



S 25/29

POLICY REGISTER

Subject: STAFF - Harassment and Workplace Bullying Policy

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
Minute No:	54	195	88	
Meeting Date:	13/03/2006	20/06/2005	13/10/2003	
Review Date:	February 2008			

Primary Responsibility: Councillors, Management, Committee members including community representatives, delegates of Council, volunteers and all Staff.

Policy

The code of conduct requires that you must not must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination, on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, homosexuality or transgender.

It is the policy of Council that all staff should enjoy good working relationships with each other and with management. This means that everyone should feel comfortable in the workplace and that differences should be respected.

An important part of good working relationships is that everyone must be able to work in an environment free from harassment, including bullying.

All forms of harassment, which is:

- sexual or sex-based, racial or relates to a person's marital status, disability, age, pregnancy or homosexuality, transgender (transsexuality) is discriminatory: **or**
- repeated conduct that is unreasonable in the circumstances, causes a risk to the health and safety of staff, victimises, humiliates, undermines or threatens staff; will not be tolerated in the workplace.

Muswellbrook Shire Council

Terms

The term “you” used in this policy refers to council officials.

Council official includes councillors, members of staff of council and delegates of council. Council has extended the policy to include council’s contractors, consultants, and volunteers, members and community representatives of advisory and section 355 committees.

The term workplace means the definition of place of work and premises as set out in the Occupational Health and Safety Act 2000, Section 4 definitions.

(At May 2005, place of work means premises where persons work. Premises includes any place, and in particular includes: any land, building or part of any building, or any vehicle.....)

Procedure

- ❖ Harassment and bullying will not be tolerated under any circumstances. It is not O.K.,
- ❖ Any staff member can complain about harassment, or bullying to their Supervisor or other Managers, Equal Employment Opportunity Officer, Harassment Officer, their union or the Anti-Discrimination Board,
- ❖ Councillors, community member on committees, volunteers can complain about harassment, or bullying to the General Manager,
- ❖ All harassment and bullying complaints will be treated seriously, sympathetically, quickly and privately,
- ❖ All harassment and bullying complaints will be investigated fairly and impartially,
- ❖ Action will be taken to make sure that harassment or bullying stops,
- ❖ People making complaints and witnesses will not be victimised in any way for making a complaint,
- ❖ Complaints should be settled within the workplace wherever possible.

What is Harassment?

Harassment offends, upsets, humiliates or scares another person. It makes the workplace uncomfortable and unpleasant.

Harassment is not always intended – acts or behaviour, which are funny or don’t mean much to one person may hurt or offend another. A workplace **without** harassment is a workplace where people respect and tolerate the rights and differences of others.

Harassment often happens when power is used wrongly. The power may be related to:

- ❖ Position (e.g. a supervisor over someone they are in charge of),
- ❖ Cultural difference (e.g. men over women in a society where men hold most of the power or of a white person over a person of colour in a traditionally Anglo-Saxon society),
- ❖ Number (e.g. women over men in a workplace where most of the workers are women).

Types of Harassment

Harassment in the workplace can take many forms. It can be overt (obvious) or subtle, direct or indirect (for example, where a hostile feeling/environment is created without any direct attacks being made on a person).

Some forms of verbal harassment:

- ❖ Sexual or suggestive remarks,
- ❖ Making fun of someone,
- ❖ Imitating someone's accent,
- ❖ Propositions (sexual invitations),
- ❖ Spreading rumors,
- ❖ Obscene telephone calls/unsolicited letters, faxes or E-mail messages,
- ❖ Repeated unwelcome invitations,
- ❖ Offensive jokes,
- ❖ Repeated questions about personal life,
- ❖ Threats or insults,
- ❖ The use of language that is not suitable in the workplace,
- ❖ Name calling,
- ❖ Calling someone who is transgender (transsexual) "it" or refusing to refer to them by their preferred gender or name.

Some forms of non-verbal harassment:

- ❖ Putting sexually suggestive, offensive or degrading/insulting material on walls, computer screen savers, E-mail and so on,
- ❖ Suggestive looks or leers,
- ❖ Unwelcome practical jokes,
- ❖ Displaying or circulating racist, sexist or offensive cartoons or literature,
- ❖ Mimicking someone with a disability,
- ❖ Following someone home from work,
- ❖ Ignoring someone or being particularly cold or distant with them,
- ❖ Not sharing information,
- ❖ Offensive hand or body gestures,
- ❖ Unnecessarily leaning over someone,
- ❖ Sending offensive material through computer, fax or E-mail,
- ❖ Wolf whistling,
- ❖ Continually ignoring or dismissing someone's contribution in a meeting/discussion.

Some forms of physical harassment:

- ❖ Unnecessary physical contact (pinching, patting, brushing up against a person, touching, kissing, hugging against a person's will),
- ❖ Indecent or sexual assault or attempted assault,
- ❖ Pushing, shoving or jostling,
- ❖ Putting your hand or an object (like a payslip or a wage packet) into someone's pocket (especially breast, hip or back pocket).

What is workplace bullying?

Unlike sexual harassment, there is no legal definition of workplace bullying. While there is no accepted definition a number of guidelines published provide the following examples of definitions of bullying i.e.

- repeated conduct
- that is unreasonable in the circumstances
- causes a risk to the health and safety of the staff
- victimises, humiliates, undermines or threatens

Generally for conduct to constitute bullying the conduct has to be repeated. A one-off incident would not normally be considered workplace bullying. There is no requirement that the person deliberately or intentionally bully the person, however, intention may be a relevant consideration in assessing the level and severity of the conduct.

Some commonly reported effects of bullying include:

- stress, anxiety and tension
- feelings of social isolation at work
- loss of confidence and self esteem
- loss or deterioration of personal relationships
- headaches, backaches, stomach cramps and depression.

What to Do if You are Harassed or Bullied

1. If you can, tell the person(s) to stop. You should also tell them that you do not like what they are doing and that it is not OK with you or with management. Note: You do not have to do this, you may prefer to go to step 2.
2. If they do not stop, you should tell your supervisor if you can. Your supervisor should take action to prevent further harassment. You may go to one of the designated officers instead, who will help you with your complaint. The designated officers are appointed from time to time by the General Manager. The current contact details can be obtained from the human resources section.
3. If they do not stop, you should also tell the General Manager. The General Manager will take action to prevent further harassment/bullying. You may go to one of the designated officers instead, who will help you with your complaint.
4. Keep a note of any harassment that happens with dates, times, witnesses if any, what happened and what you said, did or felt.

The Responsibility of Managers and Supervisors

Legally, your employer is responsible for what happens in the workplace. Management is responsible for making sure that all staff and supervisors understand that harassment or bullying will not be allowed in the workplace, that complaints will be taken seriously and handled in accordance with the **Dispute and Grievance Resolution Policy**.

At all times, management must make sure that complete privacy is maintained. The names of anyone involved in a complaint must not be discussed with others except those immediately involved in the complaint.

Because management is legally responsible for making sure that no staff member is harassed, you should tell them immediately if any harassment or bullying is going on. If a manager feels that they not the best person to be handling the complaint they will refer the matter to an officer who can better help you. This also applies to councillors, committee members, volunteers and members of the public. All matters should be referred to the General Manager.

The Responsibility of Staff

It is the responsibility of all staff to respect the rights of others and never encourage harassment or bullying. If you become aware that someone you work with is being harassed, help prevent it by offering your support to the person being harassed or bullied. You can do this by:

- ❖ Telling them that you are willing to act as a witness if the person being harassed or bullied decides to lodge a complaint,
- ❖ Refusing to join in with any harassing activity,
- ❖ Backing them up or supporting them to say no.

The Responsibility of Councillors, Committee Members, Volunteers and Community Members of Advisory Committees.

It is the responsibility of all to respect the rights of others and never encourage harassment or bullying. If you become aware that someone you are associated with is being harassed or bullied, help prevent it by offering your support to the person being harassed. You can do this by:

- ❖ Telling them that you are willing to act as a witness if the person being harassed or bullied decides to lodge a complaint,
- ❖ Refusing to join in with any harassing or bullying activity,
- ❖ Backing them up or supporting them to say no.

Definitions

What is Harassment?

Harassment is any behaviour, which is not asked for and not wanted and that happens because of a person's sex, pregnancy, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, age, marital status, disability, transgender (transsexuality), homosexuality, or carers responsibilities.

What is Workplace Bullying?

Unlike sexual harassment, there is no legal definition of workplace bullying. While there is no accepted definition a number of guidelines published provide the following examples of definitions of bullying i.e.

- repeated conduct
- that is unreasonable in the circumstances
- causes a risk to the health and safety of the employee
- victimises, humiliates, undermines or threatens

Generally for conduct to constitute bullying the conduct has to be repeated. A one-off incident would not normally be considered workplace bullying.

Council Policies

- Harassment and Bullying Policy
- Grievance and Dispute Resolution procedures
- Code of Conduct

Legislation

- Commonwealth - Sex Discrimination Act 1984
- NSW - Anti-Discrimination Act 1977
- Occupational Health & Safety Act

Introduction

Muswellbrook Shire Council is committed to providing employees with a healthy and safe work environment that is free from harassment and bullying.

Harassment, including bullying can adversely affect the health safety and welfare of employees and will not be tolerated in any form.

These procedures provide practical information to help the Council and its employees deal with harassment and bullying in the workplace.

All **employees** are expected to behave in a professional manner and to treat each other with dignity and respect while they are at work.

Managers and **supervisors** have responsibility to ensure employees are not being harassed or bullied.

Employees who experience harassment or bullying are encouraged to report it.

Any reports of harassment or bullying will be treated seriously and investigated promptly, confidentially and impartially.

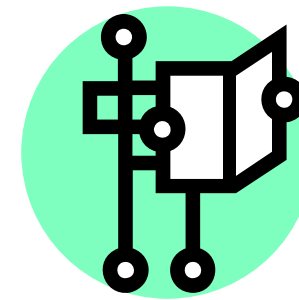
For Further Information

Contact: Human Resources Section

Telephone: 6549 3729 or 6549 3727

Muswellbrook Shire Council

Procedures for Dealing with



Harassment and Workplace Bullying

Prepared for the Information of Staff

January 2006

Muswellbrook Shire Council

Procedure

- ✓ Harassment (including bullying) will not be tolerated under any circumstances. It is not O.K.,
- ✓ Any employee can complain about harassment or bullying to their Supervisor or Manager, Equal Employment Opportunity Officer, Harassment Officer, their Union or the Anti-Discrimination Board,
- ✓ Councillors, community members on Council committees and volunteers can complain about harassment or bullying to the General Manager,
- ✓ All harassment and bullying complaints will be treated seriously, sympathetically, quickly and privately,
- ✓ All harassment and bullying complaints will be investigated fairly and impartially,
- ✓ Action will be taken to make sure that harassment or bullying stops,
- ✓ People making complaints and witnesses will not be victimised in any way for making a complaint,
- ✓ Complaints should be settled within the workplace wherever possible.

Complaints will be taken seriously and handled in accordance with the Dispute and Grievance Resolution Policy.

What must employees do?

Understand your own behaviour and the impact it may have on others. Promote and model appropriate and professional standards of conduct at all times. If you are being harassed or bullied, you can take action informally or follow more formal procedures.


Informal action is recommended as a first approach:

Seek advice

Seek advice and support from the nominated contact person, manager/supervisor or from your health and safety representative, human resources officer or union official. *You should not make allegations about bullying behaviour or harassment to people who are not involved in the handling of complaints in your workplace.*

Keep a record

Harassment/bullying can sometimes be difficult to define and to prove. It is therefore important to keep a diary of incidents, accurately recording:

 When and where it occurred, what was said or done, how it made you feel, who was involved, potential witnesses, and

This diary can be used at a later date to illustrate a pattern of events that will help prove your case and may be seen as valid evidence in a tribunal or court of law.

Approach the person

When you first see or experience harassment or bullying, ask the person to stop the behaviour. Informing a person directly that their behaviour is unacceptable, hurtful or offensive provides an opportunity for the behaviour to change or stop immediately.

If you choose to deal with a situation personally:

- Do not retaliate and do not try to get even. Discuss your intended approach with a contact officer first. Consider what will be said to the person. Focus on the unwanted behaviour, rather than on the person.
- Make a note containing the facts about the approach, the outcome and any follow-up.

If you do not feel comfortable approaching the person yourself, ask someone else, such as a contact officer or supervisor, to approach the person on your behalf, or to mediate or facilitate face-to-face discussions to find an acceptable resolution.

Use formal complaint procedures

You may wish to lodge a formal written complaint if informal approaches are unsuccessful, or the allegations are so serious that other approaches are inappropriate.

Council will carry out an investigation into the allegations of harassment or bullying. Where the complaint is justified, there may be disciplinary action or counselling for the person to enable them to recognise and change their behaviour.

Where appropriate, Council will make changes in the workplace to ensure that any breaches of legislation are rectified.