

Policy Name	Workplace Bullying & Harassment
Policy Type	Human Resources
Policy Number	HR27
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**Policy Number**            **HR27**

**Policy Name**             **Workplace Bullying & Harassment**

## SUMMARY

West Daly Regional Council is committed to ensuring a healthy and safe working environment, free from hostility, offensiveness, intimidation and harassment, and any form of unlawful discrimination. These forms of behaviour within the workplace are unacceptable will not be tolerated.

Bullying or harassment may cause the loss of trained and talented team members, and damage team member's morale and productivity. This policy reflects the belief that all team members should be able to work in an environment free of intimidation and harassment.

You are responsible for your own behaviour. If you think your behaviour may offend, then don't do it.

## **EFFECTS OF BULLYING OR HARASSMENT ON PEOPLE AND WEST DALY REGIONAL COUNCIL**

Bullying or harassment have detrimental effects on people, and West Daly Regional Council It can create an unsafe working environment, result in a loss of trained and talented team members, the breakdown of teams and individual relationships, and reduced efficiency. People who are bullied or harassed can become distressed, anxious, withdrawn, depressed, and can lose self-esteem and self- confidence.

## **WEST DALY REGIONAL COUNCIL STRATEGIES TO ELIMINATE BULLYING AND HARASSMENT**

West Daly Regional Council will take the following actions to prevent and control exposure to the risk of workplace bullying or harassment:

Darwin Office

Unit 1/70 Cavenagh Street, Darwin NT 0800 | GPO Box 3775, Darwin NT 0801 | Ph: 08 7922 6403

Email [info@westdaly.nt.gov.au](mailto:info@westdaly.nt.gov.au) | [www.westdaly.nt.gov.au](http://www.westdaly.nt.gov.au) | ABN: 25 966 579 574

- provide all team members with workplace bullying and harassment awareness training,
- develop a code of conduct for team members to follow,
- introduce a complaint handling system and inform all team members on how to make a complaint, the support systems available, options for resolving grievances and the appeals process, and
- regularly review the workplace bullying and harassment prevention policy, complaint handling system and training.

### **RESPONSIBILITIES OF TEAM MEMBERS**

Council requires all team members to behave responsibly by complying with this policy, to not tolerate unacceptable behaviour, to maintain privacy during investigations and to immediately report incidents of workplace bullying or harassment to your Manager.

If you believe you have seen behaviour towards another team member, which you consider amounts to workplace bullying or sexual harassment; you are encouraged to discuss the matter with your Manager.

### **RESPONSIBILITIES OF MANAGERS**

Managers must ensure that team members are not exposed to workplace bullying or harassment. Managers are required to personally demonstrate appropriate behaviour, promote the workplace bullying and harassment prevention policy, treat complaints seriously and ensure where a person

### **VICARIOUS LIABILITY**

Under the Anti-Discrimination legislation, employers can be held liable for the actions (including sexual harassment) of their team members or agents. This is called vicarious liability and employers need to take reasonable steps to ensure that they protect their team members from sexual harassment and other types of discrimination and vilification, and to try to make sure their workplaces are free of this type of behaviour.

An employer or organisation can't avoid their liability under the act, simply because they were not aware of the sexual harassment done by their team members.

## **COMMITMENT TO PROMPTLY INVESTIGATE**

Any reports of workplace bullying or harassment will be treated seriously and investigated promptly, fairly and impartially. A person making a complaint and/or who is a witness to workplace bullying or harassment will not be victimised.

## **POLICY STATEMENT**

### **CONSEQUENCES OF BREACH OF POLICY**

Disciplinary action will be taken against a person who harasses or bullies a co-worker, client or supplier or who victimises a person who has made or is a witness to a complaint. Complaints of alleged workplace bullying or harassment found to be malicious, frivolous or vexatious may make the complainant liable for disciplinary action.

Discipline may involve a warning, counselling or dismissal, depending on the circumstances.

### **REVIEW OF POLICY**

This policy and the actions outlined above will be reviewed every two years unless required earlier because of changes to the risk profile of the workplace or relevant legislation. If necessary, further changes and actions may be introduced to ensure that workplace bullying and harassment is prevented and controlled.

## **TERMINOLOGY AND REFERENCES**

### **DEFINITION OF WORKPLACE BULLYING**

Bullying occurs when:

- a person or group of people repeatedly behaves unreasonably towards a team member or a group of team members at work, and
- the behaviour creates a risk to health and safety.

Bullying does not include reasonable management action taken in a reasonable way by West Daly Regional Council in connection with your employment.

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Detailed below are examples of behaviours that may be regarded as bullying behaviour if the behaviour is repeated and unreasonable and which create a risk to health and safety. Examples include:

- aggressive or intimidating conduct,
- belittling or humiliating comments,
- victimisation
- spreading malicious rumours,
- practical jokes or 'initiation ceremonies',
- exclusion from work-related events,
- unreasonable work expectations,
- displaying offensive material, or
- pressure to behave in an inappropriate manner.

### **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is any form of unwelcome sexual attention. It has nothing to do with mutual attraction or friendship between people, which is normal and positive. Sexual harassment involves humiliation or offence to the victim. It's not fun, flattering or flirting. Sexual harassment can happen to anyone and it's against the law wherever and whenever it occurs.

Sexual harassment could be:

- unwelcome physical touching, hugging, massaging or kissing,
- sexual or suggestive comments, jokes, taunts or name calling,
- unwelcome requests for sex,
- insinuations about a person's private or sex life, or sexual preference,
- offensive gestures or staring,
- sending sexually explicit text messages or emails,
- unwelcome or uncalled for remarks or insinuations about a person's appearance,
- posting of inappropriate comments, pictures, video's or blogs on websites, or
- the display or circulating of clearly sexual material (such as photos, pin-ups, screensavers or pictures) or reading matter (such as e-mails, faxes, social media links or letters).

Sexual harassment doesn't have to be repeated or ongoing to be against the law. Some actions or remarks are so offensive that they're clearly sexual harassment, even if they're not repeated. Other incidents, such as an unwanted invitation or compliment, are probably not harassment if they are "one-offs".

The harassment doesn't have to be deliberate. It can also occur in cases where a reasonable person would have expected that the behaviour was going to be offensive.

Some sexual harassment matters, such as sexual assault, indecent exposure and stalking are also criminal offences which will be reported to the relevant authorities.

## **ACTIONS THAT ARE NOT BULLYING OR HARASSMENT**

Legitimate and reasonable management actions and business processes are not considered to be bullying or harassment, provided these actions are conducted in a reasonable way.

This includes:

- performance management processes,
- disciplinary action for misconduct,
- informing a team member about unsatisfactory work performance or inappropriate work behaviour,
- asking a team member to perform reasonable duties in keeping with their job, or
- maintaining reasonable workplace goals and standards.

## **REFERENCES**

*Local Government Industry Award 2010*

*Local Government Act Sect. 104*

*Fair Work Act*

*Work Health Legislation*

*NT Anti-Discrimination Act*

## **FURTHER INFORMATION:**

*Human Resources Advisor*

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