaints Officer or a person from outside Riverina Water, appointed by Riverina Water.

An investigation generally involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the Complaints Officer or the external investigator will make recommendations about resolving the complaint.

If Riverina Water considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be required not to report for work during the period of an investigation. Riverina Water may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.

8.1.5 Confidentiality

The Complaints Officer will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workplace participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has potentially occurred, Riverina Water will endeavour to take appropriate action in relation to the complaint.

All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Spreading rumours or gossip may expose workplace participants to a defamation claim. Workplace participants may

discuss the complaint with a designated support person or representative (who is not a workplace participant employed or engaged by Riverina Water). However, the support person or representative must also maintain confidentiality.

8.1.6 Employee Assistance Program

Riverina Water encourages employees who have experienced or witnessed discrimination, harassment, bullying or victimisation to seek support via its Employee Assistance Program (EAP). Contact details for Riverina Water's EAP can be found on the intranet.

8.2 Possible outcomes

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors.

Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected workplace participant and Riverina Water.

Agents and contractors (including temporary contractors) who are found to have engaged in unlawful conduct and/or breached this Policy may have their contracts with Riverina Water terminated or not renewed.

Riverina Water may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:

- training to assist in addressing the problems underpinning the complaint
- monitoring to ensure that there are no further problems
- implementing a new policy
- requiring an apology or an undertaking that certain behaviour stop; and/or
- changing work arrangements.

8.3 What to do if you are not satisfied with the outcome

If any of the parties are not satisfied with the way the complaint was handled or the outcome of the complaint process, they can contact People & Culture. The complaint handling process and/or the outcome may then be reviewed by the People & Culture Business Partner in consultation with the Executives. If a review is undertaken, the parties' (People and Culture, and Executives) decision in relation to the review will be final.

Riverina Water's goal is to resolve issues in-house wherever possible. Workplace participants can seek the assistance of an outside agency if they feel that their complaint has not been adequately addressed.

Policy Implementation

Riverina Water will establish appropriate training and information for all workplace participants, managers and EEO contact officers to assist the effective implementation of the EEO policy. Training will be organised by the People and Culture unit as required. Riverina Water reserves the right to vary, replace or terminate this policy.

Non-Compliance

All workplace participants are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment.

Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with Riverina Water terminated or not renewed. If a person makes an unfounded complaint or a false complaint in bad faith (for example, making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

EEO Contact Officers

EEO Contact Officer details can be found on the intranet.

Their pledge is to:

- do their best to be available to you
- listen and help you to determine what steps could be taken to stop the harassment or bullying and provide you with information of what options/assistance are available
- maintain your confidentiality
- provide ongoing support if required

Please note staff don't have to contact the EEO Contact Officer from their own department or division.

Policy number	1.21
Responsible area	CEO
Approved by	Riverina Water Board Res 22/195
Approval date	14 December 2022
Legislation or related strategy	<p>Riverina Water County Council Award</p> <p>Racial Discrimination Act 1975 (Cth)</p> <p>Anti-Discrimination Act 1977 (NSW)</p> <p>Sex Discrimination Act 1984 (Cth)</p> <p>Sex Discrimination and Fair Work Amendment Bill (respect at work) 2021</p> <p>Australian Human Rights Commission Act 1986 (Cth)</p> <p>Disability Discrimination Act 1992 (Cth)</p> <p>Age Discrimination Act 2004 (Cth)</p> <p>NSW Local Government Act 1993</p>
Documents associated with this policy	<p>Code of Conduct Policy 1.01</p> <p>Occupational Harassment and Bullying Policy 3.20</p>
Policy history	<p>Vers 5 Equal Employment Opportunity Pol 4.1 22 Feb 2017 (Res 17/18)</p> <p>Vers 4 - 24 June 2015 (Res 15/86)</p> <p>Vers 3 - 27 June 2012 (Res 12/71)</p> <p>Vers 2 - 7 Dec 2007 (Res 07/108)</p> <p>Vers 1 – 19 Oct 2005 (Res 05/86)</p> <p>Original 27 Aug 1997 (Res 97/57)</p>

Review schedule

Every 4 years

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.

END OF POLICY STATEMENT