



NAMBUCCA VALLEY COUNCIL BULLYING AND HARASSMENT PREVENTION POLICY POLICY No G 23

Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Purpose

The purpose of this Policy is to:

- provide an environment where employees and others in the workplace are treated fairly and with respect, and are free from unlawful discrimination, harassment, vilification and bullying.
- ensure that when employment decisions are made, they are based on merit, not on irrelevant attributes or characteristics that an individual may possess.
- create a work environment which promotes good working relationships.

2.0 Our commitment

Nambucca Valley Council is committed to providing a safe and healthy workplace free from bullying. Workers are protected by this policy whether they feel bullied by a supervisor, another worker, client, contractor or member of the public.

Nambucca Valley Council will treat reports of workplace bullying seriously. We will respond promptly, impartially and confidentially.

This policy will be made available to all workers including contractors. New workers will be given a copy of this policy at their induction. Managers and supervisors will remind workers of the policy from time to time.

3.0 Expected workplace behaviours

Under work health and safety laws workers and other people at our workplace must take reasonable care that they do not adversely affect the health and safety of others.

Nambucca Valley Council expects people to:

- behave in a responsible and professional manner
- treat others in the workplace with courtesy and respect
- listen and respond appropriately to the views and concerns of others
- be fair and honest in their dealings with others.

This policy applies to behaviours that occur:

- in connection with work, even if it occurs outside normal working hours
- during work activities, for example when dealing with customers
- at work-related events, for example at conferences and work-related social functions
- on social media where workers interact with colleagues or customers and their actions may affect them either directly or indirectly.

4.0 Definitions

4.1 Worker

In this policy, a worker has the same meaning as Worker under Section 7 of the Work Health and Safety Act 2011, being:

- a) an employee, or
- b) a contractor or subcontractor, or
- c) an employee of a contractor or subcontractor, or
- d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- e) an outworker, or
- f) an apprentice or trainee, or
- g) a student gaining work experience, or
- h) a volunteer, or
- i) a person of a prescribed class.

4.2 Workplace Bullying

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

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated.

Examples of bullying behaviour include, but are not limited to:

- threats of violence, or actual incidents of violence
- shouting, verbal abuse, insults, intimidating language, sarcasm or innuendo
- sending offensive email, voicemail or text messages
- isolating and excluding a person from various work activities or groups
- repeated practical jokes, taunts, ridicule or humiliation
- workplace 'initiation' rituals or pranks
- damaging or interfering with a work colleague's property or equipment

4.3 Workplace Harassment

Harassment is unwelcome and uninvited behaviour that is offensive to others. This could include behaviour that intimidates, upsets, threatens, demeans or otherwise offends another worker.

Examples of workplace harassment include, but are not limited to:

- persistently or destructively criticising a worker publicly or privately
- making and/or circulating offensive remarks to a worker about their work or capacity for work, personal life, absences, or claims for compensation
- teasing or regularly making a worker the victim of pranks
- starting, spreading or failing to stop gossip about a worker
- deliberately excluding a worker from workplace activities
- giving unwelcome gifts
- stalking within the workplace, to or from work, or outside the workplace.

4.4 Sexual Harassment

Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment.

Examples of sexual harassment include, but are not limited to:

- uninvited touching
- smutty jokes or comments
- making promises or threats in return for sexual favours
- displays of sexually explicit material
- sexual gestures
- sex-based insults, taunts, teasing or name-calling
- staring or leering at a person or at parts of their body
- repeated invitations to go out after prior refusal
- offensive emails, letters or phone calls
- persistent questions or insinuations about a person's private life.

4.5 Discrimination

Discrimination is the less favourable treatment of a person, or a group of people, because of attributes (sex, race, religion, sexual preference, marital status, pregnancy, disability, age and/or carer's responsibility).

Examples of discrimination include, but are not limited to:

- not offering overtime to a worker because of assumed family commitments
- not properly considering the potential of a job applicant because of their ethnic origin

5.0 What is not workplace bullying?

Reasonable management action taken by managers or supervisors to direct and control the way work is carried out is not considered to be workplace bullying if the action is taken in a reasonable and lawful way.

6.0 Responsibilities

6.1 Executive

The Executive is responsible for:

- taking all reasonable practical steps to prevent and eliminate all forms of bullying, harassment and unlawful discrimination.
- ensuring that all workers are aware of Council's policy and understand what standards of behaviour are expected.
- leading by example in demonstrating appropriate behavioural standards.

6.2 Managers and Coordinators

Managers and coordinators have a leadership responsibility in demonstrating acceptable workplace behaviour and are responsible for:

- ensuring all workers understand that bullying, harassment or, unlawful discrimination will not be tolerated in the workplace
- ensuring all workers are aware of, and understand, their responsibilities under Council's Bullying and Harassment Prevention Policy No G 23 and Council's Code of Conduct Policy No G 04
- intervening early in any incident that could lead to a bullying, harassment, or discrimination claim
- taking prompt and timely action to report suspected cases of harassment, discrimination and workplace bullying
- maintaining confidentiality if involved in actioning an alleged matter
- promptly implementing any actions or recommendations arising from the outcomes of investigations or disciplinary matter
- referring staff to the Employee Assistance Program as appropriate.

6.3 Workers

All workers are responsible for:

- understanding their responsibilities under this policy and Council's Code of Conduct Policy No G 04
- not participating in/or condoning bullying, harassment or discriminatory behaviour
- ceasing immediately any unwelcome behaviour or activity towards other workers, when asked to do so.

7.0 What can you do?

If you feel you are being bullied and are not comfortable dealing with the problem yourself, or your attempts to do so have not been successful, you should raise the issue either with your supervisor, health and safety representative or other manager within the organisation. If you are a member of the union you may also raise any issues with your delegate.

If you witness unreasonable behaviour you should bring the matter to the attention of your manager as a matter of urgency.

8.0 How we will respond

If workplace bullying or unreasonable behaviour is reported or observed we will take the following steps:

1. The responsible supervisor or manager will speak to the parties involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue for all parties.
2. If issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.
3. All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
4. There will be no victimisation of the person making the report or helping to resolve it. Complaints made maliciously or in bad faith will result in disciplinary action.

9.0 Consequences of breaching this policy

Appropriate disciplinary action will be taken against a person 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
- one or more parties agreeing to participate in counselling or training
- a verbal or written reprimand
- transfer, demotion or dismissal of the person engaging in the bullying behaviour.

10.0 If bullying has not been substantiated

If the investigation finds bullying has not occurred or cannot be substantiated, Council may still take appropriate action to address any workplace issues leading to the report.

11.0 Reference documents/Legislation

Anti-Discrimination Act of NSW 1977
Racial Discrimination Act 1975
Racial Hatred Act 1995
Sex Discrimination Act 1984
Disability Discrimination Act 1992
Human Rights and Equal Opportunity Commission Act 1986
Age Discrimination Act 2004
Work Health and Safety Act 2011
Work Health and Safety Regulation 2011
Local Government (State) Award
Safe Work Australia - Guide for Preventing and Responding to Workplace Bullying
Nambucca Valley Council's Code of Conduct Policy No G 04
Nambucca Valley Council's Code of Conduct Procedure G 01

12.0 Contacts and Support Services

SafeWork NSW
Website: www.safework.nsw.gov.au
Email: contact@safework.nsw.gov.au
Phone: 13 10 50

Fair Work Commission - Sydney
Website: www.fwc.gov.au
Email: sydney@fwc.gov.au
Phone: 1300 799 675 (9am-5pm)
Out of hours emergency: 0419 960 157

Employee Assistance Program (IPAR)
Email: eap@ipar.com.au
Phone: 1800 644 327

Lifeline 13 11 14

Beyond Blue 1300 224 636

13.0 Variation

Council reserves the right to vary or revoke this policy.

14.0 History

Department:	Governance	Last Reviewed	Resolution Number
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