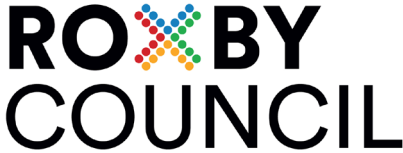


POLICY		Responsible Department	Executive - HR
		Original Adoption Date	New Policy
		Current Adoption Date	27.03.2024
		Date of Next Review	27.04.2026

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

Applicable Legislation

<i>Local Government Act 1999 (SA)</i> <i>Equal Opportunity Act 1984 (SA)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Work Health and Safety Act 2012 (SA)</i> <i>Fair Work Act 1994 (SA)</i>

Related Policies

Workplace Bullying Employee Code of Conduct Performance Management Municipal Council Roxby Downs Enterprise Agreement
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Related Procedures

Fair Treatment Managing Underperformance

Reference Documents

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1. INTRODUCTION

- 1.1. This Policy has been developed recognising the need to reflect the Municipal Council of Roxby Downs (**Roxby Council**) commitment to fairness and Equal Employment Opportunity (**EEO**) legislation in the workplace. By developing a culture of fairness and integrity, the benefits will flow into our workplace culture through employees who are treated fairly and equitably in the workplace.
- 1.2. This Policy aims to provide information and set boundaries for employees in terms of appropriate and acceptable behaviour in the workplace.
- 1.3. This Policy intends to create a positive, respectful, and productive working environment. It is important that all areas within the Council are working harmoniously and effectively. To ensure this, this Policy will alert and deal with any barriers that may arise between employees.

2. PURPOSE

- 2.1. The objective of this Policy is to provide information and set boundaries for employees in terms of appropriate and acceptable behaviour in the workplace, and negative behaviour that will not be accepted.
- 2.2. The objectives of the Policy are as follows:
 - 2.1.1 Provide access to all employees about information and advice so they can carry out their duties in accordance with our expectations.
 - 2.1.2 Educate and inform all employees with respect to how to positively interact with each other, and what behaviour will be considered to be negative, harmful, and unacceptable.
 - 2.1.3 Create a supportive environment among employees that encourages a positive atmosphere.
 - 2.1.4 Encourage all employees to have a healthy work/life balance, to not be subject to undue pressure.
 - 2.1.5 Ensure all employees show respect to each other, clients, and stakeholders.
 - 2.1.6 Inform all employees of how to deal with conflicts in an appropriate manner, and if required follow due process.
 - 2.1.7 Emphasise that negative and unacceptable behaviour that may include, but is not limited to: bullying, harassment, racial discrimination, stereotyping cultures or behaviour and intimidation will not be tolerated in any form. These behaviours will be faced up to firmly and will be positively addressed.
- 2.3. We are committed to providing a safe and harassment-free workplace for employees.
- 2.4. Employees must not harass, discriminate against, or support others who harass and discriminate against or support others who harass and discriminate against colleagues or members of the public. This includes but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, homosexuality, transgender, or carers responsibility. It is the responsibility of everyone who is a part of, or associated with, the Council to eliminate such behaviours to create a positive and constructive culture for all to enjoy at work.
- 2.5. We have a duty of care and need to balance the confidentiality of these issues with our legislative obligations. We will endeavour to maintain confidentiality where applicable.

3. SCOPE

All employees (permanent, casual, full-time, part-time) are covered by this Policy.

4. DEFINITIONS

The following definitions apply to this policy

Alleged Offender	Person against whom a complaint has been lodged.
Bullying	Workplace bullying is offensive, unreasonable, humiliating or intimidating, and generally persistent behaviour that is directed at an individual, or group of employees, by another individual or group of employees that undermines the relevant employee's dignity or performance in the workplace.
Complainant	Person who feels that they have been subjected to some form of harassment.
Conciliation	Speaking with the complainant, speaking with the alleged offender, and negotiating a resolution to the complaint.
Confidentiality	Only those persons directly involved in lodging or investigating a complaint will have access to information about the complainant.
Complaint	A type of problem, concern or complaint related to work or the work environment. A complaint may be about any act, omission, situation, or decision that a person thinks is unfair, discriminatory, or unjustified.
Harassment	Any unwanted, unsolicited, and unreciprocated behaviour, act or statement that offends, humiliates or distresses the recipient.
Promptly	All complaints will be dealt with as quickly as possible. Every attempt will be made to resolve all complaints within four weeks wherever possible, unless otherwise negotiated between the concerned parties.
Sensitively	All complaints will be listened to in an unbiased, supportive and empathic manner.
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 to find offensive, humiliating or intimidating.
Victimisation	<p>Any unfavourable treatment of, or disadvantage to, a person lodging a complaint and/or a person acting as a witness or assisting the complainant.</p> <p>The law protects the above-named persons from further disadvantage or mistreatment and management will take all necessary steps to ensure victimisation does not occur.</p>

5. EFFECTS OF WORKPLACE BULLYING AND HARASSMENT

- 5.1. Bullying can disrupt work to the extent that action has to be taken to restore order. Each individual will react differently to bullying behaviour, and the effects may include:
 - 5.1.1 High levels of distress, anxiety, and depression.
 - 5.1.2 Ill health, insomnia, panic attacks, impaired ability to make decisions.
 - 5.1.3 Loss of self-esteem and confidence, feelings of social isolation.
 - 5.1.4 Reduced work performance.
 - 5.1.5 Deteriorating relationships with family and friends.
- 5.2. Workplace bullying can be harmful to organisations as well as individuals, resulting in:
 - 5.1.6 High levels of absenteeism and staff turnover.
 - 5.1.7 Breakdown of teams and work relationships.
 - 5.1.8 Poor public image in terms of becoming known as a difficult place to work.
 - 5.1.9 Reduced efficiency, productivity, and profitability.
 - 5.1.10 Unsafe work environment.
 - 5.1.11 Poor morale, erosion of loyalty and commitment.
 - 5.1.12 Increased costs associated with counselling, mediation and compensation claims, recruitment and retraining of new staff, and management time.
 - 5.1.13 Potential litigation and associated costs.
- 5.3. Bullying and harassment will be dealt with in accordance with this Policy Council's Workplace Bullying Policy.

6. ACCEPTABLE AND PROFESSIONAL BEHAVIOUR

- 6.1 Our constructive culture requires:
 - 6.1.1 Treating everyone with respect, courtesy, and dignity.
 - 6.1.2 Open and balanced communication.
 - 6.1.3 Respecting the roles of the other person.
 - 6.1.4 Remembering the basic courtesies.
 - 6.1.5 Including people, rather than excluding people, because of prejudice.
 - 6.1.6 Moving from blame to problem-solving to deal with differences of opinion.

7. UNACCEPTABLE BEHAVIOUR

- 7.1 The following have been defined as minor, moderate and serious levels of unacceptable behaviour:
 - 7.1.1 Employees demanding, without appropriate notice, access to information in a way that is not respectful of the position or time constraints of the other.
 - 7.1.2 Displaying confronting behaviour, such as abusive language, rudeness, and aggression (ie swearing, making a fist with a hand).
 - 7.1.3 Undermining other employee(s).
 - 7.1.4 Employees making personal attacks in a public forum.
 - 7.1.5 Behaviour, such as threats or intimidation (ie invading personal space).

- 7.1.6 Excluding others.
- 7.1.7 Gossiping.
- 7.1.8 Racist or sexual slurs.
- 7.1.9 Employees, outside of their contractual responsibility, becoming directly involved in our business.
- 7.1.10 Intimidation or use of perceived position of power to coerce others by fear, reprimand, humiliation, or other threats.
- 7.1.11 Psychological or physical harassment, including bullying or psychological threats.
- 7.1.12 Violence and assault of another.

8. RESPONSIBILITIES

- 8.1 **All employees** have a role in demonstrating acceptable workplace behaviour.
- 8.2 **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 also responsible for:
 - 8.2.1 Providing a safe place of work.
 - 8.2.2 Making sure that we meet our legal obligations with respect to bullying and harassment prevention.
 - 8.2.3 Ensuring that we meet our commitment to this Policy.
 - 8.2.4 Fostering the development of a culture within the organisation that is respectful of individual employees, and discourages bullying, harassment, and discrimination of any sort.
 - 8.2.5 Acting in a manner which provides an example of good workplace behaviour.
 - 8.2.6 Ensuring that all employees are committed to ensuring the workplace is free from bullying and harassment.
- 8.3 **Managers/Team Leaders/Work Group Coordinators** 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:
 - 8.3.1. Ensuring that they model appropriate behaviour and do not bully, harass, or victimise anyone.
 - 8.3.2. Ensuring that this Policy is communicated and implemented within any division(s) and/or team(s) they are responsible for and making sure that new employees receive appropriate information about their responsibilities and rights under this Policy during their induction.
 - 8.3.3. Preventing all forms of bullying, harassment, and victimisation from happening in any area of our business for which they are responsible.
 - 8.3.4. Dealing appropriately with all forms of bullying, harassment and victimisation that happen, or appear to be happening. It is a breach of this Policy to ignore any such bullying, harassment, or victimisation.
 - 8.3.5. Ensuring confidentiality and complete privacy is maintained in all matters concerning a complaint.
 - 8.3.6. Being available to discuss any complaints about alleged bullying and harassment.
 - 8.3.7. Communicating to all persons concerned, their rights and responsibilities.
 - 8.3.8. Ensuring all resources are provided to facilitate resolution of the complaint.

- 8.3.9. 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 strategies is conducted.
- 8.3.10. 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.
- 8.3.11. 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.
- 8.4 **Human Resources** are responsible for assisting reconciliation between the parties and to investigate complaints whether written or verbal. It is the responsibility of Human Resources to:
 - 8.4.1. Ensure that this policy and information is made available to all employees.
 - 8.4.2. 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.
 - 8.4.3. Ensure confidentiality and complete privacy is maintained in all matters.
 - 8.4.4. Determine whether or not a complaint should be handled by the Council or externally by a Tribunal or independent investigator.
 - 8.4.5. Consider all complaints, whether written, verbal, formal, or informal.
 - 8.4.6. 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. Human resources may request a Senior Manager or external person act as a mediator in their place.
 - 8.4.7. Negotiate a specific outcome/settlement agreed by all parties.
 - 8.4.8. 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.
- 8.5 **Employees** are responsible for respecting the rights of other persons and to never encourage or condone harassment or bullying. If an employee believes that a fellow colleague is being harassed, they can help prevent further incidents of harassment occurring by offering support to the person being harassed. Examples include:
 - 8.5.1. Informing them that they are willing to act as a witness if the person being harassed decides to lodge a complaint.
 - 8.5.2. Refusing to join in with any harassing activity.
 - 8.5.3. Supporting the person being harassed.
- 8.6 The **Equal Opportunity Officer (EOO)** acts as a point of contact for employees experiencing difficulties in the workplace. The role of the EOO is to provide information to employees with concerns or complaints of discrimination harassment or bullying in the workplace. If requested by the employee, the EOO may support the employee if they wish to make a formal complaint. The EOO does not have a role in investigating, arbitrating, or resolving the complaint between the parties, but rather, to inform the person with the complaint what options are available.
- 8.7 It is not the responsibility of the person witnessing the harassment to say anything to the offender.

9. POLICY REVIEW

This Policy 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.

10. 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.

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