

## **BULLYING AND HARASSMENT POLICY**

### **1. PURPOSE**

- 1.1 The objectives of Tamworth Regional Council's ("Council") Bullying and Harassment Policy are to maintain a workplace environment that encourages and supports the right to dignity at work. All who work at Council are expected to respect the right to dignity of each individual in their working life. All will be treated equally and respected for their individuality and diversity. Bullying and harassment in any form is not accepted by Council and will not be tolerated.

### **2. COMMENCEMENT OF POLICY**

- 2.1 This Policy will commence from January 2012. It replaces all other Bullying and Harassment policies of Council.

### **3. APPLICATION OF THE POLICY**

- 3.1 This Policy may be varied from time to time by Council. This Policy does not form part of any employee's contract of employment but applies to all employees.
- 3.2 This Policy applies to all employees and contractors of Tamworth Regional Council. Council will take due care to ensure this is practised by all concerned. This Policy applies both in the workplace and work associated events such as meetings, conferences and work related social events, whether on Council premises or offsite.
- 3.3 Tamworth Regional Council has a zero tolerance towards bullying and harassment in the workplace or in a work related situation. Appropriate disciplinary action including warnings and dismissal for serious repeated offences may be taken against any person who violates this Policy.

### **4. BULLYING**

- 4.1 Bullying at work has been defined as inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the person's right to dignity at work. An isolated incident of the behaviour in this definition may be an affront to dignity but as a once off incident is not considered to be bullying.

Bullying at work can involve people in many different work situations and at all levels:

- Manager/Supervisor to Employee
- Employee to Manager/Supervisor
- One Employee to Another (or Group to Group)
- Customer or Business Contact to Employee
- Employee/Supervisor/Manager to Customer/Business Contact

A pattern of the following behaviours are examples of types of bullying (this list is not exhaustive):

- Exclusion with negative consequences
- Verbal abuse/Insults

- Physical abuse
- Being treated less favourably than colleagues
- Intrusion- pestering, spying, stalking
- Menacing behaviour
- Intimidation
- Aggression
- Undermining behaviour
- Excessive monitoring of work
- Humiliation
- Withholding work related information
- Repeatedly manipulating a person's job content and targets
- Blame for things beyond the person's control

## **5. HARASSMENT**

5.1 Harassment in employment may take different forms as follows:

- **Verbal Conduct:** Derogatory comments, slurs, unwanted comments and jokes, unwelcome sexual advances, demands for sexual favours, suggestive comments or remarks, continued suggestions of un-welcomed social contact outside work.
- **Visual Conduct:** Derogatory posters, cartoons, drawings or gestures which is in any way offensive for the reasons listed above, to a reasonable person.
- **Sexual Harassment:** This is the unwanted conduct of a sexual nature towards another person, or which has a sexual dimension and is unwelcome to the recipient, affecting the dignity of women and men at work. It should be advised that only one incident is needed to show that someone is a sexual harasser.

## **6. PROCESS**

6.1 If a person feels that they are being subjected to bullying or harassment it is important that they keep a record of the incidents. Write down what has happened, when and where and who witnessed it. There is both an informal and formal procedure for dealing with the issue of bullying and/or harassment at work.

## **7. HOW TO DEAL WITH BULLYING AND/OR HARASSMENT INFORMALLY**

7.1 People who are subjected to bullying or harassment are very vulnerable and may be reluctant or afraid to complain. This means that everyone must be alert to the impact of their behaviour on others and prepared to listen and respond if someone asks them to alter their behaviour because it is offensive in some way. It is often preferable for all concerned that complaints of bullying or harassment are initially dealt with informally whenever possible. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality.

7.2 Thus, in the first instance a person who believes that they are the subject of bullying and/or harassment should ask the person responsible to stop the offensive behaviour. If a person finds it difficult to approach the alleged perpetrator directly then a person should seek help and advice on a confidential basis from their

manager, a trusted colleague or a member of the People & Culture team. Having consulted with the contact person, the complainant may request the assistance of the contact person in raising the issue with the alleged perpetrator(s). In this situation the approach of the contact person should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner. Written records will not be necessary with this approach although it is recommended that the contact person should liaise with the individual some weeks after the informal resolution. This will ensure that the situation has been resolved effectively and there have been no reoccurrences. If informal methods do not resolve the problem, a formal complaint can be made.

- 7.3 A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure will not reflect negatively on a complainant in the formal procedure.

## **8. HOW TO DEAL WITH BULLYING AND/OR HARASSMENT FORMALLY**

- 8.1 It is recognised that it may not always be practical to use the informal procedure particularly where the bullying or harassment is serious or where the people involved are at different levels in the organisation. In such instances the formal complaints procedure can be used. A formal complaint should be made to your immediate supervisor, manager or to a People & Culture representative. This can be done verbally, in writing or over the phone, it is however encouraged that you give details in writing where possible.

- 8.2 On receipt of a complaint, your supervisor/manager or People & Culture representative will deal with the complaint in a professional and confidential manner, taking the following into account:

- In such cases, whether or not the complaint is well founded, it can have lasting effects on the personal lives of either of the parties involved
- Care should be taken in order not to over exaggerate complaints and malicious claims
- In the interests of natural justice the alleged bully or harasser will be notified in writing of the nature of the complaint, given a copy of the allegation, informed of his or her right to representation and will be given every opportunity to rebut the detailed allegations made
- An investigation will commence promptly and impartially, and will maintain confidentiality at all times. The person making the report or complaint should not be subject to retaliation of any kind
- The parties involved will be interviewed separately and a statement made by both. They will both be given the opportunity to state their case clearly and without pre-judgement
- Witnesses may be interviewed – again it is stressed that confidentiality will be practiced for all concerned
- If a supervisor or manager is involved in the complaint, then they should be bypassed and the victim should talk directly to the next level of management or People & Culture
- Depending on the outcome of the hearing, the transfer of one of the parties may be an option, this will be at the discretion of People & Culture and the managers concerned

- 8.3 Tamworth Regional Council has set up an Employee Assistance Program so that there is a support mechanism available to the employee if necessary. Contact details are available from People & Culture.
- 8.4 Action Post Investigation: Where a complaint is upheld a disciplinary hearing will take place. The disciplinary action to be taken will be in line with Council's Performance and Misconduct Policy. Should a case of bullying and/or harassment be proven then the organisation will take appropriate disciplinary action. This can include a warning, transfer, demotion or other appropriate action up to and including dismissal. Records of any warnings for bullying and/or harassment will remain in the employee's file and will be used in determining disciplinary action to be taken if any further offences of the same or similar nature occur in the future. Regular checks will be made by one of the investigators to ensure that the bullying and/or harassment has stopped and that there has been no victimisation for referring a complaint in good faith. Retaliation of any kind against an employee for complaining or taking part in an investigation concerning bullying and/or harassment at work is a serious disciplinary offence.
- 8.5 If a complaint is found to be malicious or vexatious, then the appropriate disciplinary action will be taken

## **9. MANAGER'S RESPONSIBILITIES**

- 9.1 All Tamworth Regional Council managers have a responsibility to ensure that bullying and harassment at work does not occur and that complaints are addressed in a timely manner. Management should:
- Provide a good example by treating all in the workplace with courtesy and respect
  - Promote awareness of the Policy and complaints procedures
  - Be vigilant for signs of bullying and/or harassment at work through observation and through seeking employee feedback and take action before a problem escalates
  - Deal sensitively with employees involved in a bullying and/or harassment complaint whether as complainant or alleged bully/harasser
  - Explain the procedures to be followed if a complaint of bullying and/or harassment at work is made
  - Ensure that an employee making a complaint is not victimised for doing so
  - Monitor and follow up the situation after a complaint is made so that the bullying and/or harassment at work does not recur

## **10. EMPLOYEE'S RESPONSIBILITIES**

- 10.1 Everyone has a role to play by:
- Helping to create a climate of cooperation, which discourages bullying or harassment
  - Making it clear that they find such behaviour unacceptable

Employees can contribute to achieving a work environment which does not tolerate bullying and/or harassment at work. This includes, but is not limited to, co-operating with preventative measures introduced (such as this Policy). Tamworth Regional Council is committed to maintaining a working environment that encourages and supports the right to dignity at work.

## 11. NON-EMPLOYEES

11.1 Bullying and/or harassment at work by non-employees such as clients, customers, visitors and contractors is not tolerated and may lead to termination of contracts or suspension of services, as appropriate.

### VARIATIONS

Council reserves the right to vary, replace or terminate this Policy from time to time.

### ASSOCIATED DOCUMENTS

- Code of Conduct
- Tamworth Regional Council Grievance Policy
- Tamworth Regional Council Performance and Misconduct Policy (For Award Covered Staff)
- Tamworth Regional Council Performance and Misconduct Policy (For Senior Staff other than the General Manager)
- Applicable Award
- Local Government Act 1993 – Part 4
- NSW Anti-Discrimination Act 1977
- Australian Human Rights Commission Act 1986
- Sex Discrimination Act 1984

### POLICY VERSION AND REVISION INFORMATION

Policy Authorised by: Paul Bennett

Original issue: January 2012

Title: General Manager

Policy Maintained by: Chris Weber

Current version: 2

Title: Director, Corporate & Governance

**ACKNOWLEDGEMENT**

*I acknowledge:*

- *receiving the Council Bullying & Harassment Policy;*
- *that I should comply with the Policy; and*
- *that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment or in the cancellation of my contract.*

Your name: \_\_\_\_\_

Payroll Number: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_