POLICY	ROXBY COUNCIL	Responsible Department	Executive - HR
		Original Adoption Date	New Policy
		Current Adoption Date	27.03.2024
		Date of Next Review	27.03.2026

WORKPLACE BULLYING	
Latest Review Changes	This Policy and the Fair Treatment Policy, supersedes the previous Equal Opportunity, Discrimination, Harassment & Workplace Bullying Policy, which has been split into two policies.
Previous Council Reviews	

Applicable Legislation

Local Government Act 1999 (SA)

Work Health and Safety Act 2012 (SA)

Return to Work Act 2014 (SA)

Equal Opportunity Act 1984 (SA)

Related Policies

Fair Treatment Policy

Employee Code of Conduct

Related Procedures

Workplace Bullying Procedure

Reference Documents

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1. INTRODUCTION

1.1. The Municipal Council of Roxby Downs (the Council) has an obligation to provide a safe working environment that is free from bullying and harassment.

1.2. The Council has a zero-tolerance approach to bullying and harassment in the workplace.

2. PURPOSE

2.1. To set out the standard of behaviour expected of employees in the workplace.

2.2. To assist all Employees in understanding their rights and responsibilities with regards to workplace bullying and harassment.

2.3. To ensure employees understand that all complaints will be investigated.

3. SCOPE

3.1. This Policy applies to Employees and includes permanent, fixed-term, casual, full-time and part-time employees of the Council, as well as labour-hire staff, volunteers, apprentices, work experience persons, contractors and consultants or other persons engaged by the Council.

4. DEFINITIONS

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.
Employee or Worker	Includes permanent, fixed-term, casual, full-time and part-time employees of the Council, as well as labour-hire staff, volunteers, apprentices, work experience persons, contractors and consultants or other persons engaged by the Council.
Harassment	Any unwanted, unsolicited and unwelcomed behaviour, act or statement that offends, humiliates or distresses the recipient.
Repeated behaviour	Refers to the persistent nature of the behaviour and can involve a range of behaviours occurring over time.
Sexual Harassment	Any sexual behaviour, such as a sexual advance, request for sexual favours or other conduct of a sexual nature which is unwelcomed by the recipient and that a reasonable person would have expected the recipient to find offensive, humiliating or intimidating.
Unreasonable behaviour	Means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimizing, humiliating, intimidating, or threatening.

5. POLICY

5.1 Workplace bullying can adversely affect the psychological and physical health of a person. Workplace bullying is a psychological hazard that has the potential to harm a person, and it also creates a psychological risk as there is a possibility that a person may be harmed if exposed to it.

5.2 The following are examples of behaviour, whether intentional or unintentional, that fall within the definition of workplace bullying and harassment:

5.2.1 Abusive, insulting or offensive language or comments.

5.2.2 Discriminatory comments.

5.2.3 Aggressive and intimidating conduct.

5.2.4 Belittling or humiliating comments.

5.2.5 Victimisation.

5.2.6 Practical jokes or initiation.

5.2.7 Unjustified criticism or complaints.

5.2.8 Deliberately excluding someone from work-related activities.

5.2.9 Withholding information that is vital for effective work performance.

5.2.10 Setting unreasonable timelines or constantly changing deadlines.

5.2.11 Setting tasks that are unreasonably below or beyond a person's skill level.

5.2.12 Denying access to information, supervision, consultation or resources to the detriment of the Employee.

5.2.13 Spreading misinformation or malicious rumours.

5.2.14 Changing work arrangements such as rosters and leave to deliberately inconvenience a particular Employee or Employees.

5.3 Sexual Harassment, whether intentional or unintentional, includes (but is not limited to) the following range of conduct or behaviours:

5.3.1 Inappropriately staring or leering.

5.3.2 Inappropriate physical contact, such as unwelcome touching.

5.3.3 A suggestive comment or joke.

5.3.4 A sexually explicit picture or poster.

5.3.5 Repeated, unwanted invitation to go out on dates.

5.3.6 A request for sex.

5.3.7 Intrusive questioning about a person's private life or body.

5.3.8 Unnecessary familiarity, such as deliberately brushing up against a person.

5.3.9 An insult or a taunt of a sexual nature.

5.3.10 A sexually explicit email or text message.

5.4 Workplace bullying does not include:

5.4.1 A single incident of unreasonable behaviour.

5.4.2 Reasonable management action taken in a reasonable way, including:

5.4.2.1 Performance Management.

5.4.2.2 Disciplinary action.

5.4.2.3 Informing an Employee or Worker about unsatisfactory performance or behaviour.

5.4.2.4 Requesting an Employee or Worker to perform reasonable duties within their job requirement.

5.4.2.5 Maintaining reasonable workplace goals and requirements.

5.4.2.6 Issuing and requiring an Employee to comply with lawful and reasonable directions.

5.4.3 Conflict or differences of opinion between individuals.

5.5 The Council strives to:

5.5.1 Ensure that it's workplace is free from bullying, harassment, and sexual harassment.

5.5.2 Create a working environment that promotes respect and dignity for all.

5.5.3 Provide Employees with information and training on bullying, harassment, and sexual harassment.

5.5.4 Encourage Employees who believe they are being subjected to bullying, harassment, or sexual harassment to speak up and work with the Council to deal with the matter.

5.6 To prevent and control exposure to the risk of workplace bullying, harassment, and sexual harassment, the Council will:

5.6.1 Provide all Employees with bullying, harassment, and sexual harassment training.

5.6.2 Ensure that Employees are aware of, and are provided with copies of the workplace policies and procedures that are in place that deal with bullying and harassment, sexual harassment, equal opportunity, and complaint avenues.

5.6.3 Provide support for all victims of bullying, harassment, and sexual harassment.

5.6.4 Commit to promptly investigating complaints.

5.6.5 Ensure that an investigation and appropriate disciplinary action will be taken against an Employee who bullies or harasses another Employee or who victimises a person who has made or is a witness to a complaint.

5.6.6 An investigation and appropriate disciplinary action may be taken against an Employee who is found to have made a malicious, frivolous, or vexatious complaint.

5.7 Employees who believe they have been subjected to workplace bullying should immediately contact their Group Manager or Human Resources to discuss the range of options to deal with the matter.

6. RESPONSIBILITIES

All employees	All employees have a leading role in demonstrating acceptable workplace behaviour. All employees are expected to treat each other with respect and courtesy and to not bully or harass other persons in the workplace.
Chief Executive	The Chief Executive has a strong leadership role in demonstrating acceptable workplace behaviour and is responsible for ensuring the endorsement, support and implementation of the policy and procedure. The Chief Executive is responsible for: • Providing a safe place of work. • Making sure that the Council meets its legal obligations with respect to bullying and harassment prevention. • Ensuring that the Council meets its commitment to this Policy. • Fostering the development of a culture within the organisation that is respectful of individual employees, and discourages bullying, harassment and discrimination of any sort.

	• Acting in a manner which provides an example of good workplace behaviour. • Ensuring that all employees are committed to ensuring the workplace is free from bullying and harassment.
Managers – Group Managers, Managers, Supervisors, Work Group Coordinators, Team Leaders	Managers are responsible for ensuring all employees understand harassment or bullying is not acceptable behaviour in the workplace and that all complaints will be taken seriously and dealt with in accordance with the agreed procedures. They are also responsible for: • Ensuring that they model appropriate behaviour and do not bully, harass or victimise anyone • Ensuring that this Policy is communicated and implemented within any departments/work groups/teams they are responsible for and that making sure that new employees receive appropriate information about their responsibilities and rights under this Policy during their induction. • Preventing all forms of bullying and harassment from happening in any area of our business for which they are responsible. • Dealing appropriately with all forms of bullying and harassment that happens, or appears to be happening. It is a breach of this Policy to ignore any such bullying or harassment. • Communicating to all persons concerned, their rights and responsibilities. • Ensuring all resources are provided to facilitate the resolution of the complaint. • Continually monitoring harassment complaints that have been resolved to ensure that the negotiated outcomes have been implemented and that an assessment of the effectiveness of the negotiated outcomes have been implemented and that an assessment of the effectiveness of the negotiated strategies is conducted. • Contacting Human Resources for assistance in resolving cases if uncertain, when the manager or supervisor cannot provide an unbiased decision, or they feel they do not possess the authority or expertise to deal with a particular complaint. • Providing continual workplace education to increase the awareness of this Policy and what constitutes acceptable behaviour in the workplace to assist in the ongoing prevention of harassment and bullying.
Human Resources	Human Resources are responsible for assisting reconciliation between the parties and to investigate complaints. It is the responsibility of Human Resources to: • Ensure that this Policy and information is made available to all employees. • Be available to managers, supervisors, and other persons to answer enquiries about harassment and bullying and to assist in the resolution of harassment and bullying complaints if requested. • Ensure confidentiality and complete privacy is maintained in all matters. • Determine whether or not a compliant should be handled by Council or an outside agency. • Where appropriate, act as a mediator (when requested) ensuring that mediation meetings are fair, that all parties are heard without bias, and that all known facts of the complaint are given the opportunity to be brought forward. • Try to reach a resolution agreed upon between all parties involved. • Warn against victimisation or reprisals against any person involved in a harassment or bullying complaint; that is, the complainant, alleged offender, witnesses, contact officers or person(s) conducting the investigation.

Employees	Employees are responsible for respecting the rights of other persons and to never encourage, condone or ignore harassment or bullying, If an employee believes that a fellow colleague is being harassed, they can help to prevent further incidents of harassment occurring by offering support to the person being harassed. Examples include: • Informing them that they are willing to act as a witness if the person being harassed decides to lodge a complaint. • Refusing to join in with any harassing activity. • Supporting the person being harassed. • Advising the person of the availability of a complaints procedure. • Escalate the matter to Human Resources where appropriate. Employees also have an obligation pursuant to the *Work Health and Safety Act 2012 (SA)* to: • Take reasonable care for their own health and safety. • 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 that is given by the Council to allow the Council to comply with the Work Health and Safety Act 2012 (SA). • Cooperate with any reasonable policy or procedure of the Council relating to health or safety at the workplace that has been notified to employees.

7. POLICY REVIEW

This Policy and associated procedure will be reviewed and evaluated by the Council every two years. Upon review, the Council will communicate the updated Policy and associated Procedure to all relevant persons.

8. AVAILABILITY OF THE POLICY

This Policy is available to be downloaded free of charge from Council's website: www.roxbydowns.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council's Fees and Charges Register at Council Office, 6 Richardson Place, Roxby Downs.