



WHS04 – WORKPLACE BULLYING, HARASSMENT AND DISCRIMINATION POLICY

OBJECTIVE

To identify, minimise and where possible prevent harassment, discrimination and bullying in the workplace by eliminating intimidating, humiliating, offending, and threatening behaviour and encouraging a professional and productive workplace. Outlined objectives within this policy include but are not limited to:

- To ensure that all employees understand the definition of workplace bullying.
- Prevent bullying and maintain an environment that is free from workplace bullying.
- Outline how complaints of workplace bullying, harassment or discrimination can be made and how claims will be treated by Council and
- Outline procedures to investigate and resolve incidents.

POLICY

1. Council does not tolerate bullying conduct or any other behavior's inconsistent with this policy nor anyone taking reprisals against those who come forward to disclose such conduct.
2. All employees, volunteers, contractors, and agents of Council are expected to comply with this policy, to behave in a professional manner and to treat each other and members of the public with dignity and respect when they are at work.
3. Council will take all reasonable steps to ensure that employees, volunteers, contractors, and agents of Council are not subjected to bullying behaviors from members of the public in the course of their duties.
4. Anyone covered by this policy who experiences or witnesses bullying, harassment or violence should report any behaviour that violates this policy or any related law/regulation; or is a danger to public health or safety as soon as possible.
5. The Shire of Jerramungup encourages all employees to report workplace bullying. Managers and supervisors will endeavour to ensure that no one making a complaint or witnesses are victimised.
6. Council is committed to transparency and accountability in its administrative and management practices, and supports complaints or disclosures that reveal bullying behaviours, or conduct involving a substantial risk to public health and safety.
7. The Shire of Jerramungup has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially, and impartially.
8. All information will be treated confidentially and where information is required to be reported, this will be advised to the relevant party.

9. Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve warning, transfer, counselling, demotion or dismissal, depending on circumstances.

PURPOSE:

The Jerramungup Shire Council is committed to providing employees, volunteers and other agents with a safe and healthy work environment free from bullying, harassment and occupational violence, and regards this to be a primary responsibility as an PCBU. The purpose of this policy is to outline Council's position that bullying and workplace violence will not be tolerated and to provide guidelines for the processes to follow if any instances of bullying or other inappropriate behaviours outlined below are reported.

RATIONALE:

Workplace bullying, harassment and discrimination create an unsafe working environment and increases risks to the health of employees. PCBU have a duty, under Division 2 of the *Work Health and Safety Act 2020*, to ensure, so far as practicable, risks to health and safety because of bullying and violence in the workplace are eliminated or reduced. Council is committed to eliminating, as far as possible, all forms of bullying in the workplace and in its relationships with its users through a culture of openness, support, and accountability.

STANDARDS OF BEHAVIOUR:

Council aims to create positive working relationships, and requires everyone observe the Staff Code of Conduct and follow minimum standards of behaviour, including:

- Being polite and courteous to others.
- Being respectful of the differences between people and their circumstances.
- Ensuring they do not engage in any bullying or offensive behaviour(s) towards others.
- Ensuring they do not assist or encourage others to engage in bullying or offensive behaviour(s); Supporting colleagues and reporting any bullying behaviour(s) they see happening to others and Keeping information confidential if involved in any investigation of bullying behaviour(s).

THE PRIMARY DUTY

The primary duty of care requires PCBUs to ensure so far as is reasonably practicable the:

- Provision and maintenance of a safe work environment.
- Provision and maintenance of safe plant and structures .
- Provision and maintenance of safe systems of work.
- Safe use, handling and storage of plant, structures, and substances.
- Provision of accessible and adequate facilities (for example access to washrooms, lockers, and dining areas).
- Provision of any instruction, training, information, and supervision.
- Monitoring of workers health and conditions at the workplace; and
- Maintenance of any accommodation owned or under their management and control to ensure the health and safety of workers occupying the premises.

TERMS USED:

Health

Health' is defined in the *model WHS Act* as both physical and psychological health. As part of its primary duty a *PCBU* must manage the *risks* to a worker's psychological health, so far as is reasonably practicable.

Bullying

Bullying is defined as repeated and unreasonable behaviour directed towards an employee or group of employees that creates a risk to the worker/s health, safety and wellbeing and is directed related to the workplace. Bullying does not have to be intentional and includes any behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine, or threaten. Bullying is a form of harassment, may also be a criminal offence and can be prosecuted by WorkSafe in Western Australia. In the context of this policy bullying behaviour(s) include harassment or occupational violence (see sub-definitions below).

Harassment

Harassment is a type of bullying but may arise from fewer incidents and is where a person 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 anti-discrimination or human rights legislation.

Discrimination

Discrimination is treating someone less favourably, because of an attribute or personal characteristic, than someone with the same or different attribute or trait. Discrimination may include bullying and harassment over one of these traits.

Complaint

A complaint is about any type of situation, activity, behaviour, or item which causes concern about work or workplace. It can be against or about a person or a workplace system or procedure. It includes actions of an individual or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

Health and Safety Representative

in relation to a worker, means the health and safety representative elected under Part 5 for the work group of which the worker is a member.

Complaint Handler

The person who handles the complaint to its conclusion. This will usually be the Manager and/or the HR representative.

Inappropriate Behaviour

Inappropriate behaviour is any action which causes a staff member to feel uncomfortable or offended. More formally, it includes behaviour which can be described as harassing, bullying, discriminatory and victimising in its impact.

Repeated Behaviour

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Occupational Violence

Occupational violence or assault differs from the definition above as it can result from a single incident or small number of incidents - whereas bullying tends to be an accumulation of incidents over a long period of time.

Unreasonable Behaviour

Unreasonable behaviour means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, and would expect to victimise, humiliate, undermine, or threaten.

Sub-Definitions:

Examples of Bullying Behaviour may include, but are not limited to:

- Excluding or isolating employees.
- Psychological harassment.
- Verbal/non-verbal threats or abuse.
- Offensive or insulting language or attempting to humiliate someone in front of another sniggering, gossiping or spreading rumours or innuendo about someone.
- Intimidation.
- Laughing at someone in the workplace which is intended to make them feel uncomfortable or distressed.
- Any of the above behaviours in an on-line or social media environment taking and or sharing digital photographs that demean or humiliate a person (this may also contravene other legislation such as Privacy).
- Individual or groups of employees forcing a new employee to participate in an "initiation" process; playing of practical jokes on or forcing an employee to undertake demeaning tasks.

In addition Bullying may also include:

- Assigning meaningless tasks unrelated to the job.
- Assigning impossible tasks, setting unreasonable timelines or constantly changing deadlines deliberately changing rosters to inconvenience particular employees.
- Deliberately withholding information that is vital for effective work performance.
- Using a management style that is harsh, involves shouting, constant criticism or humiliation of an employee or group of employees in private or in front of their peers.
- Continuously and deliberately excluding someone from workplace activities including ignoring them and keeping them isolated from relevant communications about work issues.

Workplace Bullying does not include the taking of reasonable management actions which are carried out appropriately, including:

- Work performance (including performance management) and management procedures Allocation of work or legitimate directive to an employee, contractor or agent related to a job role.

- Rostering and allocation of working hours.
- Informing an employee, contractor, or agent about inappropriate behaviour.
- Disciplinary action or allocation of work according to Council practices and procedures or Organisational review and implementation of change.

Violence is defined as any incident where an employee is physically attacked or threatened. It may be a one-off event. Examples include:

- striking, kicking, scratching, biting, spitting or any type of physical contact.
- throwing objects.
- pushing, shoving.
- attacking with any type of weapon.

Violence can come from:

- a co-worker (including a supervisor, manager, agent, volunteer).
- a customer or client.
- a person known to the organisation or employee.
- an unknown person.
- Even when provoked (possibly by bullying) occupational violence will not be tolerated.

Governance:

1. All workers and Council representatives have a responsibility to observe this policy.
2. It is the responsibility of management to ensure compliance with this policy.
3. All Reports of Bullying, harassment and Discrimination incidents will be completed in writing on Councils Hazard, Incident, and Injury form.
4. The implementation of this policy will be monitored at an organisational level by Jerramungup Shire Councils Management.

Related Legislation

The guide for preventing and responding to workplace bullying.

Model code of practice: managing psychosocial hazards at work

Copies of this Policy shall be made available to all employees, contractors, volunteers, and visitors, and displayed within the workplace.

Document Control

Action	Date	Officer	Comment
Adopted	October 2009	Brent Bailey	Adopted by Council at Ordinary Meeting
Review	April 2011	Brent Bailey	Update and Incorporate Injury Management Procedure
Review	May 2014	Janna Kleszewski	Restructured/upgraded OSH Manual Incorporated OSH Policies, reviewed and amended existing policies and procedures, included important contact details
Review	April 2016	Lizzy Hyde	Review of entire document
Review	Dec 2018	Danielle Wisewould	Restructured/upgraded OSH Policy, reviewed and amended existing policies and procedures, included important contact details
Adopted	August 2019	Danielle Wisewould	Adopted by Council at Ordinary Meeting
Updated	September 2023	Danielle Wisewould	Updated to WHS Legislation
Adopted	September 2023	Danielle Wisewould	Adopted by Council at Ordinary Meeting Item 9.4.3

Chief Executive Officer

Occupational Safety and Health Supervisor

Martin Cuthbert 27/09/2023

Danielle Wisewould 27/09/2023
