



Director of Equal Opportunity  
in Public Employment  
Government of Western Australia

# UNDERSTANDING EQUAL EMPLOYMENT OPPORTUNITY

This brochure gives an overview of Equal Employment Opportunity (EEO) in Western Australia. It provides a general background and understanding of matters relating to EEO, with a focus on employment issues.

## WHAT IS EEO?

Equal Opportunity is about giving **everybody** a “fair go”.

In **employment**, EEO is about making sure all employees and all people applying for jobs are valued and respected. This means having workplaces where the rules, policies, and behaviours do not disadvantage people because they belong to certain groups.

All workers should be valued and respected, and have opportunities to develop their full potential.

**EEO groups** are people who are more likely to experience disadvantages or discrimination. The four main groups are:

- women
- Aboriginal people and Torres Strait Islanders
- people from culturally and linguistically diverse backgrounds, and
- people with a disability.

Age is another area often covered in EEO, especially for youth and older people in employment issues.

EEO aims to have fair practices and behaviour in the workplace, including:

- merit based recruitment, selection and promotion criteria
- equal access to training and development
- flexible working arrangements

- accessible, prompt, confidential and fair grievance handling procedures
- communication to give employees access to information and allow their views to be heard
- management decisions made without bias
- respect for the social and cultural backgrounds of all employees and clients
- absence of unlawful discrimination or harassment.

### **Discrimination can be direct or indirect.**

**Direct discrimination** refers to a situation in which someone is denied employment, or an opportunity in employment, because of who they are. It is obviously unfair or unequal treatment. For example, if an employer won't hire someone just because they are from a particular racial background, this can be described as direct discrimination.

**Indirect discrimination** is subtler. It is where there is an apparently neutral employment requirement, applied to everyone, but which results in an unfair disadvantage to some groups. For example, having a minimum height requirement for performing a job may disadvantage most women and some ethnic groups.

## THE LAW AND EQUAL OPPORTUNITY.

In Western Australia, the right to fair treatment is established by law under the *Equal Opportunity Act (1984)*.

The Act was created in order to eliminate sexual and racial harassment in workplaces, education and accommodation. The Act also aims to promote equal opportunity and eliminate discrimination:

### on the grounds of:

- sex
- marital status
- pregnancy
- family responsibility or status
- race
- religious and/or political conviction
- impairment
- age
- gender history
- sexual orientation

### and in the areas of:

- work (employment)
- accommodation
- education
- the provision of goods, services and facilities
- access to places and vehicles
- club activities.
- application forms
- advertising
- superannuation & insurance
- sport

## HOW DOES EEO AFFECT YOU?

### As an employee:

#### You have the **right** to:

- A workplace that is free from unlawful discrimination and harassment
- Access to recruitment, selection and promotion practices which are open, fair and based on merit (ie the best person is selected for the job)
- Equitable access to training and development that lets you be productive and pursue a career path
- Equitable access to benefits and conditions, including flexible working arrangements
- Fair processes for dealing with work related complaints.

#### You have the **responsibility** to:

- Respect cultural and social differences among your workmates and customers
- Treat people fairly – recognise and respect the skills and talents of others
- Act to prevent harassment, bullying and discrimination against others.

### As a supervisor/manager:

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

- Ensure selection and promotion processes are fair and consistent
- Ensure the work place is free from bullying, harassment and unlawful discrimination
- Provide employees with information and resources to let them do their work
- Consult employees about decisions that affect them
- Provide equal access to fair, prompt and confidential processes to deal with complaints and grievances
- Provide equal access to relevant training and development opportunities, and identify special training and development needs of EEO group members in your team.

## WHO OPERATES THE ACT?

There are **three separate** government agencies set up under the Act. Each is a statutory authority with different functions.

### 1. The Director of Equal Opportunity in Public Employment

The Director and her Office work with public authorities (which include government agencies, local government and universities) to promote equality and diversity in public employment. The Office **advises and helps state public authorities** to achieve a workforce that not only recognises equity and diversity as valuable business strategies, but also reflects the general population in WA.

Under the Act, all public authorities are required to report each year to the Director.

The Director's Office **provides training courses** and consultancy services, giving agencies the opportunity to maximise their business advantage by matching their customer and service profiles. The Office also has

available a range of publications and strategies dealing with the issues of EEO (most can be found on the website: [www.oeeo.wa.gov.au](http://www.oeeo.wa.gov.au)).

You will find more details about OEE0 training courses and consultancy services over the page.

### 2. The Commissioner for Equal Opportunity

The Commissioner **investigates and attempts to conciliate complaints lodged by people** who believe they have been discriminated against under the Act. The Commissioner is also committed to raising awareness of the Act to the general community.

### 3. The Equal Opportunity Tribunal

The Tribunal hears complaints of discrimination or harassment that have been referred by the Commissioner. If the Commissioner dismisses a complaint, the complainant has the right to take the case directly to the Tribunal.

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## WOULD YOU LIKE TO KNOW MORE?

If you work in a public authority and want to know more about the reporting requirements, or how you can develop strategies to improve your agency's diversity profile, contact the Director of Equal Opportunity in Public Employment

### The Director of Equal Opportunity in Public Employment

Level 12, St Martin's Tower  
44 St Georges Terrace  
Perth WA 6000  
Ph: 08 9260 6600 Fx: 08 9260 6611  
Email: [deope@opssc.wa.gov.au](mailto:deope@opssc.wa.gov.au)  
Internet: [www.oeeo.wa.gov.au/](http://www.oeeo.wa.gov.au/)

Callers who are deaf, or have a hearing impairment or a speech/communication impairment may call through the National Relay Service using modem or TTY by dialling 133677 then quote 9260 6600

If you believe you may have been **discriminated against** under the Act, or want more information about your rights and obligations under the Act, **contact the Equal Opportunity Commission.**

### The Equal Opportunity Commission

2nd floor, Hartley Building  
141 St Georges Terrace  
Perth WA 6000

Ph: 08 9216 3900  
Fx: 08 9216 3960  
Email: [eoc@equalopportunity.wa.gov.au](mailto:eoc@equalopportunity.wa.gov.au)  
Internet: [www.equalopportunity.wa.gov.au/](http://www.equalopportunity.wa.gov.au/)

## CONSULTANCY SERVICES AVAILABLE

### Agency EEO/Diversity Self-Assessment

Staff are available to support and assist agencies who wish to conduct internal reviews or audits on the implementation and effectiveness of their EEO and Diversity programs. The purpose of this self-assessment is to satisfy an organisation that they are being consistently and systematically monitored for achievement of EEO and Diversity. Training to assist internal reviewers in the self-assessment process is also available.

### EEO and Diversity Planning

Agencies requiring advice or assistance in the development or revision of their EEO Management Plan are encouraged to contact the staff of the Director of Equal Employment Opportunity in Public Employment. It is a statutory requirement that all public authorities have a current Management Plan and provide a copy of this Plan to the DEOPE. The Plan can be an independent document or can be integrated into other organisational planning processes, but should specifically address the Outcome Standards framework.

### EEO Yearly Reporting Requirements

Each June the Director of Equal Employment Opportunity in Public Employment sends all agencies a Yearly Reporting document, in hard and disc copy, to collect their demographic data. The Director's staff are available to assist agencies in their efforts to increase their demographic data sample sizes and to explain the calculation of measurement tools such as the Equity Index and Management Profile.

### EEO and Diversity Publications

This Office produces a quarterly newsletter, *The Key*, and a variety of publications designed to assist agencies in the achievement of good practice EEO. Please contact the Office to receive a publication list, or alternatively most publications are available on our website: [www.oeeo.wa.gov.au](http://www.oeeo.wa.gov.au)