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## 1. PREAMBLE

Council has a responsibility to ensure its decisions and actions do not discriminate, but rather, proactively meet the diverse needs and aspirations of our community.

### 1.1 Background

Equal Opportunity legislation and policy seeks to ensure that Australia embraces diversity and welcomes all people irrespective of culture, faith, sexual orientation, gender identity, or ability.

Treating someone unfairly because they have a particular personal characteristic or belong to a certain group is unlawful in South Australia. One cannot discriminate against anyone on the grounds of:

- age
- association with a child (in customer service or accommodation)
- caring responsibilities
- gender identity
- intersex status
- disability
- identity of spouse or domestic partner
- marital or domestic partnership status
- pregnancy
- race
- religious appearance or dress (in work or study)
- sex or sexual orientation
- assistance or therapeutic animals.

The *Equal Opportunity Act 1984 (SA)*, which Council is bound by, covers discrimination in areas such as:

- employment, including volunteers
- accommodation
- clubs and associations
- customer service, goods and services
- education or the granting of qualifications
- sale of land.

### 1.2 Purpose

This policy articulates Council's commitment to creating a welcoming place for all, regardless of background, age, religion, sexuality, gender identity, or abilities.

# COUNCIL ANTI-DISCRIMINATION POLICY

## 1.3 Scope

This policy applies to the whole of council.

## 1.4 Definitions

**Access** – refers to equitable access to Council’s services, information, programs, facilities, built environments and employment opportunities.

**Discrimination** – refers to a person or group being treated less favourably or not being given the same opportunities as others in a similar situation because of their race, skin colour, cultural background, ethnic origin, religious affiliation, or citizenship status. Discrimination is unlawful (refer to the *Equal Opportunity Act 1984*).

**Indirect Discrimination** – is when requirements, policies or practices which are the same for everyone appear to be neutral and fair but actually disadvantage people who share a particular attribute.

**Inclusion** – refers to a state where differences are respected and people feel they belong and are valued, and can live in dignity and participate as they choose in line with their rights as an equal member of society, free from discrimination and disadvantage.

**Human Centred Design** – refers to a problem-solving technique that puts people at the centre of the development process. It is an iterative practice that makes feedback from the intended users of the solution a critical part of how a solution evolves.

**Universal Design** - refers to the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. (*National Disability Authority, Centre for Excellence in Universal Design*)

## 1.5 Strategic Reference

Council’s vision for 2050+ is, in part, to create “a welcoming and healthy place for all in South Australia’s most sustainable city”.

Furthermore, Council’s Strategic Plan includes the following aspirations:

- Holdfast Bay is internationally recognised as a leader in inclusion and participation
- The Kurna people’s cultural and spiritual relationship to the area is honoured in meaningful, collaboratively agreed ways.

Council’s strategic plan is aligned to the United Nations Sustainable Development Goals, which were developed as an urgent call for action by all countries. The goals recognise that ending injustice and inequality must go hand-in-hand with strategies that improve health and education and spur economic growth, while tackling climate change and working to preserve the natural environment.

# COUNCIL ANTI-DISCRIMINATION POLICY

Goals relevant to this policy include:

Goal 5 – Achieve gender equality and empower all women and girls

Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## 2. PRINCIPLES

- 2.1 Council recognises the inherent value of all members of our community and acknowledges its responsibilities to the principles of human rights, as articulated in a number of International Conventions and related legislation.
- 2.2 Council acknowledges the benefits of and the legal and moral imperatives of embracing diversity, ensuring equal opportunities and treating everyone fairly.
- 2.3 Council acknowledges that that people living with a disability, people from culturally and linguistically diverse backgrounds and people who are lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ+) have historically, and often continue to face, unique challenges and disparities in access and participation.
- 2.4 Council acknowledges its leadership role in standing against discrimination in all forms and commits to modelling inclusive behaviour and language, actively embracing diversity and welcoming all people, irrespective of culture, faith, sexual orientation and gender identity. Council acknowledges the importance of recognising indirect discrimination as well as direct discrimination and commits to addressing both.
- 2.5 Council is committed to ensuring a workplace and leading a community culture free of discrimination, harassment, bullying, vilification and other forms of inappropriate behaviour.
- 2.6 Council is committed to ensuring all service design considers matters relating to discrimination and inclusion, applying principles of universal design and human centred design at every opportunity.
- 2.7 In line with relevant legislation, Council will:
  - take all reasonable steps to prevent discrimination, sexual harassment and victimisation
  - treat staff and customers fairly
  - maintain a procedure for dealing with complaints, undertaking to respond quickly, seriously and confidentially to any complaints
  - support those who have been discriminated against or harassed
  - monitor and maintain a culture of equal opportunity
  - offer flexible work arrangements
  - consider flexibility in service design
  - ensure a socially and physically accessible workplace.

## COUNCIL ANTI-DISCRIMINATION POLICY

- 2.8 Council acknowledges that the status quo inadvertently disadvantages and excludes some members of our community and commits to innovating in order to increase participation and stand against discrimination.
- 2.9 Council acknowledges that standing against discrimination must be a joint and collaborative endeavour, undertaken in a spirit of *Tiati Wangkanthi Kumangka* (truth-telling together) and openness to new perspectives and ideas.
- 2.10 Council commits to seeking opportunities to support and invest in activities that focus on inclusion and promote anti-discrimination.

### 3. REFERENCES

#### 3.1 Legislation

*The Equal Opportunity Act 1984*

*The Disability Inclusion Act 2018*

*Local Government Act 1999*

*Racial Vilification Act 1996*

*Public Interest Disclosure Act 2018*

Universal Declaration of Human Rights

Convention on the Rights of Persons with Disabilities

Convention on the Elimination of all Forms of Discrimination Against Women

Conventions on the Rights of the Child.

#### 3.2 Other References

Strategic Plan – Our Holdfast 2050+

Disability Action and Inclusion Plan

Customer Feedback and Complaints Policy

Anti-Racism Policy

Inclusion Policy

Employee Code of Conduct

WHS Policy Suite

Code of Conduct for Council Members

United Nations Sustainable Development Goals.