



## Prevention of Workplace Bullying Policy & Procedure

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# POLICY

## PURPOSE

The purpose of this Policy is to set out Dubbo Regional Council's position on workplace bullying and to document the process which is to be followed should any instances of workplace bullying be reported.

## BACKGROUND AND RELATED LEGISLATION

- Guide for Preventing and Responding to Workplace Bullying May 2016 (Safe Work Australia)
- Work Health & Safety Act 2011 (NSW)
- Local Government (State) Award
- The Local Government Act 1993

Relevant Council policies:

- Grievance and Dispute Resolution Policy and Procedure
- Code of Conduct
- Anti-Discrimination, Harassment & Equal Employment Opportunity Policy

## SCOPE

The Policy and procedure applies to all workers and Council officials of Dubbo Regional Council.

## DEFINITIONS

To assist in interpretation, the following definitions apply:

<b>Term</b>	<b>Definition</b>
<b>Council</b>	<b>Dubbo Regional Council</b>
<b>Council Official</b>	<b>Includes Councillors, Administrators, Council committee members, delegates of Council and Council advisers.</b>
<b>Person Involved</b>	<b>A person against whom allegations of workplace bullying have been made and includes but is not limited to a worker or service provider to Council.</b>
<b>Unreasonable Behaviour</b>	<b>Behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimating or threatening.</b>
<b>Premises</b>	<b>Any place (including but not limited to land, building, part of a building or vehicle) where a worker or Council Official works and includes premises where Council, for the time being, has (or appears to have) the charge, management or control of those premises, or premises where a Council function/activity is conducted.</b>
<b>Workplace</b>	<b>Any place where work is carried out for Council and includes any place where a worker goes, or is likely to be, while at work.</b>
<b>Worker</b>	<b>Any person doing work for Council including but not limited to employees, contractors, sub-contractors, labour hire, volunteers, trainees, apprentices, work experience students.</b>

<b>Workplace Bullying</b>	<b>Repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.</b>
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## **POLICY**

Council is committed to providing a safe and healthy workplace free from workplace bullying. Workers and Council Officials are covered by this Policy whether they feel bullied by a supervisor, another worker, client, contractor, Council Official, or member of the public.

Council will treat reports of workplace bullying seriously. Council will respond promptly, impartially and confidentially, recognising that failure to take steps to manage the risk of workplace bullying can result in a breach of Work Health Safety laws.

If you are a worker or a Council Official, you must comply with the relevant provisions of the Policy in carrying out your functions as a worker or Council Official.

This Policy is intended to apply to any work-related situation and extends to all functions and places that are work related. This includes work functions, conferences, social events, Christmas parties and business trips and via technology.

Council will provide employees and Council Officials with regular compulsory training and education around identifying, preventing and responding to workplace bullying and unreasonable behaviour. Council will provide information about Council's stance on workplace bullying and expected workplace behaviours to all new employees through induction processes. Regular reviews, and where necessary refinements, will be undertaken to the complaint and investigation processes so they continue to meet the needs of the Council, workers and Council Officials.

### **Council's stance on workplace bullying**

- Workplace bullying is prohibited. Council will not tolerate any form of workplace bullying under any circumstances.
- A worker who reports allegations of workplace bullying must not be victimised.
- Early reporting of workplace bullying is a legitimate and positive contribution to Council and will, in most cases, enable workplace bullying to be addressed without delay.
- Managers, supervisors and directors must not knowingly tolerate workplace bullying.

### **Expected workplace behaviours**

Under work health safety laws, workers and Council Officials must take reasonable care that they do not adversely affect the health and safety of others.

Council expects workers and Council Officials to:

- Behave in a responsible and professional manner.
- Treat others in the workplace with courtesy and respect.
- Listen and respond appropriately to the views and concerns of others.
- Be fair and honest with their dealings with others.

This Policy applies to behaviours that occur;

- In connection with work even if it occurs outside normal working hours.
- During work activities, for example when dealing with clients.
- At work-related events, for example conferences and work-related social functions.
- On social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly.

### **What is workplace bullying?**

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

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

- Aggressive, threatening or intimidating conduct.
- Belittling or humiliating comments.
- Spreading malicious rumours.
- Teasing, practical jokes or 'initiation ceremonies'.
- Exclusion from work-related events.
- Unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level.
- Displaying offensive material.
- Pressure to behave in an inappropriate manner.

### **How does workplace bullying occur?**

Workplace bullying can occur wherever people work together in all types of workplaces. Bullying can be carried out in a variety of different ways, including through email or text messaging, internet chat rooms, instant messaging or other social media channels.

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

### **Bullying and 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 risk of workplace violence must be eliminated or minimised so far as is reasonably practicable.

In addition to reporting the incident to Council, incidents of workplace violence (i.e. physical assault or the threat of physical assault) should be reported to the police as these are criminal matters.

### **Discrimination and harassment**

Discrimination and harassment are described in Council's Anti-Discrimination, Harassment & Equal Employment Opportunity Policy. It is possible for a person to be bullied, harassed and discriminated against at the same time. However, unlike bullying, discrimination and harassment

may be single incidents and are based on the prohibited grounds of sex, pregnancy (including potential pregnancy), breastfeeding, race, age, marital or domestic status, physical or mental disability, homosexuality, transgender status, infectious disease, carer's responsibilities or political, religious, or other affiliation, including union membership / non-membership.

### **Inappropriate behaviour**

Single actions or behaviours in the workplace that are inappropriate and unreasonable can create a hostile work environment. These actions and behaviours may lead to more serious behaviour including bullying if left unresolved. Unreasonable behaviours are taken seriously and may be managed in accordance with this Policy to support a positive workplace culture. Examples of these may include, but not limited to:

- Disruptive work behaviour – yelling, tantrums, insubordination, disregard of duty.
- Being unproductive – uncommunicative, disregard for deadlines.
- Gossiping – sharing negative often untrue or incomplete information about colleagues or Council.

Instances of inappropriate behaviour are to be reported to the worker's supervisor or manager and will be addressed in accordance with this Policy.

### **What is not considered to be workplace bullying?**

#### **Reasonable management action taken in a reasonable way**

There are times where Council may take reasonable management action to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not usually considered to be bullying if they are carried out in a reasonable manner, taking the particular circumstances into account. Examples of reasonable management action may include, but are not limited to:

- Performance management processes.
- Disciplinary action for misconduct.
- Informing a worker about unsatisfactory work performance or inappropriate work behaviour.
- Directing a worker to perform duties in keeping with their job.
- Maintaining reasonable workplace goals and standards.
- Legitimately exercising a regulatory function.
- Legitimately implementing a Council Policy or administrative process.

Feedback on work performance or work-related conduct is intended to assist the worker to improve work performance and/or the standard of conduct.

### **Bullying via technology**

Council recognises bullying can be undertaken via email, text messaging, internet chat rooms, instant messaging or other social media channels. This includes but is not limited to Facebook and

Twitter. Bullying using technology either inside or outside of the workplace is considered workplace bullying for the purposes of this Policy.

## **What to do if you have been bullied in the workplace?**

### **Workers**

If you are a worker and you perceive you have been bullied in the workplace, you must report the matter to your supervisor, manager, director or People, Culture and Safety. Your complaint should be in writing as outlined in Council's Grievance and Dispute Resolution Policy and Procedure.

### **Council Officials**

If you are a Council Official and you perceive you have been bullied in the workplace, you must report the matter in writing to the Chief Executive Officer. If your complaint involves the Chief Executive Officer, you must report the matter in writing to the Mayor.

### **External processes**

If all reasonable attempts have been made to resolve your concern internally and you feel that your concerns remain unresolved, you can contact SafeWork NSW for assistance.

### **Council's commitment to you**

- Complaints of bullying in the workplace will be taken seriously by Council and will be assessed in a sensitive, fair and confidential manner.
- The principles of procedural fairness / natural justice will be applied in investigations.
- Only the people directly involved in the complaint or in helping with the complaint handling procedure will have access to the information involved with the complaint. All parties with access to the information must ensure they do not share the confidential information with any other parties.
- All reasonable steps will be taken by Council to prevent the reported bullying from continuing.
- Appropriate warnings will be given and / or disciplinary action will be taken where bullying is found to have occurred.
- Where appropriate, training and / or counselling will be provided to perpetrators of bullying in the workplace.
- It is unlawful to victimise or treat a worker unfairly for making a complaint about bullying in the workplace and any reported instances of victimisation will be taken seriously and investigated.
- Appropriate support and assistance, including counselling and debriefing will be offered to an individual who may be the victim of bullying in the workplace.
- Council will, where appropriate or necessary, obtain any professional advice required in order to ensure that your complaint is dealt with in accordance with any relevant anti-discrimination, workplace health and safety, and industrial laws.

## **Breach of this Policy**

All workers and Council Officials are required to comply with this Policy at all times. If a worker breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment.

Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Council terminated or not renewed.

Council Officials who are found to have breached this Policy may lose their position.

If a worker or Council Official makes an unfounded complaint or a false complaint in bad faith, such as making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint, disciplinary action may be taken.

## **Complaint handling procedure**

Workplace bullying can be dealt with either informally or formally. With either approach, Council will consult the worker or Council Official so as to be satisfied that their concerns are dealt with appropriately. Council may use its discretion and deem that a formal approach shall be undertaken.

### *Informal approaches*

The worker or Council Official may request the person involved to cease the behaviour giving rise to workplace bullying. The immediate supervisor or manager may be able to assist with resolving the matter.

### *Formal approach*

If an informal approach is taken which does not result in an effective resolution, or if the worker or Council Official is not comfortable in taking an informal approach, Council's Grievance and Dispute Resolution Policy and Procedure (workers) or Council's Code of Conduct (Council Officials) outlines options available to workers or Council Officials who feel that they have been bullied and the procedure to be taken.

## **RESPONSIBILITIES**

### **All workers**

All workers have a fundamental responsibility not to engage in, or condone, bullying, towards any other person (including members of the public) in the workplace.

All workers also have a duty to understand how their behaviour affects others.

All workers have a role to play in creating a climate where bullying in the workplace is unacceptable. All workers can achieve this by being aware of, and sensitive towards, the issues of bullying and by making sure that their standards of conduct don't cause offence.

At *all* times in the workplace, workers must:

- Comply with, and meet all requirements, outlined in this Policy.
- Comply with Council's Code of Conduct.
- Ensure they do not engage in any bullying behaviour or unlawful conduct towards other workers, Council Officials, customers/clients or others with whom they come into contact through work.
- Ensure they do not aid, abet or encourage other persons to engage in bullying behaviour or unlawful conduct.
- Be accountable for their own safety and that of others.
- Think about their behaviour and actions, and how these may impact on others.
- Not make false accusations with a deliberate attempt to damage another person's reputation, dignity or character.
- Interact with others, including customers and others in the workplace, in a respectful manner at all times.
- Promptly respond to or otherwise report incidents of inappropriate, bullying or unlawful conduct either against them or others in the workplace, in accordance with the complaint procedure as set out above and in the Grievance and Dispute Resolution Policy and Procedure.
- Follow the complaint procedure as set out above and in the Grievance and Dispute Resolution Policy and Procedure if they experience any unlawful conduct.
- Maintain confidentiality if they are involved in the complaint procedure.

### **Council Officials, Managers and Supervisors**

As a Council Official, or a manager or supervisor employed by Council, there are some additional responsibilities under this Policy.

As a designated leader within Council, Council Officials, managers and supervisors must:

- Promptly respond to all reported incidents of bullying or unlawful conduct.
- Take steps to stop bullying and aggressive behaviour they observe, and counsel the person(s) involved of the consequences if the bullying and aggressive behaviour continues.
- Where practical, facilitate resolution between the parties.
- Provide support to victims of bullying and aggressive behaviour.
- Provide appropriate performance counselling to, and/or take disciplinary actions against, individuals found guilty of bullying, harassing and aggressive behaviour.
- Undertake an assessment of the work environment to ascertain the effect of bullying, harassing and aggressive behaviour and consider identified risks as part of Council's formal risk management process.
- Direct staff to attend and participate in training and education on prevention of workplace bullying.
- Provide workers with appropriate and, where applicable, ongoing training in customer service and dealing with aggressive behaviour.
- Contact the Police in instances where bullying, harassing and aggressive behaviour constitutes assault or threat of assault.

- Raising awareness that bullying and aggressive behaviour will not be tolerated in the workplace and that complaints will be dealt with in accordance with the procedures in this Policy.

Council Officials should be aware that they can be held legally responsible for their unlawful conduct.

Council Officials, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

### **People, Culture and Safety**

People Culture and Safety are responsible for:

- Applying this Policy consistently and fairly across the organisation.
- Providing advice in relation to this Policy.
- Maintaining and reviewing the Policy as needed.
- Providing the organisation with regular prevention of workplace bullying training and education.