



COUNCIL POLICY

Prevention of Workplace Bullying Policy & Procedure

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Branch Human Resource Services

Division Organisational Services

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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 Resolution Management 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:

Term	Definition
Council	Dubbo Regional Council
Council Official	Councillors, administrators appointed under section 256 of the Local Government Act 1993, members of Council committees, conduct reviewers and delegates of Council.
Person Involved	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.
Repeated Behaviour	Refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.
Bullying Complaint	•involves behaviour which indicates a risk to a worker's health and safety; •involves a worker and, if proven, may result in the demotion or termination of services; or •involves a worker other than an employee and, if proven, may result in a contractor's contract for services being terminated.
Unreasonable	Behaviour that a reasonable person, having regard for the

Behaviour	circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
Premises	Any place (including but not limited to land, building, part of a building or vehicle) where a worker 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.
Workplace	Any premises at which workers work or attend a work-related functions or activities.
Worker	Any person doing work for Council including but not limited to employees, contractors, sub-contractors, labour hire, volunteers, trainees, apprentices, work experience students.
Workplace Bullying	Repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

POLICY

Council is committed to providing a safe and healthy workplace free from workplace bullying. Workers and Council Officials are protected 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. 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.

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 will not be victimised.
- Reporting workplace bullying is a legitimate and positive contribution to Council and will, in most cases, ensure that workplace bullying is addressed without delay.
- Managers, supervisors and directors must not knowingly tolerate workplace bullying.

Expected workplace behaviours

Under work health safety laws workers and other people at our workplace must take reasonable care that they do not adversely affect the health and safety of others.

Council expects people 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 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.

Examples of behaviour, whether intentional or unintentional, that would constitute workplace bullying could include:

- Constant unwarranted criticism and trivial fault finding
- Intimidating a person through inappropriate personal comments, belittling opinions or unjustified criticism
- Deliberately denying access to information, supervision, consultation or resources
- Setting timelines that are very difficult to achieve, or constantly changing deadlines
- Continually setting tasks that are unreasonably below or beyond a person's skills level
- Constantly changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers.
- Use of abusive, insulting or offensive language towards others.
- Behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling, screaming or swearing.
- Sarcasm.
- Making of threats.
- Coercion (pressuring people to do things that are unlawful).
- Blaming.
- Displaying material that is degrading or offending.
- Intruding on a person's space by pestering, spying or tampering with their personal effects or work equipment
- Spreading gossip, rumours and innuendo of a malicious nature
- Teasing or regularly making someone the brunt of practical jokes
- "Ganging up" on a fellow individual or group of individuals
- Repeated refusal of requests for leave or training without adequate explanation and suggestion of alternatives, or unfair treatment in relation to accessing leave or training
- Deliberately excluding, isolating or marginalising a person from normal workplace activities

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 discrimination as set out in the Federal, State and Territory laws and include sex, race, colour, age, physical or mental disability, pregnancy (including potential pregnancy), breastfeeding, religious belief, marital status, homosexuality/transgender/sexuality/sexual preference, carers' responsibilities / family responsibilities, political belief and union membership / non-membership.

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 - include:

- Setting reasonable performance goals, standards and deadlines.
- Rostering and allocating working hours where the requirements are reasonable.
- Transferring a worker for operational reasons.
- Deciding not to select a worker for promotion where a reasonable process is followed and documented.
- Informing a worker about unsatisfactory work performance when undertaken in accordance with any workplace policies or agreements such as performance management guidelines.
- Informing a worker about inappropriate behaviour in an objective and confidential way.
- Implementing organisational changes or restructuring.

- Termination of employment.

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

Bullying via technology

Council recognises bullying can be undertaken via email, text messaging and social media mediums. This includes but is not limited to Facebook and Twitter. Therefore 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 should report the matter to your supervisor or manager or other appropriate person. You must put your complaint in writing as outlined in Council's Grievance Resolution Management Policy.

Council Officials

If you are a Council Official and you perceive you have been bullied in the workplace, you should report the matter in writing to the General Manager. If your complaint involves the General Manager, you should report the matter in writing to the Mayor.

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 every investigation.
- 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 to ensure the bullying ceases
- 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
- You will not be victimised or treated unfairly for making a complaint about bullying in the workplace
- Appropriate support and assistance, including counselling and debriefing will be provided 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, that person may be disciplined and may be exposed to a defamation claim.

Complaint handling procedure

Workplace bullying can be dealt with either informally or formally. With either approach, the worker or Council Official needs to be satisfied that his / her concerns have been dealt with appropriately.

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 Resolution Management 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.
- Report incidents of bullying or unlawful conduct either against them or others in the workplace, in accordance with the complaint procedure as set out in the Grievance Resolution Management Procedure.
- Follow the complaint procedure as set out in the Grievance Resolution Management 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:

- 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.
- Ensure workers are provided 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.
- Ensure that all individuals are aware 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.

Human Resource Services

Human Resource Services are responsible for:

- Ensuring this Policy is applied consistently and fairly across the organisation;
- Providing advice in relation to this policy; and
- Maintaining and reviewing the policy as needed.