

 NORTHERN AREAS COUNCIL	PREVENTION OF BULLYING, HARASSMENT AND SEXUAL HARASSMENT	Version No:	1.0
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Category	Behavioural Standard – Employee
Responsible Officer	Chief Executive officer
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1. PURPOSE

1.1 This Policy outlines Northern Areas Council's commitment to provide a workplace and operating environment free from incidents of bullying, harassment and sexual harassment.

1.2 The Policy:

- Sets out the standard of behaviour expected of all employees
- Aims to assist all employees in understanding their rights and responsibilities in relation to workplace bullying, harassment and sexual harassment.
- Aims to ensure employees understand all complaints will be assessed and investigated in accordance with *Dealing with Bullying, Harassment & Sexual Harassment – Procedure*.

2. INTRODUCTION

2.1 Council has an obligation to provide a safe working environment that is free from bullying, harassment and sexual harassment.

2.2 Council is committed to providing a safe, inclusive and respectful environment for staff, contractors, volunteers and customers that is free from all forms of bullying, harassment and sexual harassment. This applies to any location at which staff are carrying out Council duties or is otherwise connected to employee's employment or engagement with Council.

2. INTRODUCTION (Cont'd)

This commitment extends to the following:

- Work sites (offices, depots, libraries, transfer stations, Council parks, facilities and buildings etc);
- Locations an employee visits in the course of their Council work;
- In vehicles while on the way to work functions or meetings;
- At work related conferences, events, training or workshops;
- Online via social media, emails whether during work hours or not;
- At Council social functions both during work hours and after hours;
- At accommodation venues associated with Council employment.

2.3 Council has a zero-tolerance approach to bullying, harassment and sexual harassment in the workplace.

3. SCOPE

3.1 This Policy applies to all Council employees / workers, including those engaged by Council to carry out works (either paid or voluntarily) on behalf of Council.

3.2 Where there are allegations of breaches to this Policy, the process outlined in the *Dealing with Bullying, Harassment & Sexual Harassment – Procedure* will be referred to and applied.

4. DEFINITIONS

Bullying	Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health, wellbeing and safety.
Employee or worker	Includes permanent, fixed-term, casual, full-time and part-time employees of Council, as well as labour hire staff, volunteers, apprentices, work experience persons, contractors and consultants or other persons engaged by Council.
Harassment	Unwanted, unsolicited and unwelcomed behaviour, act or statement that offends, humiliates or distresses the recipient.
Repeated behaviour	Refers to the persistent nature of the behaviour and can involve a range of behaviours occurring over time.
Sexual Harassment	Sexual behaviour, such as a sexual advance, request for sexual favours or other conduct of a sexual nature which is unwelcomed by the recipient and that a reasonable person would have expected the recipient to find offensive, humiliating or intimidating.
Unreasonable behaviour	Means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

5. POLICY

5.1 Workplace bullying, harassment and sexual harassment can adversely affect the psychological and physical health of a person. Council will not tolerate such behaviour and is committed to reducing the risk of bullying, harassment and sexual harassment occurring in the workplace.

5.2 Council strives to:

- Ensure its workplace is free from bullying, harassment, and sexual harassment.
- Create a working environment that promotes respect and dignity for all.
- Provide employees with information and training on bullying, harassment, and sexual harassment.
- Encourage employees who believe they are being subjected to bullying, harassment, or sexual harassment to speak up and work with Council to deal with the matter.

5.3 Workplace bullying does not include:

- A single incident of unreasonable behavior;
- Reasonable management action taken in a reasonable way; including:
- Performance management;
- Disciplinary action;
- Informing an employee or worker about unsatisfactory performance or behaviour;
- Requesting an employee or worker to perform reasonable duties within their job requirement;
- Maintaining reasonable workplace goals and requirements;
- Issuing and requiring an employee to comply with lawful and reasonable directions;
- Conflict or differences of opinion between individuals.

5.4 Sexual harassment, whether intentional or unintentional, includes (but is not limited to) the following range of conduct or behaviours:

- Inappropriately staring or leering;
- Inappropriate physical contact, such as unwelcome touching;
- A suggestive comment or joke;
- A sexually explicit picture or poster;
- Repeated unwanted invitation to go out on dates;
- A request for sex;
- Intrusive questioning about a person's private life or body;
- Unnecessary familiarity, e.g. deliberately brushing up against a person;

- An insult or a taunt of a sexual nature;
- A sexually explicit email or text message; and
- Other conduct or behaviour of a similar nature.

5.5 Sexual harassment does not need to be repeated behaviour. One off incidents of inappropriate sexual behaviour can be deemed sexual harassment.

5.6 To prevent and control exposure to the risk of workplace bullying, harassment, and sexual harassment, Council will:

- Provide all employees with bullying, harassment, and sexual harassment awareness training;
- Ensure that employees are aware of, and are provided with copies of the workplace policies and procedures that are in place that deal with bullying and harassment, sexual harassment, equal opportunity, and complaint avenues;
- Provide support for all victims of bullying, harassment, and sexual harassment;
- Commit to promptly investigating complaints;
- Ensure that an investigation and appropriate disciplinary action will be taken against an employee who bullies, harasses or sexually harasses another employee or who victimises a person who has made or is a witness to a complaint.

5.7 An investigation and appropriate disciplinary action may be taken against an employee who is found to have made a malicious, frivolous or vexatious complaint.

5.8 Where appropriate, disclosures/complaints of sexual harassment will be treated in confidence in order to protect personal privacy as much as possible. However, allegations of sexual harassment or potential criminal conduct are serious and should be considered accordingly. In some instances, a matter may need to be escalated or referred without agreement from the employee, contracted staff or bystander, particularly in circumstances that may:

- constitute a criminal offence;
- constitute a work health and safety risk; or
- require disciplinary action.

Only relevant persons in Council, on a need to know basis, will be advised of the complaint.

6. BREACHES OF THIS POLICY

6.1 Any breaches of this Policy will be dealt with in accordance with the *Dealing with Bullying, Harassment & Sexual Harassment – Procedure*.

7. RESPONSIBILITIES

7.1 All employees

All Council employees have a role in demonstrating acceptable workplace behaviour. All employees are expected to treat each other with respect and courtesy and to not bully, harass or sexually harass other persons in the workplace. Employees are also responsible for:

- Respecting the rights of other persons and never encouraging, condoning or ignoring bullying, harassment or sexual harassment. If an employee believes that a fellow colleague is being bullied, harassed or sexually harassed, they can prevent further incidents of bullying, harassment or sexual harassment occurring by offering support to the person being bullied, harassed or sexually harassed.

Examples include:

- Informing them that he or she is willing to act as a witness if the person being bullied, harassed or sexually harassed decides to lodge a complaint;
 - Refusing to join in with any bullying, harassing or sexually harassing activity;
 - Supporting the person being bullied, harassed or sexually harassed; and
 - Advising the person of the availability of a complaints procedure.
 - Escalating the matter to the CEO, senior manager or other leader where appropriate.
- Complying with their obligations pursuant to the *Work Health and Safety Act 2012 (SA)* to:
 - Take reasonable care for their own health and safety;
 - Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
 - Comply, so far as the worker is reasonably able, with any reasonable instruction that is given by Council to allow Council to comply with the Work Health and Safety Act 2012 (SA); and
 - Cooperate with any reasonable policy or procedure of Council relating to health and safety that has been notified to employees.

7.2 Chief Executive Officer

The Chief Executive Officer has a strong leadership role in demonstrating acceptable workplace behaviour and is responsible for ensuring the endorsement, support and implementation of the policy and procedure. The CEO is also responsible for:

- Providing a safe place of work;
- Making sure that Council meets its legal obligations with respect

to bullying, harassment and sexual harassment prevention;

- Ensuring that Council meets its commitment to this Policy, including by leading investigations into complaints where appropriate;
- Fostering the development of a culture within the organisation that is respectful of individual employees, and discourages bullying, harassment and discrimination of any sort;
- Acting in a manner which provides an example of good workplace behaviour;
- Ensuring that all employees are committed to ensuring the workplace is free from bullying, harassment and sexual harassment.

7.3 Leaders

Leaders – including managers, team leaders and supervisors – are responsible for ensuring all employees understand bullying, harassment and sexual harassment are not acceptable behaviour in the workplace and that all complaints will be taken seriously and dealt with in accordance with Council's procedures. Leaders are also responsible for:

- Ensuring that they model appropriate behaviour and do not bully, harass, sexually harass or victimise anyone;
- Ensuring that this Policy is communicated and implemented within any division(s) and/or team(s) they are responsible for and that making sure that new employees receive appropriate information about their responsibilities and rights under this Policy during their induction;
- Preventing all forms of bullying, harassment and sexual harassment from happening in any area of our organisation for which they are responsible;
- Dealing appropriately with all forms of bullying, harassment and sexual harassment that happens, or appears to be happening. It is a breach of this policy to ignore any such bullying, harassment or sexual harassment;
- Ensuring confidentiality is maintained in all matters;
- Being available to discuss any complaints about alleged bullying, harassment and sexual harassment;
- Communicating to all persons concerned, their rights and responsibilities;
- Ensuring all resources are provided to facilitate the investigation and resolution of the complaint;
- Continually monitoring bullying, harassment and sexual harassment complaints that have been resolved to ensure that the negotiated outcomes have been implemented and that an assessment of the effectiveness of the negotiated strategies is conducted; and
- Contacting the CEO or, in the case the complaint relates to the CEO, another senior manager or HR practitioner for assistance when a complaint is received.

7.4 HR Officer (or another officer with HR duties as a key component of their role)

The HR Officer is responsible for assisting reconciliation between the parties and may support investigation of complaints. It is the responsibility of the HR Officer to:

- Ensure this Policy and information is made available to all employees;
- Be responsible for any investigation processes in relation to complaints received;
- Be available to answer enquiries about bullying, harassment and sexual harassment, and to assist in the resolution of bullying, harassment and sexual harassment complaints;
- Ensure confidentiality is maintained in all matters;
- Determine whether or not a complaint should be handled by Council internally or by external investigators;
- Support workplace education to increase awareness of this Policy and what constitutes acceptable behaviour in the workplace to assist in the ongoing prevention of bullying, harassment and sexual harassment; and
- Provide support to complainants and the other parties involved, and offer Employee Assistance Program services.

8. RELEVANT LEGISLATION & DOCUMENTS

8.1 This Policy should be read in conjunction with the following:

- *Work Health and Safety Act 2012 (SA)*
- *Fair Work Act 1994 (SA)*
- *Equal Opportunity Act 1984 (SA)*
- *Dealing with Bullying, Harassment & Sexual Harassment – Procedure*
- Code of Conduct for Council Employees

8.2 Council Members are subject to separately adopted behavioural standards and the Council Member Code of Conduct which cover bullying, harassment and sexual harassment.

9. REVIEW

9.1 This Policy shall be reviewed every two years, including through engagement with Council employees.

9.2 Upon review, Council will communicate the updated Policy and any associated procedures to all relevant persons.

10. VERSION HISTORY

Date	Revision No.	Amendments
21 March 2023	1.0	New HR Policy document