

	<b>HARRASSMENT, BULLYING AND DISCRIMINATION</b>	Doc No	
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GENERAL MANAGER	Council 21st February 2017 Minute No: 02.17.3924	February 2019	

**Applies to:**

Councillors, Employees, Contractors & Volunteers.

**Officer Responsible:**

General Manager & Directors

**Associated Documents**

- Anti-Discrimination Legislation and WH&S Act

**AUTHORISATION:** General Manager-Submitted to Consultative Committee 21/6/07

**OBJECTIVES**

To provide a work environment free from any type of behaviour that is unwanted by another person

**POLICY & PROCEDURES**

Everybody should feel free and comfortable in the workplace and secure that any differences are respected. They should also be free to request others to refrain from behaviour which makes them feel uncomfortable.

This policy applies to persons that have a relationship and/or dealings with Balranald Shire Council. Specifically this includes Councillors, employees, employment applicants, contractors and members of the public that provide services to Council and or receive services from the Council.

To meet this commitment, Councillors, management and staff will be guided by this policy and others of the organisation such as EEO, and any relevant legislation such as the NSW Anti- Discrimination Act, the Racial Discrimination Act, the Sexual Discrimination Act and the WH&S Act.

Harassment, bullying and discrimination are all forms of anti-social behaviour which can be generally described as harassment and will not be tolerated in any circumstances. Harassment is any form of behaviour that is unwanted i.e. any behaviour that humiliates, threatens, offends or intimidates another person. It is against the law if this behaviour is based on a person's race and religion, sex and pregnancy, marital status, disability, HIV/AIDS status, age or homosexuality and that of any of their friends or associates.

Employees should feel confident to complain about harassment without any reservations.

All harassment cases will be investigated and taken seriously and incidents will be dealt with quickly, privately, fairly, impartially and confidentially.

Proven allegations will be seen as misconduct and action appropriate to the nature of the offence will be taken. A serious view will also be taken of allegations proven to be unfounded, especially if there is malicious intent.

Possible disciplinary outcomes in either instance could include one of the following:

- counselling;
- demotion; or
- dismissal.

## **WHAT IS HARASSMENT?**

Harassment is the continuation of any form of behaviour after the person has been told that this behaviour is unappreciated and unwanted. The behaviour may humiliate, threaten, offend or intimidate another person. The behaviour can either be physical, nonverbal or verbal. It is sometimes direct or indirect behaviour by an individual or group of people. It is against the law if this behaviour is based on a person's race or religion, sex or pregnancy, marital status, disability, HIV/AIDS status, age or homosexuality or that of any of their friends or associates. If covered by the NSW Anti-Discrimination Act it is regarded as an act of discrimination.

Harassment can occur at any level or within any section of the organisation and may be individual or group-based. It can occur between staff who have authority or power over other staff and can occur amongst work colleagues at the same level of authority within the organisation. There are some blatant and obvious behaviours which are understood to be clearly unacceptable behaviour in the workplace. Others are going to be more dependent on how the behaviour was meant and how it was received. Harassment may still be seen to have occurred even if the recipient has not verbally warned you that such blatant behaviour is unwanted.

Harassment allegations are assessed in terms of how the recipient feels about and receives the unwanted behaviour and the ongoing nature of the behaviour.

Some forms of verbal harassment:

- Telephone calls and faxes, letters, E-mail and computer screen saver messages that are unsolicited and obscene.
- Use of rude or unsuitable language in the workplace.
- Prolonged and repeated questions on someone's personal life.
- Sexual propositions (invitations).
- Calling names and offensive jokes.
- Imitating a person or persons' accent.
- Sexual and suggestive remarks.
- Threats and insults.
- Sarcastic comments.

- Spreading rumours and making fun of someone.

Some types of non-verbal harassment:

- Display or distribution of pictures, posters, graffiti or other material which is offensive on e.g. desks, walls, noticeboards.
- Gestures or other body language that is offensive.
- Leering and suggestive looks.
- Practical jokes that are unwelcome.
- Continually ignoring or dismissing someone's contribution in a meeting/discussion.
- Unnecessarily leaning over someone.
- Mimicking someone with disability.

Some types of physical harassment:

- Physical contact (e.g. hugging against a person's will, pinching, and patting).
- Frequent brushing against a person or putting an arm around someone when it is unwelcome.
- Pushing, shoving or jostling.

## **WHAT ARE THE EFFECTS OF HARASSMENT?**

Harassment in the workplace can cause damage to the organisation and discomfort and anxiety to the person or persons involved. It often results in:

- Absenteeism staff turning up late for work, taking sick leave or other forms of leave;
- Increased stress which will harm work quality and productivity;
- Low morale when some staff know harassment is happening to other individuals or groups of people;
- Divisions amongst staff;
- Decreased productivity while people fend off harassment;
- Unnecessary resignation which leads to costly recruiting and training expenses for the organisation;
- Breakdown in communication and trust between managers and staff or between work colleagues.

## **WHO IS LIABLE FOR HARASSMENT IN THE WORKPLACE?**

It is the responsibility of all individuals to stop harassment occurring in the workplace. Staff at all levels should be concerned about any incidences of harassment that they experience or of which they become aware.

Managers within an organisation have a responsibility to ensure to the best of their ability that no employee is harassed in the work environment.

The primary responsibility for Managers is to be aware of behaviour that constitutes harassment and to take quick action in a sensitive, private, impartial and confidential manner. Managers will then be responsible for ensuring the harassment has ceased in their work environment.

## **WHAT DO YOU DO AS AN INDIVIDUAL?**

Council has a formal Grievance and Dispute Procedure and this is to be utilised in situations where harassment allegations are involved.

If you become aware that harassment is occurring, you are encouraged to help prevent this by offering support to the person being harassed and by assisting with referral to senior staff who can provide advice and take further action as necessary.

You can tell the person affected that you are willing to act as a witness or you can go with the person to those mentioned above who can provide advice and assistance. It is not your responsibility to say anything to the person who they feel is harassing them and you should be careful not to spread any rumours about someone else. Assistance or support to someone who feels aggrieved is reasonable workplace behaviour.

If you are being harassed yourself, initially you should try to tell the offending party that the behaviour is unappreciated and ask them to stop. You may wish to consult a supervisor or manager about how to explain/voice this. (If you discuss this or seek help from a work colleague be mindful of confidentiality). If they do not respond to this request you are encouraged to consult a more senior officer.

Some people are nervous about situations/allegations which involve anyone “higher” in the hierarchy. If you feel you are being harassed by your own or another Manager, you must be assured that the matter will be treated seriously and fairly. Council does not condone harassment at any level or between any parties and is genuinely concerned if this is occurring. Your complaint will be properly investigated. You will not be victimized after any allegation.

If the behaviour continues then you have a situation which should be investigated and addressed by the management of the organisation. You should keep records of when and how the harassment occurred, any witnesses, any conversations that you have held with the person and what transpired. You should then make a complaint.

An investigation will take place quickly and confidentially in accordance with Council's Grievance Handling Procedure. Appropriate counselling or disciplinary action will be taken. Continued monitoring of the work environment will occur after a situation is resolved.

Council would prefer you to raise harassment issues and utilise the mechanisms provided.

Ongoing harassment situations can have a very negative effect on both the individual and the organisation. Both are best served by resolution of the matter. If you receive no satisfaction within the organisation it is recognised that you have the right to consult advisers from outside agencies and the right to lodge complaints with the Anti-Discrimination Board.

*The above policy and procedures is authorised by the General Manager - End*