

Policy Document

FAIR TREATMENT POLICY

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Classification:
Human Resources

Strategic Plan link:
Strategy 1.5.1 Develop and implement Human Resource Strategy to address staff attraction, recruitment, retention, succession planning, skills development and career progression.

Local Government Act 1999 link:

Section 99 (1) The functions of the chief executive officer include – **(i)** to give effect to the principles of human resource management prescribed by this Act and to apply proper management practices

Part 3 Section 107 (1) The chief executive officer must ensure that sound principles of human resource management are applied to employment in the administration of council, and must take reasonable steps to ensure that those principles are known to all employees.

(2) In particular, the chief executive officer must ensure – **(c)** that employees are treated fairly and consistently, and are not subject to arbitrary or capricious decisions; and **(f)** that employees are provided with safe and health working conditions; and **(g)** that there is no unlawful discrimination against employees or persons seeking employment in the administration of council on the ground of sex, sexuality, marital status, pregnancy, race, physical or intellectual impairment, age or any other ground that there is no other form of unjustifiable discrimination exercised against employees or persons seeking employment.

References and related Policies & Procedures:

Age Discrimination Act 2004 (Cth)
Disability Discrimination Act 1992 (Cth)
Equal Opportunity Act 1984
Equal Opportunity for Women in the Workplace Act 1986 (Cth)
Human rights and Equal Opportunity Commission Act 1986 (Cth)
Local Government Act 1999
Public Information Disclosure Act 2018
Racial Discrimination Act 1975 (Cth)
Racial Vilification Act 1996
Sex Discrimination Act 1984 (Cth)
Work Health and Safety Act 2012
Workers Rehabilitation and Compensation Act 1986
DCSB-G-09.01 Code of Conduct for Elected Members
DCSB-HR-12.02 Code of Conduct for Council Employees
DCSB-G-09.10 Complaints Handling Procedure under Council Members Code of Conduct
DCSB-HR-12.08 Employee Assistance Program Policy
DCSB-HR-12.11 Grievance and Dispute Resolution Policy
DCSB-HR-12.10 Health Wellbeing and Fit for Work Policy
DCSB-G-09.03 Procedure for Internal Review of Council Decisions
DCSB-G-09.11 Public Interest Disclosure Policy
DCSB-HR-12.12 Recruitment and Selection Policy
DCSB-SCC-17.02 Safe Environment Policy
DCSB-HR-12.07 Workplace Bullying, Harassment and Violence Policy
Governance Policy (currently under development)

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1. Purpose

- 1.1 The District Council of Streaky Bay (Council) is committed to a culture of Fair Treatment where the rights of all are protected. These rights of protection are particularly the responsibility of those in positions of leadership within the Council organisation.

2. Scope

- 2.1 This policy applies to all Elected Members, clients and stakeholders of Council and all its workers, including those in non-employment arrangements such as volunteers, work experience persons and similar.

3. Definitions

- 3.1 **Council** – means the District Council of Streaky Bay.
- 3.2 **Customer** – means any person internal or external from the Council who receives a service from a Council employee.
- 3.3 **Discrimination** – means treating someone differently and less favourably because of an attribute as set out in law. In South Australia, these attributes are covered by the *Equal Opportunity Act 1984*. Under Federal legislation it is also against the law to discriminate on the grounds of political opinion; union or non-union involvement; medical record; prior criminal record; and temporary absence due to illness or injury.
- 3.4 **Direct Discrimination** – is any action that specifically excludes a person or a group of people from a benefit or opportunity, or significantly reduces their chances of obtaining it because of a personal characteristic irrelevant to the situation.
- 3.5 **Equal Opportunity** – means all workers have the right to work in an environment that enables them to work to their full potential, free from all forms of discrimination and harassment, including sexual harassment and workplace bullying. Customers of the Council may expect the same regarding the provision of local government services and the conduct of Council operations.
- 3.6 **Grievance** – is a concern or complaint expressed by an employee or customer in relation to their work or the work environment or provision of services by Council. A grievance may be about any act, omission, situation or decision that an employee / customer thinks is unfair, discriminatory or unjust.

- 3.7 **Harassment** – involves intimidating, offensive or humiliating physical or verbal conduct towards a person based on a protected characteristic such as their age, or race and range from unacceptable comments to physical violence. See Council’s Bullying, Harassment and Violence Policy for more information.
- 3.8 **Indirect Discrimination** – refers to the outcome of rules, practices and decisions that appear to treat people equally and to be neutral, but have an adverse outcome for a group or an individual thus reducing a benefit or opportunity.
- 3.9 **Unreasonable behaviour** – means behaviour that a reasonable person, having regard for the circumstances would see as victimising, humiliating, undermining or threatening.
- 3.10 **Victimisation** – the unfair treatment of someone because they have acted on the rights or obligations given to them by an Act, or because they have supported someone else in acting on their rights or obligations.

4. Policy

- 4.1 A Fair Treatment culture is one where justice and impartiality prevail with all employment service delivery, practices, systems and behaviours of the Council being informed by:
- Respect
 - Dignity
 - Equality
 - Responsibility
 - Honesty
 - Openness
 - Support
 - Unity
 - Inclusivity
 - Integrity
 - Transparency
- 4.2 These principles and behaviours serve to underpin and acknowledge Council’s corporate values including those found in the Employee Code of Conduct and the Code of Conduct for Elected Members.
- 4.3 Fair Treatment will apply in all aspects of the work undertaken by Council.
- 4.4 Unfair treatment is any form of discrimination, bullying, harassment or victimisation as defined within this Policy and relevant legislation.
- 4.5 Any form of unfair treatment is unacceptable, both legally and ethically. Council, in the conduct of its operations and delivery of its services are offered and accessed equitably and avoid unfair treatment to any person or groups. Likewise, workers of the Council, including volunteers and other non-employment groups must be protected from unfair treatment and discriminatory practices in their work and in terms of their recruitment and employment.

- 4.6 The Council will ensure its policies and procedures as they apply to workers, Elected Members and the public, are followed and such processes are:
- confidential
 - unbiased
 - free of victimisation
 - timely
 - procedurally fair
- 4.7 The Grievance and Dispute Resolution Policy (currently under development) shall inform the management of complaints of unfair treatment.

5. Roles and Responsibilities

Chief Executive Officer

- 5.1 The Chief Executive Officer (CEO) will be responsible for taking all reasonable steps to ensure a culture of fair treatment is promoted and Council's service delivery and work environment is free from discrimination, workplace bullying and any form of harassment.
- 5.2 Any customer who believes they have met with unfair treatment in regard to Council's service or operations may raise the matter with:
- the CEO;
 - Council's Public Interest Disclosure Responsible Officers;
 - the Equal Opportunity Commission
- 5.3 The Chief Executive Officer commits to achieving this by ensuring:
- 5.3.1 Council services and programs are offered and open to all equally in a fair and equitable manner;
 - 5.3.2 this policy is endorsed and communicated throughout the organisation and appropriate resources are allocated to ensure its successful implementation;
 - 5.3.3 the appropriate delegated authorises are in place to manage all allegations of unfair treatment in the workplace and in dealings with the public;
 - 5.3.4 those delegated with this authority receive appropriate training to carry out their role;
 - 5.3.5 all workers and members of the public have access to information on their rights and responsibilities concerning unfair treatment in the workplace or Council service delivery;
 - 5.3.6 all workers have access to Senior Managers and the Employee Assistance Program in order to receive assistance and support where needed;

- 5.3.7 appropriate reporting mechanisms are in place to capture the number and nature of allegations of unfair treatment at or by the Council and the outcome of these allegations;
- 5.3.8 a regular survey is undertaken to track the impact of the Fair Treatment Policy; and
- 5.3.9 this policy is reviewed and updated in line with continuous improvement principles.

Senior Managers

- 5.4 Responsibility will rest with Senior Manager to ensure fair treatment for all within their department.

Employees

- 5.5 Every employee has the right to work in an environment free of any form of unfair treatment.
- 5.6 Employees will share the responsibility for maintaining a culture of fair treatment by treating everyone they deal with fairly and by not engaging in practices of unfair treatment.
- 5.7 Every employee has a responsibility to keep and maintain confidentiality throughout any complaint, investigation or resolution where required.
- 5.8 Employees are encouraged to raise with appropriate staff, any grievances arising from a perception they have been unfairly treated.
- 5.9 No employee shall make a complaint / allegation about another worker that is known to be untrue or which is made with the intent to cause harm or hardship to another employee.

6. Records

- 6.1 All records relevant to this policy will be maintained and kept by the relevant departmental staff.
- 6.2 All records must be kept in accordance with Council's Records Management Guidelines, including the Elected Members Records Management Policy, and destroyed as per the current General Disposal Schedule.

7. Review

- 7.1 This policy shall be updated in line with the Governance Policy (currently under development) and be reviewed every four years unless an earlier review is required due to legislative change etc.

8. Availability of Policy

- 6.1 This policy will be available for inspection at the Council Offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.streakbay.sa.gov.au.

District Council of Streaky Bay
29 Alfred Terrace
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email dcstreaky@streakybay.sa.gov.au