

 <b>Kingborough</b>	<b>BULLYING, HARASSMENT AND DISCRIMINATION POLICY</b>	<b>(Policy No 9.3)</b>		
		LAST REVIEW April 2018	NEXT REVIEW April 2020	MINUTE REF C219/7-18
<b>POLICY STATEMENT:</b>	<p>1.1 The Kingborough Council is committed to ensuring that it provides a working environment and employment practices which are free from all forms of bullying, harassment and discrimination.</p> <p>1.2 Council is committed to compliance with the provisions of the <i>Anti-Discrimination Act 1998 (Tas)</i>, the anti-discrimination provisions of relevant legislative instruments and the provisions of Section 63 (2) of the <i>Local Government Act 1993 (Tas)</i> which states that the general manager is to develop human resource practices and procedures in accordance with the policies of the council to ensure employees of the council receive fair and equitable treatment without discrimination.</p> <p>1.1 Council will not tolerate discrimination, harassment, prohibited conduct, bullying, sexual harassment, victimisation, vilification or inappropriate behaviour in the workplace.</p> <p>1.2 Council's intention to take all reasonable steps to ensure that Workers and Others at the workplace understand their obligations and do not engage in discrimination, harassment, sexual harassment, bullying, prohibited conduct, victimisation, vilification or inappropriate behaviour.</p> <p>1.3 Council expects that all Workers behave in a professional manner and treat all Co-Workers and Others at the workplace with respect and dignity.</p>			
<b>DEFINITIONS:</b>	<p>2.1 <b>Bullying</b></p> <p>Bullying is unreasonable behaviour (often repeated) directed toward an employee, or group of employees that creates a risk to their health and safety (whether physical or psychological).</p> <p>2.2 <b>Discrimination</b></p> <p>Discrimination occurs when a person is treated unfairly because they have a particular attribute or personal characteristic or are associated with a person with that characteristic. It doesn't matter if there are other reasons for how the person is treated.</p> <p>It is also discrimination when a person or organisation has a particular requirement or practice that seems to treat everyone equally, but has the effect of disadvantaging people who have a particular personal attribute or characteristic.</p> <p>2.3 <b>Harassment</b></p> <p>Any form of behaviour that is unwelcome, offends, humiliates or intimidates another person, and that a reasonable person would have anticipated would cause offence, humiliation or intimidation to the person harassed. If harassment happens because of an attribute protected by law, it will also be unlawful.</p> <p>2.4 <b>Inappropriate Workplace behaviour</b> is any behaviour which is not appropriate workplace behaviour or not reasonably acceptable in the workplace or under the Code of Conduct.</p> <p>2.5 <b>Prohibited conduct</b></p> <p>Prohibited conduct is any conduct which offends, humiliates, intimates, insults or ridicules another person on the basis of an attribute protected under the <i>Anti-Discrimination Act 1998 (Tas)</i>.</p> <p>2.6 <b>Sexual harassment</b></p> <p>Unwelcome and unwanted conduct of a sexual nature that is offensive, humiliating, abusive, insulting, belittling, ridiculing, intimidating or threatening, whether this is face-to-face, indirect or via communication technologies such as mobile phones and computers in circumstances in which a reasonable person,</p>			

	<p>having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.</p> <p>Sexual harassment may include any unwelcome:</p> <ul style="list-style-type: none"> <li>• Physical contact of a sexual nature;</li> <li>• Sexual advances;</li> <li>• Requests for sexual favours;</li> <li>• Sexual remarks, including ‘jokes’;</li> <li>• Gestures, actions or comments of a sexual nature;</li> <li>• Displaying sexual material; and</li> <li>• Conduct of a sexual nature.</li> </ul> <p><b>2.7 Victimization</b></p> <p>Victimization occurs when a person is treated badly because they have or intend to make a complaint, be a witness, act in good faith in bringing information or an allegation under the legislation or organisational policy.</p> <p><b>2.8 Vilification</b></p> <p>Vilification is conduct that incites physical harm, hatred, serious contempt or serious ridicule towards a person or group of people on the basis of race, sexuality, disability or religion. It can take many forms include hate-speech, graffiti, and the distribution of propaganda and other forms of offensive literature.</p> <p><b>2.9 Workers</b> are defined under section 7 of <i>the Work Health and Safety Act 2012</i> (Tas) as an employee, contractor, subcontractor, worker of a labour hire company, apprentice, and student on work experience or a volunteer.</p> <p><b>2.10 Others at the workplace</b> include visitors, clients, customers, friends and family who may enter the workplace.</p> <p><b>2.11 Workplace</b> means a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.</p>
<b>OBJECTIVE:</b>	<p><b>3.1</b> In committing to this Policy, Council aims to:</p> <ul style="list-style-type: none"> <li>• Create a working environment which is free from bullying, discrimination and harassment and where all workers are treated with dignity, courtesy and respect;</li> <li>• Implement training and awareness raising strategies to ensure that all workers know their rights and responsibilities;</li> <li>• Encourage the reporting of behaviour which breaches this policy;</li> <li>• Provide an effective procedure for complaints based on the principles of natural justice;</li> <li>• Treat all complaints in a sensitive, fair and timely manner;</li> <li>• Protect workers from victimisation and reprisals for making complaints; and</li> <li>• Promote appropriate and ethical standards of workplace conduct at all times.</li> </ul>
<b>SCOPE AND APPLICATION:</b>	<p><b>4.1</b> This Policy:</p> <ul style="list-style-type: none"> <li>• Applies to all Council Workers and Others at the workplace;</li> <li>• Applies to anywhere work is carried out or performed; and</li> <li>• Can extend to conduct outside of the workplace or working hours if the actions, omissions or behaviour has the potential to bring Council into disrepute, or otherwise has a connection between the conduct and the work/workplace.</li> </ul>

<p><b>PROCEDURE: (DUTIES)</b></p>	<p><b>5.1 Person Conducting a Business or Undertaking (PCBU)</b></p> <p>Under the <i>Work Health and Safety Act (Tas) 2012</i>, as a PCBU, Council has primary duty to ensure, so far as is reasonably practicable, that the health and safety of Workers and Others at the workplace are not put at risk from discrimination, harassment, bullying, sexual harassment, victimisation, vilification and inappropriate workplace behaviour by seeking to reasonably:</p> <ul style="list-style-type: none"> <li>• Provide and maintain a safe work environment;</li> <li>• Provide and maintain safe systems of work;</li> <li>• Monitor the health and safety of Workers and the conditions at the Workplace, to ensure injuries and illnesses are prevented;</li> <li>• Provide appropriate information, instruction, training and supervision to Workers and others; and</li> <li>• Provide appropriate grievance resolution procedures.</li> </ul> <p>The General Manager must exercise due diligence to ensure the business complies with its obligations. The General Manager must keep up to date with work health and safety matters, take reasonable steps to ensure the business has appropriate resources and ensure Council has processes for complying with its obligations.</p> <p><b>5.2 Workers have a duty to:</b></p> <ul style="list-style-type: none"> <li>• Take reasonable care for their own health and safety;</li> <li>• Take reasonable care that they don't affect the health and safety of others;</li> <li>• Where reasonably practicable intervene to take corrective action where it is identified that Workers are putting themselves or others at risk;</li> <li>• Offer support to Co-workers. This can be done by: <ul style="list-style-type: none"> <li>➢ Offering to act as a witness if the person decides to report the incident;</li> <li>➢ Advising a Manager / Supervisor or Workplace Support / Contact Officer; and</li> <li>➢ Refusing to join in with any offending activity; and</li> <li>➢ Complying, so far as is reasonably practicable, with any reasonable instructions given by the Council such as cooperating with this Policy.</li> </ul> </li> </ul> <p><b>5.3 Others at the Workplace</b> have a duty to take reasonable care for their own health and safety, ensure their conduct does not affect the health and safety of others, and comply with any reasonable instructions from Council in relation to this Policy.</p>
<p><b>GUIDELINES:</b></p>	<p><b>6.1 Investigation and Complaints Process</b></p> <p>Whilst the Council will seek to encourage the resolution of complaints as close as possible to their point of origin through swift and informal means, Council will provide formal procedures for dealing with complaints and grievances in relation to discrimination, harassment, prohibited conduct, bullying, sexual harassment, victimisation, vilification or inappropriate behaviour (<i>refer to the Workplace Behaviour Administrative Policy, Disciplinary and Counselling Administrative Policy and Grievance Resolution Administrative Policy</i>).</p> <p><b>6.2</b> Any reports of discrimination, harassment will be treated seriously and investigated promptly and impartially in accordance with Council's complaints and grievance procedures.</p> <p><b>6.3</b> Behaviour/conduct which is determined to be discrimination, harassment, bullying, sexual harassment, prohibited conduct, victimisation or vilification will be a breach of the Policy and if it also breaches the applicable legislation will be against the law and may subject the individual to civil or criminal proceedings.</p>

	<p><b>6.4 Workplace Support</b></p> <p>Council will appoint and provide training to Workplace Support / Contact Officers. The Officers are trained to give other Workers support and confidential information about their options to deal with work-related discrimination, harassment, bullying or other workplace concerns. Council will communicate the names of the Workplace Support/Contact Officers in the workplace.</p> <p>Council will also appoint an external employee assistance provider to offer free and confidential counselling services.</p> <p><b>6.5 Training</b></p> <p>Council will ensure that Workers are provided with appropriate training on this Policy and the expectations of Council to comply with the spirit and letter of this Policy and associated procedures.</p> <p><b>6.6 Reporting</b></p> <p>Council will encourage Workers to report any incidents of discrimination, harassment, bullying, prohibited conduct, sexual harassment, victimisation, vilification or inappropriate behaviour to a Workplace Support/Contact Officer, a Manager or Supervisor or to Organisational Development.</p>
<b>COMMUNICATION:</b>	<p>7.0 All Workers will be briefed on this policy as part of their Induction program and on an on-going basis.</p>
<b>LEGISLATION:</b>	<p>8.0 The following legislation should be considered in conjunction with this policy:</p> <ul style="list-style-type: none"> <li>• <i>Local Government Act 1993 (Tasmania), in particular Section 63 (1) and (2)</i></li> <li>• <i>Fair Work Act 2009 (Commonwealth)</i></li> <li>• <i>Anti-Discrimination Act 1998 (Tasmania)</i></li> <li>• <i>Equal Employment Opportunity Act 1984 (Commonwealth)</i></li> <li>• <i>Sex Discrimination Act 1984 (Commonwealth)</i></li> <li>• <i>Racial Discrimination Act 1975 (Commonwealth)</i></li> <li>• <i>Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)</i></li> <li>• <i>Disability Discrimination Act 1992 (Commonwealth)</i></li> <li>• <i>Work Health and Safety Act 2012 (Tasmania)</i></li> </ul>
<b>RELATED COUNCIL DOCUMENTS:</b>	<p>9.0 This policy is supported by the relevant Council documents, policies and procedures which include:</p> <ul style="list-style-type: none"> <li>▪ Equal Opportunity Employment and Diversity Policy No 9.9</li> <li>▪ Employee Code of Conduct Policy No 9.14</li> <li>▪ Workplace Behaviour Administrative Policy No 9.20</li> <li>▪ Performance Management Administrative Policy No 9.18</li> <li>▪ Disciplinary Administrative Policy No 9.12</li> <li>▪ Issue Resolution Administrative Policy No 9.15</li> <li>▪ Work Health and Safety Policy No 9.8</li> <li>▪ Induction Procedures</li> </ul>
<b>AUDIENCE:</b>	<p>10.0 This policy is publicly accessible via Council's website.</p>