

## Workplace Bullying and Harassment Prevention Policy

### POLICY STATEMENT

Wingecarribee Shire Council is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect.

Council aims to foster an environment that generates considerate relationships among all employees and aims to develop structures and practices that are free from bullying and harassment in the working or learning environment.

Bullying and harassment are risks to health and safety in the workplace. It is unacceptable and will not be tolerated by Council.

### RELATED LEGISLATION, CIRCULARS OR GUIDELINES

- *Local Government Act 1993*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Local Government (State) Award (the current edition)*
- *Workplace Health and Safety Act 2011*
- *Workplace Health and Safety Regulations 2011*
- *Industrial Relations Act 1996 (NSW)*
- *Anti-Discrimination Act 1977 (NSW)*
- *Equal Employment Opportunity Act 1987 (Cth)*

### DOES THIS DOCUMENT REPLACE AN EXISTING POLICY, PROCEDURE OR PLAN?

- EEO Harassment Policy (MN 1448/97, 26/11/97)

### RELATED COUNCIL POLICY OR PROCEDURE

- Workplace Health and Safety Management System
- Wingecarribee Shire Council Code of Conduct
- Wingecarribee Shire Council Statement of Ethics



## POLICY PURPOSE

The purpose of this policy is to clearly outline Council's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying or harassment while at work. It also details the legal responsibilities of Council and its employees in relation to preventing bullying and harassment in the workplace.

This policy and its corresponding procedure will provide employees and other members of Council with guidance regarding their rights and responsibilities in this matter.

This policy will ensure awareness of what Council means by bullying and harassment in the workplace, the procedures Council has in place to assist in the resolution of grievances regarding bullying and harassment in the working or learning environment, and who employees can talk to within Council should they wish to raise a grievance regarding bullying or harassment.

Persons bound by this policy, who make a legitimate complaint concerning workplace bullying or harassment can be assured that the matter will be investigated fairly, impartially, sensitively, tactfully and confidentially. Council makes a commitment to resolve all matters of bullying and harassment consistently and no judgements or assumptions will be made and no action will be taken until the investigation is complete. Management will take all necessary steps to ensure that no victimisation occurs against any person who makes a complaint, or against whom a complaint is made.

This policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions.

## DEFINITIONS

**Bullying** – any type of repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Examples of bullying could be (but are not limited to) repeated or persistent incidents of the following:

- abuse of power or authority
- verbal, written and/or physical intimidation e.g. threats, derisory or derogatory remarks
- persistent unjustified criticism or complaints
- public humiliation, including practical jokes
- the setting of impossible deadlines or intolerable workload burdens
- having responsibilities or decision-making powers withdrawn without good reason or explanation.

Bullying also includes the systematic and planned targeting of an individual by others, whether directly or through the indirect acts of others at the bully's urging.



# Workplace Bullying and Harassment Prevention Policy

A single incident of unreasonable behaviour is **not** considered bullying, however it may have the potential to escalate and should not be ignored. Staff are reminded that they may either self-manage such incidents by raising them with the person responsible for such behaviour, or may lodge a grievance to address the issue.

If workplace bullying behaviour involves violence (such as a physical assault or the threat of a physical assault), **it should be reported to the Police** as well as to Council management.

The following behaviours are **not** bullying:

- Fair and appropriate supervisory or management instructions delivered in a fair and appropriate manner and without belittling, sarcasm, favouritism, unlawful discrimination, aggression or other abusive behaviour; and
- Performance management or counselling and disciplinary proceedings conducted in a similarly fair manner, including demotion, suspension or termination of employment
- Setting reasonable performance goals, standards or deadlines
- Rostering and allocating working hours where the requirements are reasonable
- Transferring a worker for operational reasons
- Deciding not to select a worker for promotion where a reasonable process is followed
- Informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- Informing a worker about inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructuring.

Harassment - includes harassment (sexual), harassment (racial), harassment on the grounds of sexual orientation, harassment on the grounds of religion, harassment (political, or harassment on the grounds of trade union membership), harassment on the grounds of disability, and harassment on the grounds of age.

Harassment (sexual) - may be homosexual or heterosexual. It may be defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that creates an intimidating, hostile, degrading or offensive environment. It may include (but is not limited to):

- physical contact
- invasion of personal space
- suggestive remarks or sounds
- unwanted comments on dress and appearance
- jokes of a sexual nature
- display of sexually offensive material
- inappropriate downloading of pornographic or sexually exploitive and degrading material by computer
- verbal threats.

Harassment (racial) - any behaviour, deliberate or otherwise pertaining to race, colour, nationality – including citizenship, or ethnic or national origins, which is directed at an



# Workplace Bullying and Harassment Prevention Policy

individual or group and which is found to be offensive or objectionable to recipients and which creates an intimidating, hostile or offensive environment. Such behaviour may include (but is not limited to):

- derogatory name calling
- insults and racist jokes
- display of racially offensive material and abusive language
- exclusion from normal workplace conversation or activities
- unfair allocation of work
- verbal threats
- physical attack
- incitement of others to commit any such acts.

Harassment on the grounds of sexual orientation - any behaviour deliberate or otherwise, pertaining to sexual orientation. Homophobia is a term used to describe hatred and rejection of gays, lesbians, transgendered persons, and homosexuality. It may be directed against individuals or groups of people who are, or are thought to be lesbian, gay, bisexual or transgendered and is behaviour which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Examples may include (but is not limited to):

- offensive jokes
- ridicule
- verbal threats
- derogatory comments
- intrusive questioning about a person's domestic circumstances
- innuendo
- gossip
- physical attack
- unfair allocation of work
- exclusion from normal work place / class conversation or activities
- incitement of others to commit any such acts.

Harassment on the grounds of religion - any behaviour deliberate or otherwise, pertaining to religion, religious belief or other similar philosophical belief which can be defined as unwanted conduct violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Examples can include (but are not limited to):

- offensive jokes
- ridicule
- display of offensive material
- refusing leave to observe religious duties without organisational justification
- failing to provide for religious dietary requirements where it is reasonably possible to do so, and where notice of such needs has been given.



# Workplace Bullying and Harassment Prevention Policy

Harassment (political, or harassment on the grounds of trade union membership) - can include (but is not limited to):

- offensive jokes
- ridicule
- unfair allocation of work
- exclusion from normal work place / class conversation or activities
- display of offensive material.

Harassment on the grounds of disability - may be based on the fact that a person has a physical or mental impairment, learning difficulty or disfigurement. This can include (but is not limited to):

- offensive or patronising language
- offensive or patronising action or behaviour
- jokes or inappropriate comments
- questions which cause offence to the individual or group of individuals concerned
- display of offensive material.

Harassment on the grounds of age (Ageism) - can affect anybody regardless of how old they are. Harassment on the grounds of age may include (but is not limited to):

- assumptions regarding the individual's inability to learn
- offensive remarks
- exclusion on the basis of age.

Repeated Behaviour – refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities).

Unreasonable Behaviour – means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, intimidate, undermine or threaten another person. Such behaviour can include an individual or group's actions or practices which victimise, humiliate, intimidate, undermine or threaten another person.

Vilification – is any form of conduct that incites hatred against, serious contempt for, revulsion or severe ridicule of another person or class of persons on the grounds of their race or religion.

Victimisation – includes any unfavourable treatment of a person who has been involved with a complaint of harassment or bullying.



## HOW CAN BULLYING OR HARASSMENT OCCUR?

Workplace bullying behaviour can be carried out in a variety of ways including through email or text messaging, internet chat rooms, instant messaging or other social media channels.

Workplace bullying can be directed at a single worker or group of workers and be carried out by one or more workers. It can occur:

- sideways between workers
- downwards from managers to workers
- upwards from workers to supervisors or managers.

Workplace bullying can also be directed at or perpetrated by other people at the workplace such as clients, customers and members of the public.

## IMPACT OF WORKPLACE BULLYING

Workplace bullying can be harmful to the person experiencing it and to those who witness it. The effects will vary depending on individual characteristics as well as the specific situation and may include one or more of the following:

- distress, anxiety, panic attacks or sleep disturbance
- physical illness for example muscular tension, headaches and digestive problems
- reduced work performance
- loss of self-esteem and feelings of isolation
- deteriorating relationships with colleagues, family and friends
- depression
- thoughts of suicide.

Workplace bullying can also have a negative impact on the work environment, damage the reputation of a business and can lead to:

- high staff turnover and associated recruitment and training costs
- low morale and motivation
- increased absenteeism
- lost productivity
- disruption to work when complex complaints are being investigated
- costly workers compensation claims or legal action.



## WHO HAS DUTIES IN RELATION TO WORKPLACE BULLYING?

Everyone at the workplace has a work health and safety duty and can help to ensure workplace bullying does not occur. 'Health' is defined in the Work Health and Safety Act as both physical and psychological health.

## KEY RESPONSIBILITIES

Position	Responsibility
General Manager	<p>To lead staff (either directly or through delegated authority) in their understanding of and compliance with this policy and procedures.</p> <p>To approve resources to develop, implement and review this policy and procedures.</p> <p>To exercise discretion to vary the policy and procedures as thought appropriate.</p> <p>Ensure that their own behaviour provides a model of conduct in line with the principles of this policy and procedures.</p>
Deputy General Managers, Group Managers and Managers	<p>To communicate, implement and comply with this policy and related procedures.</p> <p>To implement this policy and procedures.</p> <p>Ensure that their own behaviour provides a model of conduct in line with the principles of this policy and procedures.</p> <p>To lead staff in their understanding of, and compliance with, this policy and procedures.</p>
Human Resources	<p>Facilitate the provision of regular training to all Council employees on their role and responsibilities in relation to this policy and procedures.</p> <p>Providing advice and guidance for managers to identify and respond to bullying or harassment in the workplace.</p>
Coordinators and Team Leaders	<p>Take all reasonable steps to ensure that the work environment for which they are responsible is free from bullying and harassment.</p> <p>Ensure that their own behaviour provides a model of conduct in line with the principles of this policy and procedures.</p> <p>Remain informed about developments in Council's policies and procedures to ensure fair treatment of staff.</p>



# Workplace Bullying and Harassment Prevention Policy

Position	Responsibility
	<p>Inform staff that bullying and harassment will not be tolerated in the workplace whenever this is appropriate.</p> <p>Take all reasonable steps to prevent bullying and harassment in the areas for which they are responsible, and seeking advice from their manager or HR business partner.</p> <p>Exercise appropriate authority by informing the person whose behaviour they have observed, that the behaviour is unacceptable and may breach the Council's policies and procedures or by instructing the individual to cease the offending behaviour immediately. They must also take practical steps to ensure that the behaviours cannot occur again, and document and report ALL observed incidents of bullying or harassment to their manager.</p>
Employees	<p>To ensure that they comply with the requirements of the policy and procedures.</p> <p>All staff are responsible for ensuring that their own behaviour contributes to the maintenance of an inclusive work environment free from all forms of bullying and harassment, and are also responsible for reporting ALL observed incidents of bullying or harassment to their manager.</p>
All Council officials	To comply with this policy, and procedures.

## APPLICATION AND DISTRIBUTION

**It is mandatory for all Council officials to comply with this Policy.**

This policy and procedures are available on Council's website under Policies.

**APPROVED BY: Ann Prendergast, Acting General Manager**

**EFFECTIVE: 25 July 2014**

**REVIEW DATE: 25 July 2017**

**DISTRIBUTION: All Managers, Councillors, Internet,**

**RESPONSIBLE COUNCIL DEPARTMENT/OFFICER: Manager Organisational Development**

