

JUNEE SHIRE COUNCIL

POLICY REGISTER

SUBJECT:	WORK HEALTH AND SAFETY
POLICY TITLE:	WORKPLACE BULLYING, HARASSMENT AND DISCRIMINATION POLICY
OBJECTIVE:	To assist Council in providing a safe working environment for its employees.

1.0 DUTY OF CARE

- 1.1 Junee Shire Council (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 the workplace. It is unacceptable and will not be tolerated by the Council.
- 1.2 This Policy outlines the Council's commitment to a safe and healthy workplace and is aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying, harassment or discrimination while at work. It also details the legal responsibilities of the Council and employees in relation to preventing bullying in the workplace.

2.0 SCOPE

- 2.1 This Policy covers 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').
- 2.2 This Policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions.

3.0 RESPONSIBILITIES

- 3.1. Everyone at the workplace has a legal responsibility to prevent bullying, harassment and discrimination from occurring.
- 3.2 Under the relevant legislations (the Legislation) the Council has the primary duty to eliminate or minimise, as far as reasonable practicable, the risks associated with bullying, harassment and discrimination. This duty includes the implementation of strategies to prevent workplace bullying. This Policy will assist the Council in complying with its legal responsibilities.
- 3.3 Workers are also required under the Legislation to take reasonable care for their own welfare, 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.

4.0 DEFINITIONS

4.1 BULLYING

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

It can occur in any workplace and can be harmful to you if you experience or witness it.

Examples of potential unreasonable behaviour include:

- offensive language or comments
- unjustified criticism
- deliberately excluding someone from workplace activities
- withholding information that is needed for work.

Everyone at work can help ensure that bullying does not occur. It is important to respond quickly because the longer bullying continues, the more difficult it is to address and the harder it becomes to repair working relationships.

4.2 HARASSMENT

4.2.1 A person is subjected to “workplace harassment” if the person is subjected to repeated behaviour, other than behaviour amounting to sexual harassment, by a person, including the person’s employer or a co-worker or group of co-workers of the person that:

- is unwelcome and unsolicited;
- the person considers being offensive, intimidating, humiliating or threatening;
- A reasonable person would consider being offensive, humiliating, intimidating or threatening.

4.3 DISCRIMINATION

4.3.1 Direct Discrimination – Direct discrimination occurs when someone is treated unfairly compared to someone else in the same or similar circumstances and it is because of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status or carer’s responsibilities.

4.3.2 Indirect Discrimination – Indirect discrimination may occur when an employer has a rule or requirement that is applied to everyone, but it

disadvantages more people from a particular group than people who are not in that group – unless the employer can show that the rule or requirement is ‘reasonable in all the circumstances’. The rule may be written or unwritten.

5.0 REASONABLE STAFF MANAGEMENT

Managing staff does not constitute bullying, if it is done in a reasonable manner. Managers 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 consultation with workers and after considering their respective skills and experience;
- allocating work fairly;
- fairly roster and allocate working hours;
- transferring 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.

6.0 ALLEGATIONS AND COMPLAINTS

Any suspected breaches of this Policy, the EEO Policy or the EEO Management Plan will be dealt with the **EEO, Bullying, Harassment and Discrimination Protocol**.

If an employee fails to comply with the intent of this policy, disciplinary action will be taken in accordance with the Disciplinary Procedures as set down in the **Local Government (State) Award 2014** or subsequent agreements. Such action may result in termination of employment.

6.0 CONVEYING OF POLICY DETAIL

Managers and Supervisors are to ensure that all persons are made aware of the contents of this Policy and its application, including implications, in the workplace.

7.0 CONFIDENTIALITY

7.1 Strict confidentiality will be maintained regarding the personal details of any employee involved in counselling or disciplinary action relating to breaches of this policy.

7.2 Confidential information regarding such incidents will be maintained on the

employee's personal file.

7.3 Access to employee personal files will be in accordance with the Privacy and Personal Information Protection Act 1998.

8.0 REVIEW AND EVALUATION

This policy shall be reviewed in consultation with the Work Health and Safety Committee every two years and/or when changes to legislation require.

OFFICE USE ONLY:

DATE ADOPTED: 19 April 2016

MIN. NO: 03.04.16