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Policy Title: **Workplace Discrimination, Harassment & Bullying**  
 Policy No: 271

Responsible Officer: Chief Executive Officer  
 Authorised by: North Burnett Regional Council

Adopted Date: General Meeting - 21/09/2016  
 Review Date: 21/09/2018

| VERSION | MEETING APPROVED | MEETING DATE | HISTORY    |
|---------|------------------|--------------|------------|
| 1       | General Meeting  | 21/09/2016   | New Policy |

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## 1. INTRODUCTION

The North Burnett Regional Council is committed to creating a work environment for all staff which is free from any forms of discrimination, bullying and harassment (including sexual harassment). Workplace discrimination, bullying and harassment can have serious implications for both productivity and morale.

The aim of achieving a harassment free workplace is not intended to impose restrictions on individual working styles or on workplace related relationships and social activities. Rather, its aim is to recognise that people of different backgrounds and interests need to treat each other with respect and courtesy if the North Burnett Regional Council is to be an effective organisation.

The North Burnett Regional Council will provide regular employee awareness training where appropriate on discrimination, bullying and harassment and have appropriate procedures in place for dealing with any complaints.

**Any discrimination, bullying or harassment in the workplace will not be tolerated by The North Burnett Regional Council and there will be disciplinary consequences for employees who engage in this behaviour which may include termination of employment.**

## 2. UNACCEPTABLE WORKPLACE CONDUCT

Discrimination, bullying and harassment are unacceptable at The North Burnett Regional Council and may be deemed unlawful under various state and federal legislation:

- *Australian Human Rights Commission Act 1986 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Age Discrimination Act 2004 (Cth)*
- *Anti-Discrimination Act 1991 (Qld)*

Any type of discrimination, bullying or harassment is covered in the workplace when it happens at work, at work-related events such as conferences, work functions, work parties and business trips, between people sharing the same workplace or between colleagues outside of work.

### 2.1 DISCRIMINATION

Discrimination occurs when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. Federal and Queensland laws protect people from discrimination on the basis of their:

- Age;
- Disability/impairment;
- Family responsibilities;
- Political belief or activity;
- Religious belief or activity;
- Race, including colour, national or ethnic origin or immigrant status;
- Sexual orientation, gender identity and intersex status;
- Sex, pregnancy or marital status and breastfeeding; and
- Trade union activity;

Discrimination can occur both **directly** and/or **indirectly**. **Direct discrimination** is when an individual or group are treated less favourably than another person or group in a similar situation because of a personal characteristic that is protected by law as listed above.

**Indirect discrimination** is 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 as listed above.

Discrimination is unlawful across all areas of employment which includes recruitment, during employment and termination of employment. The North Burnett Regional Council applies and upholds Equal Employment Opportunity (EEO); meaning people are treated fairly, equitably and judged on their ability to do the job based on merit. It

also means promoting a working environment that is free from sexism, racism, sexual harassment and other forms of discrimination.

## **2.2 BULLYING**

Workplace bullying is a repeated unreasonable behaviour by an individual or group towards a worker which creates a risk to health and safety. Bullying behaviour can range from obvious verbal or physical assault to subtle psychological abuse. Behaviours that may constitute workplace bullying include but are not limited to the following:

- Threats, abuse or shouting;
- Constant ridicule and being put down;
- Sarcasm and other forms of demeaning language;
- Excluding or isolating employees;
- Assigning meaningless tasks unrelated to the job;
- Undermining work performance by deliberately withholding information vital for effective work performance;
- Leaving offensive messages on e-mail or the telephone;
- Constant unconstructive criticism or repeated threats of dismissal or disciplinary action for no valid reason ; and
- Spreading of gossip or false, malicious rumours about a person with intent to cause the person harm.

A single incident of unreasonable behaviour and reasonable management action taken in a reasonable way in connection with a workers employment is **NOT** considered workplace bullying. Taking the particular circumstances into account, workplace conflict – differences of opinions and disagreements are generally **NOT** considered to be workplace bullying.

## **2.3 HARASSMENT**

Harassment can be a form of discrimination. It consists of unwelcome, embarrassing, unsolicited, offensive, abusive, belittling or threatening behaviour directed at an individual or group because of some real or perceived attribute such as a person's ethnicity, sexuality, or disability in circumstances which a reasonable person, would have anticipated that the person harassed would be offended, humiliated or intimidated. Harassment can include behaviour such as:

- Practical jokes;
- Swearing;
- Bullying;
- Crude jokes, derogatory comments, offensive messages or phone calls;
- Name calling, physical threats and offensive gestures;
- Leering, patting, pinching or touching;
- Displays of offensive posters, pictures or graffiti;
- Texting or social media

## **2.4 SEXUAL HARASSMENT**

Sexual harassment is a specific and serious form of harassment. Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which a reasonable person would feel offended, humiliated or intimidated by. Sexual harassment can be physical, spoken or written and includes but is not limited to the following:

- Uninvited touching, hugging, cornering or kissing;
- Sexually suggestive jokes or comments;
- Inappropriate staring or leering;
- Requests or pressure for sex or other sexual favours;
- Displays of sexually graphic material including posters, pinups, cartoons, graffiti or messages left on notice boards, desks or common areas;
- Repeated invitations to go out after prior refusal;
- Repeated inappropriate advances on e-mail or social networking websites (e.g. Facebook);
- Sexual gestures, indecent exposure or inappropriate display of the body (e.g. flashing);
- Insults, taunts, teasing or name-calling of a sexual nature;
- Inappropriate physical contact such as massaging a person without invitation or deliberately brushing up against them, touching or fiddling with a person's clothing including lifting up skirts or shirts, flicking bra straps, or putting hands in a person's pocket;
- Sexually explicit conversation either verbally or written;
- Persistent questions or insinuations about a person's private life or physical appearance; and
- Stalking, actual or attempted rape or sexual assault.

A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. All sexual harassment incidents whether large or small or who is involved will be responded to quickly and appropriately.

## **3. STAFF AND MANAGEMENT RIGHTS AND RESPONSIBILITIES**

All staff are entitled to:

- Recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics;
- Work free from discrimination, bullying and harassment;
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised;
- Reasonable flexibility in working arrangements, especially where needed to accommodate their family responsibilities, disability, religious beliefs or culture.

All staff must:

- Follow the standards of behaviour outlined in this policy;
- Offer support to people who experience discrimination, bullying or harassment, including providing information about how to make a complaint;
- Avoid gossip and respect the confidentiality of the complaint procedure; and
- Treat everyone with dignity, courtesy and respect.

Additionally 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;
- Intervene quickly and appropriately when they become aware of inappropriate behaviour;
- Act fairly to resolve issues and enforce workplace behaviour standards, making sure relevant parties are heard;
- Help staff resolve complaints informally where appropriate;
- 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;
- Ensure that recruitment decisions are based on merit;
- Seriously consider requests for flexible work arrangements.

#### **4. COMPLAINT PROCEDURE**

Allegations of discrimination, bullying or harassment, including sexual harassment will be treated impartially, timely and confidentially. There are five steps in the Complaint Procedure:

##### **STEP 1. CHARACTERISE YOUR COMPLAINT**

The best course of action for resolving your complaint will depend on the nature of the complaint. You should consider the nature of the complaint and the conduct that has affected you before moving ahead to the next step in the Complaint Procedure. If you are unsure whether the conduct is in breach of this policy, or if you need assistance to characterise your complaint, you should contact:

- A member of the HR team;
- Your supervisor or manager, where appropriate; or
- An executive manager

## **STEP 2. CONSIDER RESOLVING THE COMPLAINT YOURSELF**

You may be able to resolve the situation yourself by identifying some action that may help. If your complaint is about a person's behaviour, you should consider telling the person that it is not acceptable and/or offensive or hurtful. Sometimes people behave inappropriately without realising it or considering the repercussions, by telling the person this gives them a chance to stop or change what they are doing.

## **STEP 3. REPORT YOUR COMPLAINT**

If you are unable to, or it is inappropriate to resolve the complaint yourself, then explain the problem to either a member of the HR team or your supervisor/manager.

## **STEP 4. RESOLVING YOUR COMPLAINT INFORMALLY**

If you have not been able to resolve your complaint yourself, it may be possible to have it resolved informally. A HR team member or your supervisor/manager can talk with you about a range of options for informal resolution. These may include the HR member or supervisor/manager arranging a discussion between you and the other person or involving other relevant staff in the resolution process.

The aim is to come to a resolution of the complaint as quickly as possible through having you and the other person agree on a way to resolve the complaint. This process will not involve an investigation of the complaint. If, however, the complaint is not able to be resolved informally, you can lodge a formal complaint, seeking an investigation.

## **STEP 5. LODGE A FORMAL COMPLAINT**

A formal complaint may be lodged with a member of the HR team or the relevant supervisor/manager or Executive Manager who may then appoint either an internal or external person to investigate your formal complaint.

Investigations will be conducted in an impartial, timely and confidential manner having regard to the principles of procedural fairness and natural justice.

