



BOULIA SHIRE COUNCIL

Respect in the Workplace Policy (Bullying and Harassment)

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Summary:	This policy outlines Council's stance on workplace discrimination, harassment and bullying
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Related documents:	<p>Equal Employment Opportunity Statement</p> <p>Boulia Shire Council Enterprise Bargaining Agreement</p> <p>Policy 116 Workplace Health, Safety, Environment and Quality</p> <p>Policy 121 Confidentiality (Use of Information) Procedure</p> <p>Policy 127 Complaints Management Policy and Process</p> <p>Policy 129 Councillor Code of Conduct</p> <p>Policy 137 Employee Assistance Program Policy</p> <p>Policy 140 Statement of Business Ethics</p> <p>Policy 146 Code of Conduct</p>
Responsible Section:	Executive
Responsible Officer:	Chief Executive Officer
Legislation:	<p>Anti-discrimination Act 1991</p> <p>Australian Human Rights Commission Act 1986</p> <p>Information Privacy Act 2009</p> <p>Public Interest Disclosure Act 2010</p> <p>Industrial Relations Act 2016</p> <p>Work Health and Safety Act 2011</p> <p>WHS (Psychosocial Hazard) Legislation 2023</p>

AIMS

Boulia Shire Council (Council) is committed to providing a safe, flexible and respectful environment for staff and clients free from all forms of discrimination, bullying, sexual harassment and psychosocial hazards in the workplace.

All Boulia Shire Council staff and contractors are required to treat others with dignity, courtesy and respect. We seek to employ and engage a workforce that values the individual contribution of people irrespective of gender, sexual orientation, age, marital status, disability, race, colour, ethnic or national origin and creed. We promote a work environment that is socially inclusive, which values diversity and allows employees to realise their full potential without fear of discrimination or harassment.

By effectively implementing this policy we will retain talented staff and create a positive environment for staff.

SCOPE

This policy applies to anyone who carries out work in any form or capacity for Council including but not limited to all staff (full-time, part-time or casual, temporary or placement staff), contractors, sub-contractors and volunteers.

It concerns staff treatment of other staff, of clients and of other members of the public encountered in the course of their Boulia Shire Council duties and applies wherever and whenever staff may be as a result of their Boulia Shire Council duties (e.g. on-site, off-site or after-hours work; work-related social functions; conferences).

STAFF RIGHTS AND RESPONSIBILITIES

All staff members:

- Are entitled to a work environment free from discrimination, bullying and sexual harassment.
- have the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.
- are entitled to reasonable flexibility in working arrangements especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

Staff must:

- follow the standards of behaviour outlined in this policy.
- offer support to people who experience discrimination, bullying or sexual harassment, including providing information about how to make a complaint.
- avoid gossip and respect the confidentiality of complaint resolution procedures.
- treat everyone with dignity, courtesy and respect.

In addition, Managers and supervisors must also:

- model appropriate standards of behaviour.
- take steps to educate and make staff aware of their obligations under this policy and the law/various Acts and legislation.
- intervene quickly and appropriately when they become aware of inappropriate

behaviour.

- act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard.
- help staff resolve complaints informally.
- refer formal complaints about breaches of this policy to the appropriate complaint handling officer for investigation.
- ensure staff who raise an issue or make a complaint are not victimised.
- seriously consider requests for flexible work arrangements where the request does not hinder the delivery of core business and meets Work Health and Safety Regulations.

UNACCEPTABLE WORKPLACE CONDUCT

Discrimination, bullying and sexual harassment are unacceptable at Boulia Shire Council and are unlawful under the following legislation:

- *Anti-discrimination Act 1991* (State)
- *Australian Human Rights Commission Act 1986* (Cth).

Staff (including managers) found to have engaged in such conduct might be counselled, warned or disciplined. Severe or repeated breaches can lead to formal discipline up to and including dismissal.

Discrimination

Discrimination is treating, or proposing to treat, someone differently because of an attribute protected by the law such as:

- a disability, disease or injury, including work-related injury
- parental status or status as a carer, for example, because they are responsible for caring for children or other family members
- race, colour, descent, national origin, or ethnic background
- age, whether young or old, or because of age in general
- industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union
- religion
- pregnancy and breastfeeding
- sexuality or gender identity
- marital status
- political opinion
- social origin
- medical record
- an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.

Discrimination can occur:

- Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below). For example, a worker is bullied and humiliated because of their race or a worker is refused promotion because they are 'too old'.

- Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below). For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.

It is also against the law to treat someone less favourably because you assume they have an attribute or may have it at some time in the future.

Bullying

This policy defines workplace bullying as behaviour by a worker that intimidates, offends, degrades or humiliates another worker, possibly in front of co-workers, clients or customers. Bullying behaviour can be direct or indirect and is a behaviour that creates a risk to the health and safety of the employee.

This section does not apply to reasonable management action carried out in a reasonable manner.

Behaviours that may constitute bullying include:

- sarcasm and other forms of demeaning language
- aggressive behaviours eg threats, abuse or shouting
- coercion
- isolation
- inappropriate blaming
- ganging up
- constant unconstructive criticism
- unreasonable work demands
- deliberately withholding information or equipment that a person needs to do their job or access their entitlements
- unreasonable refusal of requests for leave, training or other workplace benefits.

Bullying can take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices. If someone is being bullied because of a personal characteristic protected by equal opportunity law, it is a form of discrimination. Under Federal law, this behaviour does not have to be repeated to be discrimination – it may be a one-off event.

Bullying is unacceptable in Bouliia Shire Council and may also be against occupational health and safety law. Any incidents of bullying will be treated seriously by Council and may be grounds for disciplinary action including dismissal. Where bullying involves assault or threat of assault it may become a police matter.

Bullying can sometimes be difficult to define and to prove. To support the allegation of bullying, a worker is recommended to keep a diary detailing any bullying as well as any witnesses to the incidents. Refer also to 'Resolving Issues at Bouliia Shire Council' below.

Sexual harassment

Sexual harassment is a specific and serious form of bullying. It is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or

intimidated. Sexual harassment can be physical, spoken or written. It can include:

- comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, it does not mean that they are consenting to the behaviour. A single incident is enough to constitute sexual harassment – it doesn't have to be repeated.

Sexual harassment is covered in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work.

All staff and volunteers have the same rights and responsibilities in relation to sexual harassment. All incidents of sexual harassment – no matter how large or small or who is involved – require employers and managers to respond quickly and appropriately.

Boulia Shire Council recognises that comments and behaviour that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.

Sexual harassment can sometimes be difficult to define and to prove. To support the allegation of sexual harassment, it is recommended the worker keep a diary detailing any incidents as well as any witnesses to the incidents. Refer also to 'Resolving Issues at Boulia Shire Council' below.

Victimisation

Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation. Victimisation is against the law.

It is also victimisation to threaten someone (such as a witness) who may be involved in investigating an equal opportunity concern or complaint.

Victimisation is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal discipline against the perpetrator.

Boulia Shire Council has a zero-tolerance approach to victimisation. Any person who victimises another person will be subjected to disciplinary action, including possible termination of employment. In addition, they may be liable for criminal proceedings under the relevant legislation.

Psychosocial Hazard

Psychosocial hazards are anything in the design or management of work that increases the risk of psychological or physical harm (e.g. harm someone's mental health). Council endeavours to apply general principles to aid in the prevention and management of psychosocial hazards in the workplace. Specific areas include:

- High and/or low job demands - A job can involve a combination of high and/or low physical, mental and emotional demands, which can create risks to the health and safety of workers.
- Low job control - A job can involve a combination of high and/or low physical, mental and emotional demands, which can create risks to the health and safety of workers.
- Poor support - Poor support refers to tasks or jobs where workers have inadequate emotional and/or practical support from their supervisors and/or co-workers, inadequate training or information to support their work performance, or inadequate tools, equipment or resources to do their job.
- Low role clarity - Low role clarity refers to jobs where there is uncertainty about, or frequent changes to tasks and work standards; where important task information is not available to workers; or where there are conflicting job roles, responsibilities or expectations.
- Poor organisational change management – Poor organisational change management refers to organisational change management that is poorly planned, communicated, supported or managed.
- Low reward and recognition – Low reward and recognition refers to work where there is an imbalance between workers' efforts and recognition or rewards they receive in return – both formal and informal.
- Poor organisational justice – Poor organisational justice refers to work where there is a lack of procedural fairness (fair processes to reach decisions), informational fairness (keeping relevant people informed) or interpersonal fairness (treating people with dignity and respect).
- Poor workplace relationships including interpersonal conflict - Poor workplace relationships or interpersonal conflict can occur between managers, supervisors, co-workers or others with whom workers are required to interact. It can appear as frequent or excessive disagreements, or rude comments - either from one person to another or between multiple people.
- Remote or isolated work – Remote work refers to work that is isolated from the assistance of other people because of location, time, or the nature of the work. It can involve working in locations where there is difficulty in immediate rescue or attendance of emergency services (where required).
- Poor environmental conditions – Poor environmental conditions are those

where workers are exposed to unpleasant, poor quality, or hazardous physical environments or conditions that create a stress response.

- Traumatic events – Workers may be exposed to this hazard at work through investigating, witnessing or being directly exposed to traumatic events or situations. This may include reading, hearing or seeing accounts of traumatic events. A person is more likely to experience an event as traumatic when it is unexpected or is perceived as uncontrollable, where there is a threat to life or safety, or where it is the result of intentional cruelty.
- Violence and aggression – Violence or aggression at work refers to any incident in which a person is abused, threatened or assaulted in circumstances relating to their work. This includes abuse, threats or assaults by workers, clients, patients, visitors or others.
- Bullying and Harassment including sexual harassment – as covered within this policy.
- Fatigue - Fatigue is more than feeling tired and drowsy. At work, fatigue is a state of mental and/or physical exhaustion that reduces your ability to work safely and effectively.

RESOLVING ISSUES AT BOULIA SHIRE COUNCIL

All workplace participants are required to comply with this policy, at all times. If an employee breaches this policy, they may be subject to disciplinary action. Some forms of severe harassment (e.g. sexual assault, stalking, indecent exposure, obscene phone calls) may constitute criminal conduct.

Boulia Shire Council strongly encourages any staff member who believes they have been discriminated against, bullied, sexually harassed, victimised or other, to take appropriate action by speaking to their immediate supervisor or if they are part of the problem, then refer to the Human Resources Officer or the Chief Executive Officer. Staff who do not feel safe or confident to take such action may seek assistance from Council's Employee Assistance provider for advice and support or action their behalf.

Where required, formal complaints may also be taken to the Queensland Human Rights Commission or the Industrial Relation Commission for resolution.

All investigations of complaints/allegations will be conducted in a confidential and impartial manner. Employees and contractors will not be disadvantaged in their employment conditions or opportunities as a result of raising an issue or supporting another employee raising an issue. All parties involved in a complaint must maintain confidentiality. While it may be necessary to speak with other workers in order to conduct an investigation, breaching the confidentiality of a formal complaint investigation or inappropriately disclosing personal information obtained in a professional role (for example, as a manager) is a serious breach of this policy and the Confidentiality Agreement signed by employees with their acceptance of any employment contract and may lead to formal discipline. Spreading rumours or gossip may expose workers to a defamation claim. Workers may discuss the complaint with a designated support person or representative (who is not a workplace participant employed or engaged by Council).

The Council undertakes to investigate and attempt to resolve complaints in a manner

that does not generate further discrimination or victimisation of individuals involved in making, supporting or resolving the complaint.

All information generated as a result of this policy will be safeguarded according to the normal requirements for confidential Human Resource information. The information will only be provided to those people in the Council who have a legitimate need to know to ensure safety, health or performance. No information relating to this policy and identifying a particular individual will be released to any third party except with the individual's written consent or to obtain professional or legal advice if required by law.

Where a manager judges that the issue involves an allegation of unlawful behaviour, they must:

- Reinforce the employee's right to be free from harassment and victimisation, and confirm the Council's commitment to the principles within this policy; and
- Advise the employee of their rights under the relevant legislation, including the right without prejudice, to contact the relevant statutory body for more information, advice or assistance.

Regardless of whether the employee wishes to have the matter pursued internally or externally, the Human Resources Officer must be notified of all issues pertaining to this policy. The employee must be advised that this will occur. Any action resulting from this advice should be handled in such a way as to best maintain the confidentiality of the employee.

While the Council is committed to treating most harassment complaints within the organisation, criminal behaviour is not suited to internal resolution and should be referred to the criminal justice system. In relation to alleged criminal offences the matter should be referred to an external counsellor. Employees will then be advised of their option of police support or intervention. It is not the obligation of the Council to report such matters to the police on behalf of the complainant.

If a complaint/allegation is not upheld, the complaint will be dismissed and the parties to the complaint will be advised of that outcome in writing. If the allegation is upheld, the action will depend on the severity of the case and may include one or more of the following:

- an apology
- a formal warning
- counselling
- transfer to another area of operations
- suspension from the workplace
- demotion
- dismissal
- another form of disciplinary action deemed necessary.

Complaints made in bad faith or as a practical joke to create problems for a work colleague will not be tolerated. If false accusations are found to have occurred disciplinary action may be taken against the perpetrator(s).

Employees who believe they have been subjected to any form of inappropriate behaviour covered by this policy are encouraged to make use of the professional

counselling services available through the Employee Assistance Program (EAP).

Employee Assistance Program (EAP)

Boulia Shire Council staff are entitled to a certain amount of free, professional counselling from our Employee Assistance Program. To access the Employee Assistance Program, you are able to call directly or refer to the Human Resources Officer.

Employee Assistance Program counselling is confidential and nothing discussed with a counsellor will be communicated back to Boulia Shire Council. EAP counselling is available free to Boulia Shire Council staff regardless of whether the issue is related to a workplace problem or some other issue for the staff member.

Further information about the EAP can be found in the Employee Assistance Program Policy.

RESPONSIBILITY AND AUTHORITY

Human Resources will monitor the day to day compliance of this policy and provide guidance to the CEO, who holds ultimate responsibility and authority relating to matters within this policy.

Questions or comments regarding this policy can be made by contacting the Human Resources Officer.