



## GLEN INNES SEVERN COUNCIL

### Workplace Discrimination and Bullying / Harassment Policy

<b>RESOLUTION NUMBER:</b> 7.02/20 19.02/17 14.02/15 18.02/13 16.07/10 11.07/08 31.03/05	<b>MEETING:</b> 27 February 2020 23 February 2017 26 February 2015 28 February 2013 22 July 2010 24 July 2008 17 March 2005
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Discrimination and bullying and harassment in the workplace can lead to low staff morale, the breakdown of individual and team relationships, high absenteeism and staff turnover levels, the loss of trained and talented workers, reduced productivity and efficiency, impaired public image and exposure to liability.

Glen Innes Severn Council considers discrimination and bullying / harassment unacceptable and will not tolerate such behaviour under any circumstances.

#### Aims

The aims of the Workplace Discrimination and Bullying / Harassment Policy are to:

- Promote fairness and equity in employment and the workplace, between staff and in the staff / customer relationship;
- Prevent workplace discrimination and bullying / harassment;
- Encourage early, informal resolution of discrimination and bullying / harassment complaints in the workplace where possible and appropriate; and
- Provide a mechanism to actively address complaints and allegations of discrimination and bullying / harassment.

#### Related Documents

- *Glen Innes Severn Council Code of Conduct for Council Staff*

#### Workplace Bullying / Harassment

Workplace bullying or harassment is *'the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice'*.

It may include behaviour that intimidates, offends, degrades or humiliates a person, or repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, that may undermine an individual's dignity at work and create a hostile environment.

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Examples of such behaviour include:

- Verbal abuse, including yelling or screaming;
- Physical abuse or threats of physical abuse;
- Unwanted sexual advances, comments or innuendo (refer to full definition of sexual harassment set out below);
- Offensive language;
- Sarcasm and insults;
- Constant criticism or blame;
- Inappropriate comments about another's personal life or appearance;
- Belittling comments or opinions;
- Isolating or excluding others;
- Intimidation or coercion;
- Displaying material in the workplace that degrades others or is offensive;
- Treatment of workers which exhibits prejudice or bias;
- Giving employees impossible work deadlines or workloads;
- Deliberately withholding work information or resources;
- Tampering with a person's personal effects or work equipment;
- Teasing or regularly making someone the brunt of unwanted pranks or practical jokes;
- Unreasonable "administrative sanctions", e.g. undue delay in processing leave / training requests, etc.

### **Sexual Harassment**

Sexual harassment is against the law in NSW and is defined as:

- Unwanted sexual advances, or unwelcome requests for sexual favours; or
- Other unwelcome conduct of a sexual nature; and
- In the circumstances, a reasonable person would have expected the person who is subject to this type of behaviour to be offended, humiliated or intimidated by the behaviour.

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Any of the following could be examples of sexual harassment, depending on the circumstances:

- Staring at someone or leering in a sexual manner;
- Unwelcome “wolf whistling”;
- Comments about a person’s physical appearance or sexual characteristics;
- Sexual or physical contact, such as slapping, kissing, touching, hugging or massaging;
- Displaying or circulating sexual material, for example, on a notice board or by email;
- Repeated sexual invitations when the person has refused similar invitations before;
- Initiation ceremonies involving unwelcome sexually related behaviour;
- Intrusive questions about sexual activity;
- Sexual assault (also a crime under the *Crimes Act*).

### Discrimination

Discrimination occurs when someone is treated unfairly because they belong to a particular group of people or have a particular characteristic.

### What the Law Says

It is generally against the law in NSW to treat anyone unfairly or harass them for the following reasons:

- A person’s age or the age of any of their relatives, friends, associates or work colleagues;
- Pregnancy, breastfeeding, expressing milk or making arrangements to breastfeed or express milk. This includes having a relative, friend, associate or work colleague who is pregnant or breastfeeding;
- Responsibilities as a carer, including present, past and future responsibilities (actual or presumed). For example, it would be against the law for an employer not to offer a job, promotion or training because they thought that the eligible person might have responsibilities in the future to care for children;
- Disability, including past, present and future disabilities. This also includes a disability that a person’s relatives, friends, work colleagues or associates may have. Anti-discrimination law in NSW covers a wide range of disabilities and health problems;
- A person being gay or lesbian (actual or presumed), or because they have a relative, friend, associate or work colleague who is gay or lesbian;
- Infectious disease (for example, hepatitis), including present, past and future diseases, whether actual or presumed, or if a person has a relative, friend, associate or work colleague who has (or someone thinks has) an infectious disease. This also applies if the person is HIV positive or has AIDS;

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- Marital or domestic status, that is, because the person is single, married, in a de facto relationship, separated, divorced or widowed, or because of the marital or domestic status of any of the person's relatives, friends, associates or work colleagues;
- Race, colour, nationality, descent, ethnic or ethno-religious background; or the race, colour, nationality, descent, ethnic or ethno-religious background of any of a person's relatives, friends, associates or work colleagues;
- A person being transgender (actual or presumed), or having a relative, friend, associate or work colleague who is transgender.

**Sex discrimination** is against the law in NSW, including:

- Treating persons unfairly or harassing them because of their sex — that is, because they are a woman or because they are a man;
- Sexual harassment, including such things as unwanted sexual comments or abuse, unwanted sexual suggestions, offensive gestures and unwanted sexual contact;
- Treating someone unfairly or harassing her because she is pregnant or is breastfeeding;
- Treating someone unfairly or harassing them because of the sex, pregnancy or breastfeeding of a relative, friend, associate or work colleague.

### Direct and Indirect Discrimination

Two kinds of discrimination are against the law, **direct discrimination** and **indirect discrimination**. The NSW Anti-Discrimination Board provides the following definitions of each type:

**Direct discrimination** is when someone is treated unfairly because of their sex, race, etc., compared to someone else who does not have that characteristic, in the same or similar circumstances. For example, if a real estate agent tells an Aboriginal person they have no properties for rent but tells a Caucasian person that they do, this may be direct race discrimination.

**Indirect discrimination** is when there is a requirement or rule that is the same for everyone but in effect disadvantages people from a particular group more than people from other groups — unless the requirement is reasonable in the circumstances. Examples of indirect discrimination may include:

- An employer says that they need a person over 180cm tall to do a certain job, which could indirectly discriminate against women and some ethnic groups (sex or race discrimination);
- A qualifying body excludes everyone with diabetes from registration on safety grounds, which could indirectly discriminate against individuals whose diabetes is controlled and would not impede them from doing the job safely (disability discrimination);

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- It is a requirement for all staff to start work at a specific time, which might indirectly discriminate against a person who needs to take their child to school. It might be quite possible to organise the person's work so they could start and finish later (carer discrimination);
- A school insists that students bring partners of the opposite sex to a school dance. Heterosexual students would be able to bring their boyfriends or girlfriends, but homosexual students would not (gay and lesbian discrimination);
- A financial institution might not give loans to people with an unstable accommodation history. This could be indirect discrimination against people who are recently divorced, if they are otherwise able to repay the loan (discrimination on the basis of marital or domestic status).

### Offensive Material

Glen Innes Severn Council prohibits the displaying of any material in the workplace that would be considered offensive by a reasonable person.

**"Displaying"** shall include but not be limited to:

- Showing offensive material to others;
- Posting offensive material within a work area or individual work environment, including vehicles;
- Distribution of offensive material via email;
- Displaying offensive material on a computer desktop or screensaver;
- Storing or transmitting offensive material via any of Council's computer facilities or mobile communication devices;
- Wearing of an item of clothing that presents an offensive symbol, image, logo or print; and
- Making available a publication or other item that contains offensive material to others by general distribution or direct approach.

**"Offensive material"** includes but is not limited to material that is:

- Sexually explicit or sexually demeaning;
- Promoting of crime, cruelty or violence towards others or animals;
- Critical of the religious beliefs or political convictions of others;
- Likely to incite racial tension or racial prejudice;
- Not consistent with contemporary community standards;
- Directly or indirectly offensive to a person's age, appearance, marital / domestic status, pregnancy, family circumstances or responsibilities as a carer, medical condition (including AIDS / HIV), or physical, sensory or intellectual disability;
- Likely to be perceived as offensive or demeaning to persons of a particular sex, sexual preference or sexual history, transgender status, race, colour, nationality, ethnic or ethno-religious background.

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Glen Innes Severn Council is committed to ensuring that it provides its employees, customers and clients with a work environment that is free from discrimination and bullying / harassment. To achieve this, Council will:

- Provide all employees with awareness and prevention training in discrimination and bullying / harassment;
- Encourage employees to report instances of discrimination and bullying / harassment;
- Take all allegations of discrimination and bullying / harassment seriously and investigate such reports promptly, confidentially and impartially;
- Provide victims of discrimination or bullying / harassment with access to appropriate counselling, mediation and other forms of employee assistance;
- Counsel and / or discipline perpetrators of discrimination or bullying / harassment, including possible dismissal;
- Ensure that there is no victimisation or retaliation against employees who report discrimination or bullying / harassment, or against those who support them;
- Hold managers and supervisors accountable for preventing discrimination and bullying / harassment and ensuring that employees who make complaints, or witnesses, are not victimised.

### **Responsibilities of All Staff**

Council requires all employees to behave responsibly by complying with this Policy, by not tolerating unacceptable behaviour and immediately reporting incidents of workplace discrimination, bullying or harassment to an appropriate person such as their immediate supervisor, manager or Council's human resources staff.

It is the responsibility of all staff to support the Workplace Discrimination and Bullying / Harassment Policy and assist with its implementation.

### **Responsibilities of Directors, Managers and Supervisors**

Directors, managers and supervisors at all levels are responsible for ensuring that appropriate standards of behaviour are maintained in workplaces under their supervision and control. They are required to take a proactive and preventative approach that involves monitoring the work environment and ensuring that appropriate standards of behaviour are maintained, to achieve a workplace that is free of discrimination and bullying / harassment.

Specifically, directors, managers and supervisors must:

- Be professional at all times in their behaviour (lead by example);
- Ensure that they are familiar with this Policy and Council's Grievance Resolution Policy and Procedures;
- Provide support mechanisms for aggrieved persons and alleged workplace offenders (as appropriate);

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- Ensure that aggrieved persons or alleged offenders are not further victimised;
- Ensure that all identified issues of discrimination and bullying / harassment are treated seriously and confidentially;
- Monitor workplaces to ensure that workplace behaviour conforms to prescribed Council standards;
- Ensure that all staff under their control understand this Policy and fulfill their responsibilities;
- Develop and implement a proactive awareness strategy to educate staff on appropriate workplace behavior; and
- Actively promote the benefits of a workplace that is free of discrimination and bullying / harassment.

### Implementation / Communication

This Policy and associated Procedures will be communicated to all new staff as part of their induction. Revised versions of the Policy and Procedures that contain significant changes will be communicated to all relevant staff by the Human Resources section. New versions that contain only minor or inconsequential changes will be distributed to managers for highlighting at team meetings. The Manager of Administration and Human Resources will monitor overall compliance across Council to ensure correct implementation.

### Variation and Review

This policy shall be reviewed every three (3) years or earlier if required. Council reserves the right to vary or revoke this policy at its discretion.

  
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General Manager

23/6/20  
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Date

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