

Common Selection Criteria

EEO, OH&S and Ethnic Affairs & Cultural Diversity

Equal Employment Opportunity (EEO) in the NSW Public Sector

Equal Employment Opportunity (EEO) is about:

- making sure that workplaces are free from all forms of unlawful discrimination and harassment, and
- providing programs to assist members of EEO groups to overcome past or present disadvantage.

This means having workplace rules, policies, practices and behaviors that are fair and do not disadvantage people because they belong to particular groups.

EEO groups are people affected by past or continuing disadvantage or discrimination in employment. These groups are:

- women,
- Aboriginal people and Torres Strait Islanders,
- members of racial, ethnic, and ethno-religious minority groups, and
- people with a disability.

Eliminating discrimination

Discrimination is treating someone unfairly or harassing them because they belong to a particular group. Under the Anti-Discrimination Act 1977, it is against the law in NSW for any employer, including the Government, 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,
- homosexuality, or
- gender identification.

This is the law in most cases. (There are a few exceptions — eg sometimes employers get permission to fill a job with a person from a particular group.)

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 his or her level of pay can constitute indirect race discrimination.

It is the responsibility of every employee to help prevent unlawful discrimination in his or her workplace.

How does EEO affect you as a NSW Public Sector employee?

As a staff member

You have the right to:

- a workplace that is free from unlawful discrimination and harassment,
- competitive merit-based selection processes for recruitment or promotion,
- training and development that enables you to be productive in your work and to pursue a career path,
- equal access to benefits and conditions including flexible working arrangements, and
- fair processes to deal with work-related complaints and grievances.

You have the responsibility to:

- act to prevent harassment and discrimination against others in your workplace,
- respect differences among your colleagues and customers such as cultural and social diversity, and
- treat people fairly (don't discriminate against or harass them).
- You may also be asked to complete EEO surveys.

○ As a supervisor/manager

You have the same rights and responsibilities as staff members and you also have the responsibility to:

- take steps to ensure that all work practices and behaviours are fair in your workplace,
- ensure the work environment is free from all forms of unlawful discrimination and harassment,
- provide employees with training and development and give them equal opportunity to apply for available jobs, higher duties and flexible working hours,

- ensure selection processes are transparent and the methods used are consistent,
 - provide access to fair processes to deal with complaints and grievances.
- You may also be accountable for achieving specific EEO outcomes in your agency.

Where can I go to find out more?

Every agency has a co-ordinator for EEO who can assist you with:

- information on programs for members of EEO groups
- problems with discrimination or harassment grievance procedures
- merit selection issues
- any other questions or suggestions you may have about EEO in your agency.

The Office of the Director of Equal Opportunity in Public Employment produces a wide range of practical publications designed to assist managers and employees understand EEO and what it means to them in the workplace.

Contact details:

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Occupational Health and Safety

This page sets out information on occupational health and safety (often abbreviated to 'OH&S').

If you are applying for a job as a manager or supervisor, you should also familiarise yourself with 'What managers also need to know'. This sets out the obligations of employers that you may be responsible for as a manager, and other relevant information.

This page was adapted from information supplied by WorkCover NSW.

What everyone needs to know

The NSW Occupational Health and Safety Act 1983 aims to protect the health, safety and welfare of people at work.

It lays down general requirements which must be met at places of work in NSW.

The provisions of the Act cover every place of work in NSW. The Act covers employees as well as employers and self-employed people.

Employees must:

- take reasonable care of the health and safety of others
- co-operate with employers in their efforts to comply with occupational health and safety requirements.

Employers must:

- act to ensure the health, safety and welfare at work of their employees
- provide and maintain safe places of work, equipment and systems of work under the Act.

All persons must not:

- interfere with or misuse things provided for the health, safety or welfare of persons at work
- obstruct attempts to give aid or attempts to prevent a serious risk to the health and safety of a person at work
- refuse a reasonable request to assist in giving aid or preventing a risk to health and safety.

a) Health and safety committees

The Act states that occupational health and safety committees must be established in workplaces of 20 or more where the majority of employees request it.

b) Unlawful dismissal

The Act makes it unlawful to dismiss an employee for being an occupational health and safety committee member or for performing his or her duties as a committee member. It also makes it unlawful to dismiss any employee for making a complaint about a health and safety matter.

c) Inspectors' powers

WorkCover Inspectors are given inspection powers for the purpose of the Act, including the taking of samples, and the carrying out of a range of tests. Inspectors can be accompanied by an employees' representative during an inspection, if required.

What managers also need to know

Employers must act to ensure the health, safety and welfare at work of their employees. They must:

- provide or maintain equipment and systems of work that are safe and without risks to health
- make arrangements for ensuring the safe use, handling, storage and transport of equipment and substances
- provide the information, instruction, training and supervision necessary to ensure the health and safety at work of employees

- maintain places of work under their control in a safe condition and provide and maintain safe entrances and exits
- make available adequate information about research and relevant tests of substances used at the place of work.

Employers must not require employees to pay for anything done or provided to meet specific requirements made under the Act or associated legislation.

Employers and self-employed people must ensure the health and safety of people visiting their places of work who are not their employees.

Manufacturers, designers and suppliers of plant and substances for use by people at work must make sure that they are safe and without risks to health when properly used. They must also provide adequate information about the plant or substances to those who are supplied with the plant or substance.

Persons who erect or install equipment at a workplace must make sure that it is safe to use when properly used.

Persons in control of non-domestic premises used as a place of work must ensure that the premises and exits and entrances are in a safe condition.

a) Displaying information in the workplace

The Occupational Health and Safety (Committees in Workplaces) Regulation specifies that the employers must display at the workplace or make available to employees some of the sections of the Act that deal with health and safety committees. A display poster listing these sections is available from WorkCover NSW.

For more information

If you are interested in finding out more about occupational health and safety, see the WorkCover NSW web site <http://www.workcover.nsw.gov.au>

WorkCover NSW offers a wide range of services to help improve health and safety at work, including workplace inspections, advice on training, and expert scientific and technical assistance. Some information is also available in languages other than English.

For expert advice call the WorkCover Information Center on 131 050, or find your nearest WorkCover office under WorkCover NSW in the White Pages of the phone book.

Copies of the Act and the regulations can be purchased from the WorkCover Bookshop at 400 Kent Street, Sydney, ph (02) 9370 5303.

Ethnic Affairs and Cultural Diversity

This page was provided by the Community Relations Commission of NSW. It sets out the text of their brochure *Ethnic Affairs in the NSW Public Sector: A Guide for Job Applicants*.

The Principles of Cultural Diversity

Ethnic affairs policies and programs in the NSW Public Sector are based on four principles of cultural diversity. According to section 3(1) of the Ethnic Affairs Commission Act 1979 as amended, the four principles are:

- All individuals in NSW should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life.
- All individuals and public institutions should respect and accommodate the culture, language and religion of others within an Australian legal and institutional framework where English is the primary language.
- All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of NSW.
- All public institutions of NSW should recognise the linguistic and cultural assets in the population of NSW as a valuable resource and promote this resource to maximise the development of the State.

The Act also states that:

The principles of cultural diversity are the policy of the State. Accordingly, each public authority must observe the principles of cultural diversity in conducting its affairs.

It is the duty of the chief executive officer of each public authority to implement the provisions of this section within the area of his or her administration.

The cultural diversity of the people of NSW reflects the whole population of NSW, which comprises people from a range of cultural, ethnic, linguistic and religious backgrounds. The expression cultural diversity is to be construed accordingly.

(Section 3(2)-(5))

Implementing the principles of cultural diversity in NSW public agencies

The Ethnic Affairs Priorities Statements (EAPS) program in NSW public agencies began in 1997. It builds on, and replaces, the former Charter of Principles and Ethnic Affairs Policy Statement programs.

From the 1996-97 financial year onwards, all NSW Government agencies are required to develop an Ethnic Affairs Priorities Statement (EAPS) and report on their EAPS progress and future strategies in their annual report.

Ethnic Affairs Priorities Statements will document the agency's strategies to achieve outcomes in three key result areas, together with performance measures and plans for future action. The three key result areas are social justice, community harmony and economic and cultural opportunities.

A number of NSW agencies have been nominated as Key Agencies on the basis of:

- a high degree of client contact, especially in the areas of welfare, justice, education and employment
- responsibility for developing and implementing government
- policy in these areas
- agencies which administer major funding programs.

These agencies are also required to work with the Community Relations Commission in the preparation of their Ethnic Affairs Priorities Statements and to lodge their EAPS with the Commission.

Key issues to be addressed in agency EAPS are:

- mechanisms to ensure that boards, committees and other advisory structures in the agency reflect the cultural diversity of the community
- flexible, inclusive consultation processes
- programs and services which reflect the needs of the entire community
- training for staff on cultural diversity issues and how it applies in their jobs
- the development and application of rules and regulations which are sensitive to the needs of all staff and clients
- the provision of information in ways that will reach all staff and clients
- the provision of language services for all clients.

Ethical practice

The people of NSW have a right to expect the business of the State to be conducted with efficiency, fairness, impartiality and integrity.

Working for the NSW Government carries with it a particular obligation to the public interest. It requires standards of professional behaviour from staff that promote and maintain public confidence and trust in the work of government agencies.

Codes of Conduct

Every NSW Government agency has a Code of Conduct. The Code of Conduct tells employees how they are expected to behave. This is called 'ethical practice'.

A code of conduct will also say what kinds of behaviour are not acceptable.

- This page contains extracts from a model Code of Conduct issued by the Premier's Department. However, each Public Sector agency has its own code. You should obtain the Code of Conduct for the agency you are applying for.