

3.3 Bullying And Harassment

POLICY TITLE: BULLYING AND HARASSMENT

FILE REF: SC66

EXPIRY DATE: OCTOBER 2027

OBJECTIVE

Everyone has a right not to be bullied at work. Lockhart Shire Council is committed to providing employees with a work environment which is free of intimidation, threat, offence and humiliation. Lockhart Shire Council will not tolerate any form of bullying and harassment.

This Policy should be read in conjunction with the Model Code of Conduct for local councils in NSW. The Code of Conduct includes provisions regarding general conduct obligations with specific reference to harassment, discrimination and bullying.

POLICY STATEMENTS

Harassment and discrimination

You must not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

For the purposes of this Policy, "harassment" is defined as any form of behaviour towards a person that:

- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

Bullying

You must not engage in bullying behaviour towards others.

For the purposes of this Policy, "bullying behaviour" is defined as any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

What is not Bullying

Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Policy. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job

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- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

How is Bullying Different to Discrimination?

Discrimination happens when there is adverse action, such as firing or demoting someone, because of a person's characteristics like their race, religion or sex.

Bullying happens when someone in the workplace repeatedly behaves unreasonably towards another person or group of people and causes a risk to health and safety in the workplace. This behaviour doesn't have to be related to the person or group's characteristics and adverse action doesn't have to have happened.

Who is Protected from Bullying in the Workplace

This Policy applies to:

- a) All workers including full-time, part-time, permanent, temporary and casual employees
- b) Contractors or subcontractors
- c) Work experience students
- d) Volunteers

Reporting Bullying and Harassment

If you think bullying or harassment is happening at your work, it should be reported to:

- A supervisor or manager
- A workplace health and safety representative
- The Human Resources/Enterprise Risk Manager

Training and Education

Training in the Code of Conduct, and in relation to bullying and harassment in the workplace, will be mandatory for all new employees and will be incorporated into Council's new employee induction procedures.

*Adopted by Council – 21 October 2024
Refer Minute No. 159/24*

*Adopted by Council – 18 October 2021
Refer Minute No. 194/21*