



Name	HR04 Bullying and Harassment
Policy Type	Administrative Policy
Responsible Officer	Chief Executive Officer
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1 Purpose

This policy confirms Council's commitment to providing a workplace which is free from bullying and harassment, including sexual and racial harassment. The policy also confirms the obligations placed upon managers to ensure all employees understand that bullying and harassment are unacceptable and will result in disciplinary action.

2 Principles

In line with Council's commitment to providing equal employment opportunities and a safe working environment, it is Council's objective to ensure a workplace free from bullying and harassment.

3 Definitions

For the purposes of this Policy, the following definitions apply:

Bullying	Bullying is defined by the <i>Fair Work Act 2009</i> as being repeated, unreasonable behaviour directed towards a person or a group of people and which creates a risk to health and safety.
Harassment	Workplace harassment is defined by the Australian Human Rights Commissioner as occurring when " <i>someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under antidiscrimination or human rights legislation . It can also happen if someone is working in a 'hostile' – or intimidating – environment.</i> "

4 Policy Statement**4.1 Statement of Commitment**

Council is committed to ensuring every employee enjoys a working environment free from bullying and harassment. Council's values establish a basis for expected business and personal behaviour. This includes respect for one another and, accordingly, bullying and harassment constitute serious misconduct which will not be tolerated.

- 4.1.1 Bullying and harassment are not only unlawful, they are also prohibited under Council's Code of Conduct.
- 4.1.2 As part of our commitment against workplace bullying and harassment, Council has a robust and effective procedure for dealing with any such complaints.
- 4.1.3 All employees have a responsibility to ensure everyone in the workplace knows that bullying and harassment are unacceptable.
- 4.1.4 Bullying and harassment may occur between colleagues, managers and employees and even

between employees and customers, contractors and volunteers. In all circumstances, bullying and harassment will not be tolerated.

4.2 Bullying

4.2.1 Bullying is defined by the *Fair Work Act 2009* as being repeated, unreasonable behaviour directed towards a person or a group of people and which creates a risk to health and safety.

4.2.2 Examples of workplace bullying include:

- Inappropriately excluding a colleague from meetings or communications
- Demeaning or belittling someone
- Inappropriately commencing disciplinary action
- Spreading malicious gossip or rumours
- Use of abusive or intimidating behaviour
- Excessive micro-management
- Setting impossible targets or deadlines
- Displaying offensive or degrading materials

4.2.3 Importantly, the *Fair Work Act 2009* makes it clear that reasonable managerial action taken in a reasonable way is not bullying. Examples of reasonable managerial action include:

- Proper use of performance management or disciplinary processes
- Providing fair and reasonable feedback
- Setting challenging targets or deadlines
- Requiring compliance with workplace policies and procedures
- Workplace restructuring

4.3 Harassment

4.3.1 Workplace harassment is defined by the Australian Human Rights Commissioner as occurring when *“someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under antidiscrimination or human rights legislation . It can also happen if someone is working in a ‘hostile’ – or intimidating – environment.”*

4.3.2 Harassment which has a sexual connotation is referred to specifically as ‘sexual harassment’.

4.3.3 Examples of workplace harassment include:

- Use of inappropriate language
- Display of inappropriate material, such as offensive posters or computer screensavers
- Sharing of inappropriate jokes, either verbally or via email
- Asking intrusive questions about a person’s private life
- Unacceptable physical contact, such as intentional touching, patting, pinching or rubbing (sexual harassment).
- Expressed hostility against, or bringing into contempt or ridiculing, an employee on the grounds of his or her religion, gender, race, colour, ethnic or national origin or any of the other grounds protected by state and commonwealth legislation.

4.3 Reporting Bullying or Harassment

- If an employee feels they are being bullied or harassed, they should immediately approach their manager to discuss the situation. The manager should provide advice to the employee and ascertain what the employee would like done about the matter.
- All allegations of bullying and harassment will be investigated thoroughly, impartially, empathetically and in the strictest confidence, taking into account the privacy of all parties.
- The principles of natural justice and procedural fairness shall be followed at all times.
- Following the conclusion of Council's investigation, the parties will be informed of the final outcome in writing.
- Where appropriate, disciplinary action will be taken by Council.
- An employee found to have made deliberately false allegations will be subject to disciplinary action.
- An employee who has made allegations of workplace bullying may also bring their concerns to the attention of the Fair Work Commission.

5 Associated Documents

Litchfield Council Human Resource Policies
Litchfield Council Enterprise Agreement

6 References and Related Legislation

Local Government Act
Fair Work Act