



POLICY NO.	CPHR3
POLICY TITLE	Respectful Workplace Policy
STATUS	Council
SERVICE	People and Culture
DOCUMENT ID	550646

PURPOSE

Hunter's Hill Council is committed to providing a safe and health workplace for its employees and to protect the wellbeing of employees and provide a respectful workplace environment free from bullying or harassment, vilification, violence or other offensive behaviour.

This policy has been developed to provide Council employees, councillors, volunteers, contractors, labour hire, committee members with information and guidance to assist them to fulfil their responsibilities to prevent and address workplace bullying and harassment by:

- Clarifying what workplace bullying and harassment is and isn't (**Section A**)
- Clarifying who has responsibilities for preventing and addressing workplace bullying and harassment within Council (**Section B**)
- Providing advice to Council employees, councillors, volunteers, contractors, labour hire, committee members on the legal context of inappropriate workplace behaviours such as discrimination, harassment, sexual harassment, workplace violence and psychosocial hazards (**Section C**)
- Educating Council employees, councillors, volunteers, contractors, labour hire, committee members on Council's Resolution Procedure (**Section D**)
- Educating Council employees, councillors, volunteers, contractors, labour hire, committee members on their rights and responsibilities (**Section E**)

APPLICABILITY & SCOPE

The policy applies to all councillors, council permanent fulltime and part time employees, casuals, contractors, and consultants, temporary labour hire, volunteers and council committee members.

Hunter's Hill Council's Respectful Workplace Policy has been designed to ensure that staff understand their responsibilities, and ensure compliance with, Council's values, standards and procedures at all times.

Under the Work Health and Safety Act, Council is required to ensure the physical and psychological health, safety and welfare of all employees. To ensure this occurs, Council has implemented procedures to enable staff to recognise and prevent workplace bullying.

The Hunters Hill Council Code of Conduct and values statements set out principles for behaviour required in the workplace, including that:

- All people should be treated fairly and with respect; and
- All staff should develop an awareness of the impact of their behaviour on others.

Bullying may in certain circumstances constitute harassment. Harassment is against the law. The Anti-Discrimination Act 1977 specifies the grounds of unlawful harassment. Individuals need to be aware that by ignoring the law, they are not only exposing the organisation to liability, but legal action could also be taken on a personal basis.

Note: Procedures set out in this Policy does not interfere with an employee's rights available under the Grievance and Dispute Procedures of the Local Government (State) Award.

DEFINITIONS

Term	Definition
Code of Practice	The Safe Work Australia's 'Preventing and responding to Bullying in the Workplace' Code of Practice provides guidance on how to comply with these provisions in the Work Health and Safety Act in regard to bullying.
Constructive workplace behaviours	Positive interactions with others and following Council's HEART values at all times and championing these. Cooperating with and collaborating with others and welcoming new ideas.
Equal Employment Opportunity (EEO)	Equity and diversity principles in the workplace. Council expects its employees to treat each other and members of the community with dignity and respect, regardless of characteristics such as sex, sexual orientation, marital status, family responsibility or family status, race, religious commitment, age or impairment.
Fair Work Act 2009	Federal workplace relations laws. Amendments of this Act introduced anti bullying measures on the 1 st of January 2014.
Harassment:	Behaviour that could cause offence to another person, or group of people. Commonly, harassment is sex-based but can include other issues, including vilification, violence, bullying, intimidation, threats or humiliation.
HEART values	Council's adopted values are H.E.A.R.T – honesty, excellence, accountability, respect and teamwork.
Healthy workplace culture	At Council we strive to achieve a healthy workplace culture by communicating purpose and values, providing meaningful work, a leadership team focussed on the productivity and wellbeing of our people, building meaningful relationships, creating peak performing teams, and practicing constructive conflict management.
Psychosocial hazards	Are aspects of work which have the potential to cause psychological or physical harm. The Model Code of Practice: 'Managing psychosocial hazards at work' identifies 14 psychosocial hazards. These are listed in this policy under: Section C: Legal context of workplace behaviours.
Violence:	Any aggressive, unjust or unwarranted exertion of force or power including verbal abuse in person or over the telephone; written abuse; threats; ganging up, bullying and intimidation; physical or sexual assault, armed robbery and malicious damage to property.
Work Health and Safety (WHS) Act	This is a law passed by a State Parliament regarding workplace health and safety. It sets out who has duties in the workplace and what their duties are.

Workers	Employees, Managers (who are not officers), Supervisor, Trainees, Volunteers, Contractors, Subcontractors, Apprentices, Work Experience Students, Outworkers, and Labour staff
Workplace Bullying:	<p>Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Repeated behaviour: refers to the persistent nature of the behaviour and can involve a range of behaviours over time.</p> <p>Unreasonable behaviour: means behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.</p>

What Is Constructive Workplace Behaviour?

Constructive workplace behaviour can be defined as working well as part of a team or group. It is expected that Councillors, management, and staff display a positive attitude toward co-workers and peers and respect each other's position within the organisation. Council expects that all position holders take accountability for their actions and duties are performed within their delegated authority.

The key element of a constructive workplace is that each member has respect for others and for individual differences. Whilst everyone has an important job to do, in turn everyone should respect the work of others and give due consideration to the responsibilities and expertise of others in the workplace.

The ways Council promotes a constructive workplace is by:

1. **Setting clear strategic, departments and individual goals** – this is achieved by setting objectives through the integrated planning process and cascading these to the individual level through work plans which are reviewed through the Performance Review and Development program.
2. **Promote Council's values** – our values are at the HEART of who we are and what we do. Our values are based on requirements of the Code of Conduct and reflect our culture.
3. **Promote diversity and inclusivity** – Council has adopted an Equal Employment Opportunity policy and plan which defines our strategies to ensure Council staff, management and Councillors observe and promote diversity and inclusivity practices.
4. **Prioritises respectful behaviours in the workplace** – at Council we have a zero tolerance to bullying in the workplace. We expect that anyone who is covered under this policy to treat each other with respect at all times.
5. **Respecting the roles which individuals are expected to perform in the workplace.** All positions held at Council are important and have been designed to support Council to achieve its strategic and operational objectives. It is important to communicate respectfully and respect the views of others. When there are differences of opinion, these should be resolved respectfully. Where assistance is required to resolve conflicts or differences of opinion, support should be sought through the assistance of the Director People and Culture.

Respectful behaviours included both verbal and non-verbal communication either face to face, through email communications or online.

What Is Workplace Bullying?

Workplace bullying can be defined as unreasonable behaviour that is repeated over time, directed at a worker, or a group of workers, that creates a risk to health and safety.

It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

It includes behaviour such as screaming at someone, putting down someone's opinions, or ignoring and excluding staff members. Single incidents of unreasonable behaviour can also create a risk to health and is not acceptable as part of Council's culture.

Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are **repeated**, **unreasonable** and **create a risk to health and safety** include but are not limited to:

- abusive, insulting or offensive language or comments
- aggressive and intimidating conduct
- belittling or humiliating comments
- victimisation or gossiping about others
- practical jokes or initiation
- unjustified criticism or complaints
- deliberately excluding someone from work-related activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours, and
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

These behaviours may be considered to be workplace bullying and may be communicated, face to face, in writing, or via electronic media, including:

- emails
- text messages
- instant messages
- blogging
- social media, such as Facebook, Twitter, or Instagram.

Bullying may be overt or covert

Overt Bullying

- Abusive behaviour towards another employee such as threatening gestures or actual violence.
- Aggressive or abusive or offensive language, including threats or shouting.
- Demeaning remarks.
- Constant unreasonable and unconstructive criticism.

Covert Bullying

- Deliberate exclusion, isolation or alienation of the employee from normal work interaction, such as intentionally excluding the employee from meetings.
- Placing unreasonably high work demands on one employee but not on others.
- Allocation of demeaning jobs or meaningless tasks only.
- Unreasonably ignoring the employee.
- Undermining another employee, including encouraging others to "gang up" on the employee.
- Deliberately withholding information that a person needs to exercise his or her role or entitlements within the Council.

How can workplace bullying occur?

Workplace bullying can be carried out in a variety of ways including through verbal or physical abuse, through email, text messages, internet chat rooms, instant messaging or other social media channels. In some cases, workplace bullying can continue outside of the workplace.

Workplace bullying can be directed at a single worker or group of workers and be carried out by one or more workers. It can occur:

- sideways between workers
- downwards from supervisors or managers to workers, or
- upwards from workers to supervisors or managers.

Workplace bullying can also be directed at or perpetrated by other people at the workplace such as customers and members of the public.

What is not considered to be bullying?

The following behaviours do not constitute as “bullying”

- A single incident
- Reasonable management practices; or
- Low level workplace conflict

Single incidents

A single incident of unreasonable behaviour is not considered to be workplace bullying; however, it may have the potential to escalate and should not be ignored.

Reasonable Management Action

There are times when a director or manager with delegated authority to manage workers may take reasonable management action to effectively direct and control the way the work is carried out.

It is reasonable for directors, managers and supervisors, who are authorised, to allocate work and to give fair and reasonable feedback on a worker’s performance. These actions are not considered to be bullying if they are carried out in a reasonable manner, taking the particular circumstances into account.

Examples of reasonable management actions include:

- Providing a direction to carry out duties
- A direction to comply with Council rules, resolutions, policies and procedures
- Setting reasonable performance goals, objectives, standards and deadlines
- Rostering and allocating reasonable working hours
- Transferring a worker for operational reasons for example requesting that an employee work in a second location (such as the Yarn)
- Deciding not to appoint or promote a worker for reasonable reasons
- Performance managing workers in accordance with Council’s policy
- Providing informal and formal feedback regarding behaviour and conduct in a reasonable way
- Implementing organisational change or restructuring or

- Terminating a worker’s employment in instituting other disciplinary measures in accordance with Council’s policies and procedures.

Workplace Conflict

Not all interpersonal conflict or disagreements will constitute bullying. Workers can disagree with each other.

Low level workplace conflict is generally not considered to be workplace bullying. This is because not all conflicts or disagreements have negative health effects. When conflict is at a low level and is task based, it can be beneficial, for example, where debate leads to new ideas and innovative solutions.

Conflict does not always pose a risk to health and safety. However, in some cases, conflict that is not managed safely may escalate to the point where it meets the definition of workplace bullying.

- What differentiates low level conflict situations from bullying is whether there is a risk to health and safety and reasonableness of the behaviour overall.
- Low level conflict situations should not be ignored and should be resolved if possible in accordance with the *Workplace Bullying Resolution Procedures*.

SECTION C – LEGAL CONTEXT OF WORKSPACE BEHAVIOURS

Discrimination and harassment

Discrimination generally occurs when someone is treated less favourably than others because they belong to a particular group of people, or because they have a particular characteristic such as age, race, gender, disability, religion or sexuality. For example, it would be discriminatory not to hire or promote a woman because she is pregnant or may become pregnant.

Harassment generally involves unwelcome behaviour that intimidates, offends or humiliates a person because of a particular personal characteristic such as age, race, gender, disability, religion or sexuality.

Unreasonable behaviour may involve unlawful discrimination or sexual harassment which, by itself, does not constitute as bullying.

Discrimination on the basis of a protected trait in employment may be unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

The WHS Act prohibits a person from engaging in ‘discriminatory conduct’ for a ‘prohibited reason’. For example, it is unlawful for a person to terminate the employment of a worker for raising health and safety concerns or performing legitimate safety-related functions in relation to their workplace.

Sexual harassment

Sexual harassment is a specific form of harassment. The Australian Human Rights Commission defines sexual harassment as any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated. Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual.

The Sex Discrimination Act 1984 makes sexual harassment unlawful in some circumstances.

Sexual harassment may include:

- intrusive questions or comments about a person's private life or the way they look
- sexually suggestive behaviour, such as leering or staring
- brushing up against someone, touching, fondling or hugging
- sexually suggestive comments or jokes
- displaying offensive screen savers, photos, calendars or objects
- repeated unwanted requests to go out
- requests for sex
- sexually explicit posts on social networking sites
- insults or taunts of a sexual nature
- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Just because someone does not object to inappropriate behaviour in the workplace at the time, does not mean they are consenting to the behaviour.

Sexual harassment is regarded as occurring in the workplace when it happens at work, at work-related events, between people sharing the same workplace, or between colleagues outside of work. A single incident is enough to constitute sexual harassment – unlike workplace bullying, it does not have to be repeated. An incident could also be considered sexual harassment if it offends, humiliates or intimidates someone other than the intended target. All incidents of sexual harassment should be reported to Human Resources and where appropriate, the relevant authorities.

Hunter's Hill Council has developed and implemented the 'Prevention of Sexual Harassment' policy, along with the EEO policy and Plan. These documents include processes and strategies for dealing with matters related to unlawful discrimination and sexual harassment.

Advice and assistance on how to deal with discrimination or sexual harassment can also be provided by contacting the:

- Australian Human Rights Commission
- Fair Work Commission, and
- State and territory anti-discrimination, equal opportunity and human rights agencies

Workplace violence

Workplace violence is any action, incident or behaviour in which a person is assaulted, threatened, harmed or injured in circumstances relating to their work. The risks of workplace violence must be eliminated or minimised so far as is reasonably practicable.

Within the context of Council employment, workplace violence may originate outside Council's workplace, i.e. from members of the public, or from within.

Human Resources can assist with office design features, including physical barriers and duress alarms, to minimise the risk of violence. Within the office, every attempt should be made to address interpersonal conflict quickly, to

reduce the risk of escalation. It is possible for workplace violence to occur within the context of a pattern of bullying. However, unlike workplace bullying, workplace violence may occur as a single incident. Every incident of workplace violence (i.e. physical assault or the threat of physical assault) should be reported to the police by the Director or employee immediately, no matter who it involves, because workplace violence is a criminal matter.

Psychosocial hazards

Psychosocial hazards are aspects of work which have the potential to cause psychological or physical harm. **The Model Code of Practice: Managing psychosocial hazards at work** identifies 14 psychosocial hazards. Council has a Prevention of Psychosocial program in place and has conducted extensive risk assessments to prevent and manage these hazards in the workplace. Information can be found on Council's WHS Hub on the intranet.

A psychosocial hazard is a hazard that may cause psychological harm (whether or not it may also cause physical harm) and arises from or in relation to:

- Job demands
- Low job control
- Poor support
- Lack of role clarity
- Poor organisational change management
- Inadequate reward and recognition
- Poor organisational justice
- Traumatic events or materials
- Remote or isolated work
- Poor physical environment
- Violence and aggression
- Bullying
- Harassment including sexual harassment
- Conflict or poor workplace relationships or interactions

SECTION D – RESOLUTION PROCEDURE

Where it is safe and practicable to do so, a self-management approach should be attempted by the complainant at the earliest opportunity. The following options are available to attempt to resolve workplace bullying and harassment issues. Depending on the particular circumstances, these options may be used separately, or in combination, to attempt to resolve the situation.

Making a report

An employee, councillors or committee member can report workplace bullying and/or harassment hazards or incident to Human Resources at any time, verbally or in writing, by:

- making a hazard or incident report through to the Director People & Culture,
- reporting the matter to the manager directly,
- Information related to each report made to Human Resources (HR) is shared strictly on a need-to-know basis; no information will be shared with individuals or groups that do not have a genuine working need to know.

Reports by witnesses

Anonymous reports are strongly discouraged. Where a complainant wishes to make an anonymous report, they must state that preference at the beginning of their report. HR will accept and record anonymous reports, noting that:

- anonymous reports are likely to be ineffective in changing a pattern of unreasonable behaviour
 - HR's capacity to act on an anonymous report is likely to be limited to providing general information
 - HR cannot guarantee that anonymity will be preserved if the complainant's identity becomes known to it
 - HR may have duties to disclose the identity or suspected identity of a complainant in certain circumstances, for example, where there is an immediate risk to the health and safety of any person, including the complainant
-

What happens when a report is made to Human Resources?

HR will evaluate the report, and coordinate a response that:

- Aims to eliminate or minimise the risk to the health and safety of the complainant and other persons in the workplace
 - Is proportionate to the immediate risks identified by the complainant and HR
 - Considers other relevant information HR may be aware of
 - Considers, but cannot guarantee, the outcome preferred by the complainant
-

HR's response may include any or several of the following steps, depending on its evaluation of the severity of the situation.

a. Information

In all cases, HR will:

- Provide the complainant with information about:
 - Workplace bullying and harassment
 - How options that may be available to attempt to resolve the situation are likely to work within the Council's resolution framework
 - Available support services
- Encourage the complainant to access the Employee Assistance Program
- Consult with:
 - The complainant
 - The person(s) alleged to have engaged in the bullying or harassing behaviour
 - The manager (if appropriate) regarding options to attempt to resolve the situation
- Encourage all parties to:
 - Access available training
 - Adopt workplace practices and procedures to minimise the risks associated with the situation

b. Mediation

Where appropriate to the circumstances, and subject to the complainant's consent, HR will facilitate the provision of professional mediation services to facilitate discussions between:

- the complainant
- the person who is alleged to have engaged in the bullying or harassing behaviour
- the Councillor, where relevant and appropriate
- other persons in the workplace, where appropriate.

Mediation is a voluntary process where a trained mediator assists the parties to put their respective cases before each other. The role of a mediator is to assist all parties to understand the perspective of the others and to find an agreement the parties are willing to abide by.

The form that mediation will take may vary according to the particular circumstances of an allegation and the mediator's preferred mode of operation. The following scenario is therefore indicative of the general process.

A meeting is arranged, where possible, with relevant parties to the complaint present, in order to establish the basis of the complaint and attempt to resolve the issue. Complaints must be fully described by the complainant, and each person who is alleged to have engaged in the bullying or harassing behaviour is given the full details of the complaint(s) against them.

In addition, the person who is alleged to have engaged in the bullying or harassing behaviour will have the opportunity to prepare and present their side of the story before resolution is attempted. The aim of this meeting is to discuss and agree to options for resolution. The meeting will be documented by the mediator and a record of the discussion and agreed outcomes provided to each party.

If the complainant feels uncomfortable with the other party or parties being present then, as soon as practicable, separate meetings will be held between each party and the mediator, as appropriate to the circumstances, to explain the formal process and each party's rights and responsibilities. Subject to the consent of each party to the complaint, information provided by one party may be shared with the other parties, and follow-up separate meetings held, in an attempt to discuss and agree to options for resolution. All meetings will be documented and a record of the discussion and agreed outcomes provided to each party to the complaint.

c. Investigation

Where less intrusive approaches have not resolved the situation, or the situation indicates a serious risk to health and safety if it continues, HR may arrange a workplace investigation by an independent contracted provider who specialises in the field.

The aim of an investigation is to look into the circumstances of the matter, work out what has occurred and what the appropriate course of action is. Investigators contracted by HR are required to be impartial and objective. The investigator will focus on whether or not an allegation of workplace bullying or harassment is substantiated or not, or if there is insufficient information to decide either way.

All parties to an investigation are able to seek independent advice and representation, and to have a representative present at interviews. It is recommended that a party who is considering refusing to participate should seek independent advice on this course of action.

To ensure the investigation process is conducted in a fair, objective and timely way, all parties are kept informed, by either HR or the investigator, as relevant, about:

- who is conducting the investigation
- how the parties will be kept informed throughout the investigation and of what they will be informed

- the expected timeframe of the investigation
- how the issue will be investigated (e.g. interviews with the parties and any witnesses, viewing documentary evidence)
- what interim measures are available to ensure the health and safety of the parties during the investigation processes
- who will receive copies of any statements and records of interviews

Likely outcomes of an investigation

At the end of an investigation, the investigator will provide a report to HR, who will then use the findings of the investigation to discuss options for further action with the General Manager.

Any actions arising from this discussion will be communicated to the parties involved by Human Resources depending on who will be responsible for the action.

An investigation may find that a report of bullying or harassment is not substantiated and no further action can be taken. If the allegation cannot be substantiated, this does not mean the bullying or harassing behaviour did not occur and regardless of whether or not a complaint is substantiated, measures may need to be taken to resolve any outstanding issues. Measures may involve mediation, individual or group counselling, training, changing working arrangements or addressing other issues within the office that may have contributed to the behaviour occurring.

Where a complaint against an employee is substantiated, the General Manager may decide to take appropriate management action. The actions taken by the General Manager are likely to be different in each situation and depend on the severity and frequency of the bullying or harassment, and the circumstances.

Such actions may include:

- gaining a commitment that the behaviour will not be repeated and monitoring this over time
- providing information to all workers to raise awareness of bullying and harassment within the workplace
- directing employees to undertake relevant training
- gaining a commitment that employees will undertake counselling support and/or mentoring
- requesting an apology
- regular monitoring of behaviours
- issuing a verbal or written warning. It is likely that a combination of strategies will be appropriate to prevent bullying or harassing behaviour from reoccurring.

In more significant cases, the General Manager may wish to consider whether it is appropriate for the employment to continue, and if so, whether the employee's role should change.

The General Manager is encouraged to consult with Director People and Culture to ensure consistency with the Local Government (State) Award and/or the Local Government Act, and the Fair Work Act, if they are contemplating:

- changing task assignments, roles, or the allocation of positions within their office
- terminating a staff member's employment.

If the allegation is found to be vexatious or malicious, disciplinary action or counselling may be considered for the complainant. Any action taken by the General Manager should be consistent with the Local Government (State) Award and/or Local Government Act and the Fair Work Act.

SECTION E - OUR RIGHTS AND RESPONSIBILITIES

We all have a right to a workplace free from bullying, harassment and discrimination. We also have a responsibility to ensure that our own behaviour contributes to a respectful workplace for everyone.

To build and maintain a respectful workplace, staff are responsible for always:

- Treating each other with respect and consideration
- Being inclusive, valuing others and accepting their differences
- Recognising the efforts and achievement of others
- Considering our impact on others
- Calling out and addressing behaviour that can lead to bullying, harassment and discrimination

In addition, managers and directors are responsible for setting clear expectations of respectful behaviour and responding to ideas, concerns, complaints and feedback with empathy, fairness, dignity and respect.

In return staff should treat their managers with respect and follow reasonable directions. Whilst transparent communication is the ideal, managers have an obligation to ensure that their staff are meeting their obligations under the Integrated Planning Framework and delivering on their KPI's.

Managers also have a responsibility to ensure that their team members follow Council's Code of Conduct and policies and procedures at all times. Where there is evidence that objectives are not being met or that breaches of policies and procedures exist, manager have an obligation to manage staff according to Council's performance management guidelines.

Who	Duties
<p>Person conducting a business or undertaking (section 19)</p>	<p>A PCBU has the primary duty of care under the WHS Act to ensure, so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from work carried out as part of the business or undertaking.</p> <p>This duty includes, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> ▪ providing and maintaining a work environment that is without risks to health and safety ▪ providing and maintaining safe systems of work ▪ monitoring the health and safety of workers and the conditions at the workplace to ensure that work related illnesses and injuries are prevented, and ▪ providing appropriate information, instruction, training or supervision to workers and other persons at the workplace to allow work to be carried out safely.
<p>GM / Directors</p>	<p>The General Manager and Directors must exercise due diligence to ensure the business or undertaking complies with the WHS Act and Regulations.</p> <p>This includes taking reasonable steps to ensure the business or undertaking has and uses appropriate resources and processes to eliminate or minimise risks associated with workplace bullying.</p>

Mayor/Councillors	<p>The elected Mayor, Deputy Mayor and Councillors must exercise due diligence to ensure the business or undertaking complies with the WHS Act and Regulations.</p> <p>In their duty they must take reasonable care for their own health and safety as well as take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.</p>
Workers	<p>Workers including employees, contractors, subcontractors, labour hire employees, outworkers, apprentices or volunteers have a duty to:</p> <ul style="list-style-type: none"> ▪ take reasonable care for their own health and safety while at work ▪ 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 given by the PCBU, and ▪ co-operate with any reasonable policies and procedures of the PCBU, for example a workplace bullying policy.
Others	<p>Other persons at a workplace, such as visitors and clients, have similar duties to that of a worker and must:</p> <ul style="list-style-type: none"> ▪ take reasonable care for their own health and safety while at work ▪ take reasonable care that their acts or omissions do not adversely affect the health and safety of workers or other persons, and ▪ comply, so far as the person is reasonably able, with any reasonable instruction given by the PCBU.

SECTION F - OUR COMMITMENT

1. MANAGING THE RISK OF WORKPLACE BULLYING IN THE WORKPLACE

Council is committed to eliminating health and safety risks in our workplace so far as is reasonably practicable. If this is not possible, the risks will be minimised so far as is reasonably practicable.

Council will attempt to minimise any risks in the workplace by taking a proactive approach which involves:

- early identification of unreasonable behaviour and situations likely to increase the risk of workplace bullying occurring
- implementing control measures to manage the risks, and
- monitoring and reviewing the effectiveness of the control measures.

2. IMPLEMENTATION OF THE RESPECTFUL WORKPLACE RELATIONSHIPS GUIDELINES

Good management practices and effective communication are important in creating a workplace environment that discourages workplace bullying. Council has implemented the **Respectful Workplace Relationships Guidelines** which incorporates the following initiatives:

Good Management Practices

- promote positive leadership styles by providing training for managers and supervisors
- mentor and support new and poor performing managers and workers
- facilitate teamwork, consultation and co-operation
- ensure that reasonable management actions are clearly defined, articulated and understood by workers and supervisors, and
- ensure supervisors act in a timely manner on unreasonable behaviour they see or become aware of.

Promoting Positive Relationships with External Parties

Where there is a risk of workplace bullying by other people, for example customers, the following control measures may be considered:

- communicate the expected standard of behaviour as outlined in the HEART values
- empower staff to refuse or suspend service if other people fail to comply with the expected standard of behaviour
- provide support to staff who are exposed to unreasonable behaviour, and
- implement control measures to eliminate or minimise the risk of violent behaviours from the public such as the panic button, security cameras in Customer Services and the body cameras on rangers

Design of safe systems of work

The following work design control measures have been implemented to help reduce the risk of workplace bullying:

- clearly defined position descriptions for all roles
- performance review program to ensure regular feedback from employees about their role and responsibilities
- fair provision of resources, information and training employees need to carry out their tasks safely and effectively
- access to support mechanisms, such as employee assistance program, particularly during busy and stressful work periods, and

- provision of effective communication throughout workplace change through the Consultative Committee and team meetings

Implementation of a reporting and response procedure

Workplace bullying behaviours will not be tolerated and early reporting of these behaviours is encouraged. Council has implemented the **Respectful Workplace Relationships Guidelines** which outlines the reporting process.

Provide training and information

- Training is a significant factor in preventing and managing workplace bullying, particularly to enable early intervention in workplace conflict before it potentially escalates into bullying.
- Workers including managers and supervisors should be aware of their roles in relation to preventing and responding to workplace bullying.
- Regular training will be provided to employees to ensure staff have the appropriate skills to act where necessary. Information is available through the WHS Hub on our intranet.

Application to other laws and policies

Incidents of physical abuse or assault which constitute as misconduct or serious misconduct and are deemed as illegal under criminal law will be reported to the police.

RELATED POLICIES/PROCEDURES

Legislation

- [Fair Work Act 2009](#)
- [Safe Work Australia Guide for preventing and responding to workplace bullying](#)
- Anti-Discrimination Act 1977
- [Work Health and Safety Act 2011](#)
- [Sex discrimination and harassment fact sheet](#)

Policies & Procedures

- [Sexual harassment prevention policy](#)
- [Equal employment opportunity policy](#)
- **Respectful workplace guidelines**
- **Prevention of psychosocial hazards policy**

POLICY AUTHORITY

The policy authority is the General Manager

REVIEW

Next Review Date: July 2026

The procedure should be reviewed every two years and be endorsed by the General Manager.

ADOPTED BY COUNCIL/EXECUTIVE:

DATE: 29 July 2024
RESOLUTION NO: 084/24

VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
13.02.06	1.0	31/06		
25.08.20	2.0		New policy template	Rosanna Guerra (HR Manager)
July 2024	3.0	084/24	Amendments to the Anti-Discrimination Act 1977 (NSW) and the Sex Discrimination Act 1984 (Cth). This policy includes our obligations under 'Positive Duty'. Inclusion of requirements under the Code of Practice – Psychosocial hazards.	Rosanna Guerra (Director People & Culture)

ACKNOWLEDGEMENT OF COUNCIL'S RESPECTFUL WORKPLACE POLICY



SUMMARY

Hunter's Hill Council is a respectful workplace free of bullying and harassment.

Bullying is unreasonable behaviour that is repeated over time, directed at a worker, or a group of workers, that creates a risk to health and safety. Single incidents of unreasonable behaviour can also create a risk to health and is not acceptable as part of Council's culture

At Council we strive to achieve a healthy workplace culture by

- Communicating and living our purpose and values,
- providing meaningful work,
- a leadership team focussed on the productivity and wellbeing of our people,
- building meaningful relationships by being respectful in team meetings and having regard for the opinion of others
- creating an inclusive workplace which embraces diversity
- providing open and transparent consultation through the Consultative Committee, tool box talks and regular team meetings
- creating peak performing teams by respecting the positions of others and their level of expertise and
- practicing constructive conflict management.

Hunter's Hill Council has a clear set of values (H.E.A.R.T) and standards which staff are expected to follow and demonstrate daily.

Managers and supervisors must ensure workers are not being bullied. If such claims are reported this may involve internal and/or external investigations. Managers will ensure that workers who make reports, and anyone else who may be involved, are not victimised. An important aspect of the manager's role is to provide clear instruction and direction and this does not constitute as bullying.

Disciplinary action may be taken against anyone who has been proven to bully a co-worker. Discipline may involve a warning, counselling, demotion, or dismissal, depending on the circumstances. There may also be legal implications for individuals if found to be bullying and for those making unfounded or vexatious claims.

ACKNOWLEDGEMENT

I have read, understand, and will abide with, the requirements as outlined in **Council's Respectful Workplace Policy**.

Name (please print) _____

Signature: _____

Date: _____