

BARCOO SHIRE COUNCIL POLICY *BULLYING & WORKPLACE HARRASSMENT*

Policy Number: EXG-009	Version: 1
Classification: Statutory	Section: Corporate Services
Date Adopted by Council: 15/12/2017	Resolution No: 2017.12.32
Responsible Officer: Director Corporate Services	<p>Review: Note: This Policy is reviewed when any of the following occur:</p> <ol style="list-style-type: none"> 1. The related information is amended or replaced. 2. Other circumstances as determined from time to time by the Chief Executive Officer. <p>Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.</p>
<p>Legislation: <i>Anti-Discrimination Act 1991 (Qld)</i>, <i>Disability Discrimination Act 1992 (Cth)</i>, <i>Racial Discrimination Act 1975 (Cth)</i>, <i>Sex Discrimination Act 1984 (Cth)</i>, <i>Work Health and Safety Act 2011 (Qld)</i>, <i>Industrial Relations Act 2016 (Qld)</i></p>	

1. STATEMENT OF INTENT

The intent of this policy is to provide a safe and healthy workplace, free from bullying and harassment.

2. PURPOSE

- 2.1 Outline Council's commitment to preventing and eliminating discrimination, bullying and other unfair treatment in the workplace;
- 2.2 Establishing a clear process and obligations in relation to the risks of harassment and bullying in the workplace.

3. SCOPE

This policy covers all employees, contractors, consultants, volunteers and labour hire personnel.

4. BULLYING

4.1 What is bullying

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. It is a risk to health and safety because it may affect the mental and physical health of workers.

Bullying can take different forms including psychological, physical or even in-direct actions, such as deliberately excluding someone from work-related activities. Some examples of workplace bullying include:

- abusive or offensive language or comments
- aggressive and intimidating behaviour
- belittling or humiliating comments
- practical jokes or initiation
- unjustified criticism or complaints.

Refer also to Council's *Employee Code of Conduct*. See also a description of ***bullied in the workplace*** in the *Industrial Relations Act 2016*.

4.2 What is not bullying

Reasonable management action taken in a reasonable way is not workplace bullying. Managers are responsible for monitoring the quality and timeliness of work and providing employees with feedback on their performance. If performance issues need to be addressed, the conversation needs to be constructive and

supportive, and focus on the positives as well as the negatives. It should not be humiliating or demeaning.

4.3 Person subject to bullying

If an employee feels they are being bullied and are not comfortable dealing with it, or the attempts by the employee to deal with it have not been successful, you should raise the issue with either of the following:

- your supervisor
- your manager if the bullying is from your supervisor
- the human resources (HR) officer

If you witness unreasonable behaviour such as bullying, you should bring the matter to the attention of your supervisor as a matter of urgency. If you raise a matter, Council has an obligation to investigate and take appropriate action.

Employees bullied in the workplace may apply to the Queensland Industrial Relations Commission (QIRC) for an order to stop bullying. Refer section 275 of the *Industrial Relations Act 2016*.

5. HARRASSMENT

5.1 What is workplace harassment

Workplace harassment may include bullying, but also extends to sexual harassment and discrimination.

Sexual harassment is described in the *Anti-Discrimination Act 1991* and happens if a person is subject to unsolicited acts, demands for sexual favours, remarks with sexual connotations or unwelcome conduct of a sexual nature.

The person engaging in the conduct described above does so with the intention of offending, humiliating or intimidating the other person or anticipating such an outcome.

As outlined in the *Anti-Discrimination Act 1991*, some examples of sexual harassment are as follows:

- physical contact such as patting, pinching or touching in a sexual way
- unnecessary familiarity such as deliberately brushing against a person
- sexual propositions
- unwelcome and uncalled for remarks or insinuations about a person's sex or private life
- suggestive comments about a person's appearance or body
- offensive telephone calls
- indecent exposure

Refer also to Council's *Employee Code of Conduct*.

5.2 What is not workplace harassment

Similar to describing what is **not** bullying, actions that are **not** workplace harassment are constructive feedback or counselling by a supervisor on an employee's work performance. Comments indicating performance deficiencies do not constitute workplace harassment. Constructively delivered feedback or counselling is intended to assist employees to improve their work performance or the standard of their behaviour.

5.3 Person subject to harassment

If an employee feels they are being subjected to workplace harassment and you are not comfortable dealing with it, or your attempts to deal with it have not been successful, you should follow the same process outlined in item 4.3 of this policy.

Council aims to eliminate workplace harassment by providing a process and measures to support staff in potential harassment by:

- provide access to HR staff for support
- access to the Employee Assistance Program (EAP)
- provide awareness training about bullying and workplace harassment

6. RESPONSE TO BULLYING & WORKPLACE HARRASSMENT

6.1 Council's response

If bullying or workplace harassment is reported or observed, Council will take the following steps:

- (a) The responsible supervisor will speak to the parties involved as soon as possible, gather information

- and seek a resolution to satisfactorily address the issue for all parties.
- (b) If the issue cannot be resolved or the behaviour is considered to be of a serious nature, an impartial person may be appointed to investigate. This may be a HR officer or an external party.
 - (c) All complaints will be treated in the strictest of confidence. Only those people directly involved in the complaint or those who need to be interviewed will have access to the information.
 - (d) Both the complainant and the alleged harasser or bully will be offered the use of the EAP.
 - (e) There will be no victimisation of the person making the complaint or those involved helping to resolve it. Frivolous or malicious complaints may result in disciplinary action which may lead to dismissal.

Council considers workplace harassment and bullying to be unacceptable and it will not be tolerated. It is the responsibility of leaders to ensure that individuals are not subjected to workplace harassment or bullying. Those in leadership roles who knowingly tolerate such behaviour are also guilty of misconduct and will be held accountable. Appropriate disciplinary action will be taken against anyone who is found to have breached this policy.

These measures will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology
- participation in counselling, training or the EAP
- written warning
- dismissal
- an order made by the QIRC

If the allegations of workplace harassment or bullying are not substantiated, Council will advise both the complainant and the person who was the subject of the complaint.

6.2 Person in leadership role

Employees in a leadership role have the following responsibilities when dealing with bullying or workplace harassment:

- role modelling professional and respectful behaviour
- ensuring the workplace is free from bullying and harassing behaviour or sexually offensive material
- responsibility to act upon any behaviour within the workplace that may be considered bullying or workplace harassment
- investigate or assist in dealing with complaints made by an employee
- supporting the resolution of complaints

6.3 HR officer

The HR officer has the following responsibilities:

- providing advice in relation to any complaints of bullying or workplace harassment
- investigating any complaints or depending on the circumstances
- recommending an external provider if that is more appropriate
- providing support to both the complainant and the alleged harasser or bully
- providing advice and services in relation to any disciplinary outcomes
- maintaining employee records such as retaining audio recordings of interviews or
- disciplinary documentation on personnel files

7. REVIEW

It is the responsibility of the Director Corporate Services to monitor and recommend appropriate changes to this policy. This policy will be reviewed bi-annually.

Related Documents:

Employee Code of Conduct