



BULLYING AND HARASSMENT IN THE WORKPLACE POLICY

Approval Date: 10 December 2014

Review Date: 10 December 2016

Responsible Officer: Manager of Human Resources, Planning and Change

1. PURPOSE

- 1.1. The aim of this policy is to deal with issues caused by workplace bullying and harassment, including pursuing outcomes that do not leave the recipients of bullying or harassment at a disadvantage or feeling that they have been denied justice.
- 1.2. This policy covers Councillors, members of Council Committees and all employees of the Council (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of the Council (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively 'workers').
- 1.3. This policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and Council functions.
- 1.4. Generally any behaviour that happens outside the confines of work or any work organised social activity, is not something that Council would be responsible for, however if a behaviour or set of behaviours that happened outside work impacts negatively on the workplace, then it may become a workplace bullying/harassment issue.

2. POLICY STATEMENT

Coonamble Shire Council is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. Bullying, harassment and discrimination is a risk to the health and safety of employees in the workplace. It is unacceptable and will not be tolerated by the Council.

Coonamble Shire Council is committed to combating such behaviour by:

- a) raising staff awareness through induction and training
- b) resolving any instances of bullying and harassment

- c) making sure that complaints of harassment or bullying are dealt with in a way that is fair to all concerned, including both the complainant and the alleged harasser or bully
- b) providing appropriate counselling services for staff involved in such behaviour
- c) possible disciplinary action including dismissal for behaviour considered inappropriate
- d) ensuring there is no retaliation against employees who report such incidents.

2.1 What is workplace bullying or harassment?

Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse. Some workplace bullying and harassment on the grounds of discrimination is unlawful.

'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.

'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person.

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:

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

Examples of workplace bullying

Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying:

Direct bullying:

- physical assault and threats of violence
- abusive, insulting or offensive language
- spreading misinformation or malicious rumours
- behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling / screaming
- displaying offensive material
- inappropriate comments about a person's appearance, lifestyle, their family or sexual preferences
- teasing or regularly making someone the brunt of pranks or practical jokes

- interfering with a person's personal property or work equipment, or
- harmful or offensive initiation practices.

Indirect bullying:

- unreasonably overloading a person with work, or not providing enough work
- setting timeframes that are difficult to achieve, or constantly changing them
- setting tasks that are unreasonably below, or above, a person's skill level
- deliberately excluding or isolating a person from normal work activities
- withholding information that is necessary for effective work performance
- deliberately denying access to resources or workplace benefit and entitlements
- deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and therefore unacceptable to the Council.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person actually have that effect.

2.2 What does NOT constitute workplace bullying?

Managing staff does not constitute bullying, if it is done in a reasonable manner. Supervisors have the right, and are obliged to, manage their staff. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management practices include:

- setting reasonable performance goals, standards and deadlines in consideration of a worker's respective skills and experience;
- allocating work fairly;
- fairly rostering and allocating working hours;
- transferring or allocating duties to a worker for legitimate and explained operational reasons;
- deciding not to select a worker for promotion, following a fair and documented process;

- informing a worker about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements;
- informing a worker about inappropriate behaviour in an objective and confidential way;
- implementing organisational changes or restructuring; and
- performance management processes
- termination of employment.

Low level workplace conflict is generally not considered to be workplace bullying. This is because not all conflicts or disagreements have negative health effects. When conflict is at a low level and is task based, it can benefit an organisation by generating debate leading to new ideas and innovative solutions. It does not always pose a risk to health and safety. However, in some cases, conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

2.3 Obligations

Everyone at the workplace has a legal responsibility to prevent bullying, harassment and discrimination from occurring.

Under relevant Work, Health and Safety legislation, Council has the primary duty to eliminate or minimise, as far as reasonable practicable, the risks to health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying.

Workers are also required under legislation to take reasonable care for their own health and safety, as well as that of others at the Council's workplace. They must also comply with any reasonable instruction given by the Council. Compliance with this policy will assist workers in meeting their legal responsibilities.

2.4 Procedure

Any bullying or harassment issue should be brought to the Council's attention as soon as possible. All reports will be treated seriously and dealt with promptly, confidentially and impartially and will ensure that workers who make reports and anyone else who may be involved are not victimised.

Complaints will be handled in line with Council's Guideline to Handling Workplace Complaints, Misconduct and Grievances and the Grievance and Dispute Procedures found in the Local Government (State) Award 2014.

Your first point of contact for complaints should be your supervisor, unless they are involved in the issue, in these instances complaints should be referred to your supervisor's Manger / Director. Issues involving the General Manager are handled under the Model Code of Conduct, and are to be referred to the Mayor in writing. The Co-ordinator for Bullying and Harassment complaints is the Human Resources Manager.

2.5 Breach of this Policy

If an employee breaches this policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. If a person makes a false complaint, or a complaint in bad faith that person may be disciplined and may be exposed to a defamation claim.

3. RELATED DOCUMENTS AND LEGISLATIVE PROVISIONS

- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2011 (NSW)
- Code of Practice: Preventing and Responding to Workplace Bullying
- Local Government (State) Award 2014
- NSW Anti-Discrimination Act 1977
- NSW Disability Discrimination Act 1992
- Federal Racial Discrimination Act 1975
- Federal Sex Discrimination Act 1984
- Age Discrimination Act 2004
- Model Code of Conduct for Local Councils in NSW

4. POLICY REVIEW

This policy is developed in consultation with Council's Health and Safety and Consultative Committees.

This policy may be amended or revoked at any time and must be reviewed at least two (2) years since its adoption (or latest amendment).

Policy Review History

Date	Changes Made	Approved By
5 Feb 2007	Policy on display	
14 March 2007	Adopted by Council	Council: Resolution
2 Oct 2007	Amendments made	Occupational Health & Safety Committee
10 Oct 2007	Adopted by Council	Council: Resolution #6467
21 Oct 2014	Amendments made and submitted for endorsement.	Endorsed by Health and Safety Committee
13 Nov 2014	Amendments made and submitted for endorsement	Endorsed by Consultative Committee
10 Dec 2014	Submitted for adoption by Council Adopted at Council Meeting	Adopted: Res #1254