

Bullying & Harassment Policy

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Classification:	Legislative
First Issued/Approved:	May 2008 (Res 452/2008 & 472/2008)
Review Frequency:	After the general election – every 4 years
Last Reviewed:	14 August 2012 Resolution 35/2013 13 January 2015 (Res 269/2015) 12 February 2019 (Res 318/2019) 12 February 2020 (Res 232/2020)
Next Review Date:	December 2022
Responsible Officer:	Chief Executive Officer
Applicable Legislation:	<i>Local Government Act 1999</i> <i>Work Health Safety Act 2012</i>
Relevant Policies:	
Related Procedures:	
Compliance Standard:	

[Previously known as the Harassment Policy]

Purpose

To ensure that the workplace is free from any form of bullying or harassment and in the event that bullying or harassment does occur, processes and mechanisms are in place to deal with the issue at the earliest stage, in the most effective manner and to achieve an amicable outcome for all parties involved.

Policy Statement

The District Council of Robe considers all forms of bullying and harassment as unacceptable behavior which will not be tolerated under any circumstances. Council has an obligation under the Local Government Act 1999, the Work Health Safety Act 2012 and other legislations to ensure that it provides a safe workplace for its employees free from bullying or harassment.

Bullying and harassment is counter-productive has negative implications on workplace morale and consequently productivity. Council is also committed to ensuring its workplace provides a safe and harmonious environment in which employees can work, develop and prosper and that this environment should project a positive public image.

Council employees have a duty of care to ensure their own safety and the safety of their colleagues and will ensure that their behavior toward each other is courteous and respectful at all times.

Application

This policy applies to all Council Employees, Councillors, Volunteers, Contractors and Consultants engaged by Council.

Definitions

Bullying & Harassment

Bullying and Harassment is the use of strength or power, physically, mentally and/or emotionally, to, or is perceived by a person to, intimidate, embarrass, belittle, demean or coerce others. It is

rarely a single event, encounter or altercation [although it can be], but is more typically a number of separate events, a sequence of events or a pattern of events.

Examples of Bullying & Harassment Behaviour:

Typical Bullying Behaviour	Typical Harassment Behaviour
<ul style="list-style-type: none"> • Yelling, screaming, offensive language, insults, inappropriate comments about a person. • Threatening gestures such as finger pointing, fist shaking, arm waving and facial gestures. • Sexual or other unwanted advances • Physical assault. • Sending offensive emails or SMS messages • Publishing or causing to have published offensive material about another person • Teasing, making fun of, and playing practical jokes • Excessive or unfair criticism of another person's work • Setting unreasonable workloads, tasks and deadlines • Unexplained job changes, meaningless tasks, under work or setting tasks known to be beyond a person's skill set. • Undermining work performance withholding related information or resources, with intent to sabotage a person's work performance. • Unjustified monitoring of a person's performance and activities in the work place when related to other staff. • Ostracising or marginalising a person by ignoring or excluding them from relevant conversations or communications. • Spreading lies or malicious rumours • Constantly undervaluing effort • Persistent criticism 	<ul style="list-style-type: none"> • Making sexual or suggestive propositions or remarks. • Making of fun of someone by name calling, imitation or mimicking. • Sending or causing to be sent obscene or offensive communications • Repeated invitations previously declined • Repeated questioning on personal matters • Publish or cause to be published obscene or offensive jokes, stories or images of another person or to another person. • Threats or insults. • Suggestive looks or leers • Unwelcomed practical jokes • Close or uncomfortable body positioning • Whistling, jeering or sneering directed at another person • Ignoring or dismissing another person's contribution • Unnecessary or unwelcomed personal contact (e.g. pinching, patting, brushing, touching, kissing or hugging) • Pushing, shoving, hitting or jostling

Offensive Display Material

This is material that is of a sexist, racial or otherwise offensive or discriminatory nature. Such material could include graphics such as pictures, images, posters, cartoons, picture calendars, graffiti or writing.

Examples of such material could be calendars or posters of nude or near-nude men or women or material which portrays a stereotypical view of a person of another race.

General Principles

- ⌘ Any person can raise a concern about bullying or harassment.
- ⌘ Complaints of bullying or harassment will be investigated in a timely manner;
- ⌘ All complaints concerning bullying or harassment will be handled with utmost confidentiality. Only people directly involved in the incident will have access to information about the complaint.
- ⌘ All procedures will be impartial. No assumptions will be made and no action will be recommended or taken until an investigation has been undertaken.
- ⌘ Persons are discouraged from seeking redress of a trivial or vexatious issue through the provisions of this policy.
- ⌘ A complaint or concern raised can be withdrawn or abandoned at any time.
- ⌘ The outcome of complaints will be handled in accordance with this policy.

All persons in Council's workplace have the right:

- (a) To be treated with respect and dignity.
- (b) To go about their work free from bullying or harassment.
- (c) To lodge a complaint concerning bullying or harassment.
- (d) To have their complaint considered fairly and without bias.
- (e) To have an investigation into the complaint undertaken as soon as possible.
- (f) To seek advice or assistance from a union representative or other professional association.
- (g) To keep notes, copies of documents and/or diary records of all incidents, responses and the names of witnesses relating to the concern.

A person who has had a bullying or harassment complaint made against them has the right:

- (a) To be immediately informed of the behavior they are accused of;
- (b) To respond to the allegations made and cite witnesses if appropriate;
- (c) To fair and rational treatment and natural justice.
- (d) To have an investigation into the complaint undertaken as soon as possible.

Complaint Procedures

Complaints concerning bullying and Harassment will be handled and processed in accordance with the following:

Concerns and complaints should be lodged formally in writing to the responsible officer.

Written complaints will be acknowledged and an investigation by that officer will be commenced within 7 days and concluded within 10 days.

Complaints that remain unresolved after the initial investigation and mediation and that are referred to an external authority for investigation will be concluded as soon as practicable.

The most senior responsible officer involved in the process is responsible to ensure the investigation process is undertaken in the most effective and timely manner possible.

Complaint Process:

Complaint made Against:	Complaint handled by: [Responsible Officer]	Action to be taken	Outcome
Elected Member	Chief Executive	<ul style="list-style-type: none"> • CE to interview complainant • CE to interview accused • CE to mediate > • CE to refer complaint to LGA for investigation • Investigator to report outcome to CE • CE to report outcome to Council (in confidence) • Council to determine > 	<p>Resolution NFA or agreed actions</p> <p>Resolution on agreed actions</p>
Chief Executive	Mayor	<ul style="list-style-type: none"> • Mayor to refer complaint to LGA for investigation • Investigator to interview complainant • Investigator to interview CE • Investigator to mediate > • Investigator to report outcome to Council in confidence • Council to determine > 	<p>Resolution NFA or agreed actions</p> <p>Resolution on agreed actions</p>
Executive or Team Leader [Supervisor]	Chief Executive	<ul style="list-style-type: none"> • CE to interview complainant • CE to interview accused • CE to mediate > • CE to refer complaint to LGA for investigation • Investigator to interview complainant • Investigator to interview accused • Investigator to mediate > • Investigator to report outcome to CE with recommendations in confidence • CE to enact recommendations > 	<p>Resolution NFA or agreed actions</p> <p>Resolution NFA or agreed actions</p> <p>Resolution on agreed actions</p>

Complaint made Against:	Complaint handled by: [Responsible Officer]	Action to be taken	Outcome
Staff	Executive or Team Leader [Supervisor]	<ul style="list-style-type: none"> • Supervisor to interview complainant • Supervisor to interview accused • Supervisor to mediate > • Supervisor to refer complaint to CE. • CE to refer complaint to LGA for investigation • Investigator to interview complainant • Investigator to interview accused • Investigator to mediate > • Investigator to report outcome to CE with recommendations in confidence • CE to enact recommendations > 	<p>Resolution NFA or agreed actions</p> <p>Resolution NFA or agreed actions</p> <p>Resolution on agreed actions</p>
Volunteers, Contractors and Consultants	Team Leader [Supervisor]	<ul style="list-style-type: none"> • Supervisor to interview complainant • Supervisor to interview accused • Supervisor to mediate > • Supervisor to refer complaint to Executive • Executive to Mediate > 	<p>Resolution NFA or agreed actions</p> <p>Resolution on agreed actions</p>

The outcomes and resolutions are designed to deliver the best possible outcome to all persons concerned. These may include but are not limited to persons involved seeking to, being directed to, or being subjected to:

- Agreed behavior
- Undertake training
- Undertake Counselling;
- Disciplinary action
- Suspension
- Dismissal
- A vote of censure or no confidence by Council [in the case of Elected members]
- Criminal prosecution.

FURTHER INFORMATION

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.robe.sa.gov.au

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email council@robe.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

POLICY REVIEW

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).