



POLICY NO.	HR.17
POLICY TITLE	RESPECTFUL WORKPLACE POLICY
STATUS	Internal
SERVICE	Human Resources and WHS
DOCUMENT ID	544153

PURPOSE

Workplace bullying is a risk to health and safety. Hunter's Hill Council is committed to providing a safe and health workplace for its employees.

The purpose of this policy is to protect the wellbeing of employees and provide a respectful workplace environment free from bullying or harassment, vilification, violence or other offensive behaviour.

This policy assists people in identifying bullying behaviour and provides avenues for reporting, investigating and dealing with instances of bullying.

APPLICABILITY

The policy applies to all councillors, council staff, contractors, and consultants, temporary and casual staff.

SCOPE

Hunter's Hill Council's Respectful Workplace Policy has been designed to ensure that staff understand their responsibilities, and ensure compliance with, Council's values, standards and procedures at all times.

Under the Work Health and Safety Act, Council is required to ensure the physical and psychological health, safety and welfare of all employees. To ensure this occurs, Council has implemented procedures to enable staff to recognise and prevent workplace bullying.

The Hunters Hill Council Code of Conduct and values statements set out principles for behaviour required in the workplace, including that:

All people should be treated fairly and with respect; and

All staff should develop an awareness of the impact of their behaviour on others.

Bullying may in certain circumstances constitute harassment. Harassment is against the law. The Anti-Discrimination Act 1977 specifies the grounds of unlawful harassment. Individuals need to be aware that by ignoring the law, they are not only exposing the organisation to liability, but legal action could also be taken on a personal basis.

Note: Procedures set out in this Policy does not interfere with an employee's rights available under the Grievance and Dispute Procedures of the Local Government (State) Award.

DEFINITIONS

Term	Definition
Code of Practice	The Safe Work Australia's ' <i>Preventing and responding to Bullying in the Workplace</i> ' Code of Practice provides guidance on how to comply with these provisions in the Work Health and Safety Act in regard to bullying.
Council staff:	Permanent, temporary, casual employees, volunteers, work experience personnel, consultants and contractors of Hunter's Hill Council.
Constructive workplace behaviours	Positive interactions with others and following Council's HEART values at all times and championing these. Cooperating with and collaborating with others and welcoming new ideas.
Fair Work Act 2009	Is federal workplace relations laws. Amendments of this Act introduced anti bullying measures on the 1 st of January 2014.
Harassment:	Behaviour that could cause offence to another person, or group of people. The law specifies that the behaviour does not have to cause offence, merely that it could cause offence. Commonly, harassment is sex-based but can include other issues, including vilification, violence, bullying, intimidation, threats or humiliation.
HEART values	Council's values are H.E.A.R.T – honesty, excellence, accountability, respect and teamwork.
Healthy workplace culture	At Council we strive to achieve a healthy workplace culture by communicating purpose and values, providing meaningful work, a leadership team focussed on the productivity and wellbeing of our people, building meaningful relationships, creating peak performing teams, and practicing constructive conflict management.
Violence:	Any aggressive, unjust or unwarranted exertion of force or power including verbal abuse in person or over the telephone; written abuse; threats; ganging up, bullying and intimidation; physical or sexual assault, armed robbery and malicious damage to property.
Work Health and Safety (WHS) Act	This is a law passed by a State Parliament regarding workplace health and safety. It sets out who has duties in the workplace and what their duties are.
Workers	Employees, Managers (who are not officers), Supervisor, Trainees, Volunteers, Contractors, Subcontractors, Apprentices, Work Experience Students, Outworkers, and Labour staff
Workplace:	Refers to the premises, site or locations where employees work which includes: Any land, building or part of any building; Any vehicle or vessel; Any installation on land, on the bed of any water or floating on any waters; Any tent or moveable structure.

POLICY STATEMENT

WHAT IS CONSTRUCTIVE WORKPLACE BEHAVIOUR

Constructive workplace behaviour can be defined as working well as part of a team or group. It is expected that Councillors, management, and staff display a positive attitude toward co-workers and peers, Council and the responsibilities of their position. Council expects that all position holders take accountability for their actions and duties are performed within their delegated authority.

The key element of a constructive workplace is that each member has respect for others and for individual differences. Whilst everyone has an important job to do, in turn everyone should respect the work of others and give due consideration to the responsibilities and expertise of others in the workplace.

The ways Council promotes a constructive workplace is by:

1. **Setting clear strategic, departments and individual goals** – this is achieved by setting objectives through the integrated planning process and cascading these to the individual level through work plans which are reviewed through the Performance Review and Development program.
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2. **Promote Council's values** – our values are at the HEART of who we are and what we do. Our values are based on requirements of the Code of Conduct and reflect our culture.
3. **Promote diversity and inclusivity** – Council has adopted an Equal Employment Opportunity policy and plan which defines our strategies to ensure Council staff, management and Councillors observe and promote diversity and inclusivity practices.
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4. **Priorities respectful behaviours in the workplace** – at Council we have a zero tolerance to bullying in the workplace. We expect that anyone who is covered under this policy to treat each other with respect at all times.
 - Respectful behaviours included both verbal and non-verbal, face to face and online.

WHAT IS WORKPLACE BULLYING?

Workplace bullying can be defined as unreasonable behaviour that is repeated over time, directed at a worker, or a group of workers, that creates a risk to health and safety.

It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

It includes behaviour such as screaming at someone, putting down someone's opinions, or ignoring and excluding staff members. Single incidents of unreasonable behaviour can also create a risk to health and is not acceptable as part of Council's culture.

Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if they are **repeated**, **unreasonable** and **create a risk to health and safety** include but are not limited to:

- abusive, insulting or offensive language or comments
- aggressive and intimidating conduct
- belittling or humiliating comments
- victimisation
- practical jokes or initiation
- unjustified criticism or complaints
- deliberately excluding someone from work-related activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours, and
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

If the behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.

Bullying may be **overt** or **covert**.

OVERT BULLYING

- Abusive behaviour towards another employee such as threatening gestures or actual violence.
- Aggressive or abusive or offensive language, including threats or shouting.
- Demeaning remarks.
- Constant unreasonable and unconstructive criticism.

COVERT BULLYING

- Deliberate exclusion, isolation or alienation of the employee from normal work interaction, such as intentionally excluding the employee from meetings.
- Placing unreasonably high work demands on one employee but not on others.
- Allocation of demeaning jobs or meaningless tasks only.
- Unreasonably ignoring the employee.
- Undermining another employee, including encouraging others to “gang up” on the employee.
- Deliberately withholding information that a person needs to exercise his or her role or entitlements within the Council.

WHAT DOES NOT CONSTITUTE BULLYING?

The following behaviours do not constitute bullying”

- A single incident of unreasonable behaviour. However, single or one-off incidents of unreasonable conduct can also cause a risk to health and safety and may breach other policies and should not be ignored.
- Reasonable management practices; or
- Low level workplace conflict

REASONABLE MANAGEMENT PRACTICES INCLUDE:

- A direction to carry out reasonable duties and instructions
- A direction to comply with Council rules, resolutions, policies and procedures
- Setting reasonable goals, standards and deadlines
- Rostering and allocating reasonable working hours
- Transferring a worker for operational reasons
- Deciding not to appoint or promote a worker for reasonable reasons
- Performance managing workers in accordance with Council’s policy
- Providing informal and formal feedback regarding behaviour and conduct in a reasonable way
- Implementing organisational change or restructuring or
- Terminating a workers employment in instituting other disciplinary measures in accordance with Council’s policy

LOW LEVEL WORKPLACE CONFLICT:

Not all interpersonal conflict or disagreements will constitute bullying. Workers can disagree with each other.

- What differentiates low level conflict situations from bullying is whether there is a risk to health and safety and reasonableness of the behaviour overall.
- Low level conflict situations should not be ignored and should be resolved if possible in accordance with the *Workplace Bullying Resolution Procedures*.

UNLAWFUL DISCRIMINATION AND SEXUAL HARASSMENT

Unreasonable behaviour may involve unlawful discrimination or sexual harassment which, by itself, is not bullying.

Discrimination on the basis of a protected trait in employment may be unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

Generally, unlawful discrimination is where a person or group of people are treated unfairly or less favourably than others because they have a particular characteristic or belong to a particular group of people. Protected traits include race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin. For example, it would be unlawful for an employer not to employ or promote a woman because she is pregnant or may become pregnant.

The WHS Act prohibits a person from engaging in 'discriminatory conduct' for a 'prohibited reason'. For example, it is unlawful for a person to terminate the employment of a worker for raising health and safety concerns or performing legitimate safety-related functions in relation to their workplace.

Generally, sexual harassment includes unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature that could be expected to make a person feel offended, humiliated or intimidated.

Hunter's Hill Council has implemented an EEO policy and Plan which includes processes and strategies for dealing with matters related to unlawful discrimination and sexual harassment.

Advice and assistance on how to deal with discrimination or sexual harassment can also be provided by:

- the Australian Human Rights Commission
- the Fair Work Commission, and
- state and territory anti-discrimination, equal opportunity and human rights agencies

HOW CAN WORKPLACE BULLYING OCCUR?

Workplace bullying can be carried out in a variety of ways including through verbal or physical abuse, through email, text messages, internet chat rooms, instant messaging or other social media channels. In some cases workplace bullying can continue outside of the workplace.

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

- sideways between workers
- downwards from supervisors or managers to workers, or
- upwards from workers to supervisors or managers.

Workplace bullying can also be directed at or perpetrated by other people at the workplace such as customers and members of the public.

RESPONSIBILITIES

Everyone at the workplace has a work health and safety duty and can usually help prevent workplace bullying. The following table sets out the various duties in relation to workplace bullying.

TABLE 1 - DUTIES IN RELATION TO WORKPLACE BULLYING

Who	Duties
Person conducting a business or undertaking (section 19)	A PCBU has the primary duty of care under the WHS Act to ensure, so far as is reasonably practicable, that workers and other persons are not exposed to health and safety risks arising from work carried out as part of the business or undertaking.

	<p>This duty includes, so far as is reasonably practicable:</p> <ul style="list-style-type: none"> • providing and maintaining a work environment that is without risks to health and safety • providing and maintaining safe systems of work • monitoring the health and safety of workers and the conditions at the workplace to ensure that work related illnesses and injuries are prevented, and • providing appropriate information, instruction, training or supervision to workers and other persons at the workplace to allow work to be carried out safely.
GM / Directors	<p>The General Manager and Directors must exercise due diligence to ensure the business or undertaking complies with the WHS Act and Regulations.</p> <p>This includes taking reasonable steps to ensure the business or undertaking has and uses appropriate resources and processes to eliminate or minimise risks associated with workplace bullying.</p>
Mayor/Councillors	<p>The elected Mayor, Deputy Mayor and Councillors must exercise due diligence to ensure the business or undertaking complies with the WHS Act and Regulations.</p> <p>In their duty they must take reasonable care for their own health and safety as well as take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.</p>
Workers	<p>Workers including employees, contractors, subcontractors, labour hire employees, outworkers, apprentices or volunteers have a duty to:</p> <ul style="list-style-type: none"> • take reasonable care for their own health and safety while at work • 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 given by the PCBU, and • co-operate with any reasonable policies and procedures of the PCBU, for example a workplace bullying policy.
Others	<p>Other persons at a workplace, such as visitors and clients, have similar duties to that of a worker and must:</p> <ul style="list-style-type: none"> • take reasonable care for their own health and safety while at work • take reasonable care that their acts or omissions do not adversely affect the health and safety of workers or other persons, and • comply, so far as the person is reasonably able, with any reasonable instruction given by the PCBU.

MANAGING THE RISK OF WORKPLACE BULLYING IN THE WORKPLACE

Council is committed to eliminating health and safety risks in our workplace so far as is reasonably practicable. If this is not possible, the risks will be minimised so far as is reasonably practicable.

Council will attempt to minimise any risks in the workplace by taking a proactive approach which involves:

- early identification of unreasonable behaviour and situations likely to increase the risk of workplace bullying occurring
- implementing control measures to manage the risks, and
- monitoring and reviewing the effectiveness of the control measures.

IMPLEMENTATION OF THE RESPECTFUL WORKPLACE RELATIONSHIPS GUIDELINES

Good management practices and effective communication are important in creating a workplace environment that discourages workplace bullying. Council has implemented the **Respectful Workplace Relationships Guidelines** which incorporates the following initiatives:

GOOD MANAGEMENT PRACTICES

- promote positive leadership styles by providing training for managers and supervisors
- mentor and support new and poor performing managers and workers
- facilitate teamwork, consultation and co-operation
- ensure that reasonable management actions are clearly defined, articulated and understood by workers and supervisors, and
- ensure supervisors act in a timely manner on unreasonable behaviour they see or become aware of.

PROMOTING POSITIVE RELATIONSHIPS WITH EXTERNAL PARTIES

Where there is a risk of workplace bullying by other people, for example customers, the following control measures may be considered:

- communicate the expected standard of behaviour as outlined in the HEART values
- empower staff to refuse or suspend service if other people fail to comply with the expected standard of behaviour
- provide support to staff who are exposed to unreasonable behaviour, and
- implement control measures to eliminate or minimise the risk of violent behaviours from the public such as the panic button, security cameras in Customer Services and the body cameras on rangers

DESIGN OF SAFE SYSTEMS OF WORK

The following work design control measures have been implemented to help reduce the risk of workplace bullying:

- clearly defined position descriptions for all roles
- performance review program to ensure regular feedback from employees about their role and responsibilities
- fair provision of resources, information and training employees need to carry out their tasks safely and effectively
- access to support mechanisms, such as employee assistance program, particularly during busy and stressful work periods, and
- provision of effective communication throughout workplace change through the Consultative Committee and team meetings

IMPLEMENTATION OF A REPORTING AND RESPONSE PROCEDURE

Workplace bullying behaviours will not be tolerated and early reporting of these behaviours is encouraged. Council has implemented the **Respectful Workplace Relationships Guidelines** which outlines the reporting process.

PROVIDE TRAINING AND INFORMATION

Training is a significant factor in preventing and managing workplace bullying, particularly to enable early intervention in workplace conflict before it potentially escalates into bullying.

Workers including managers and supervisors should be aware of their roles in relation to preventing and responding to workplace bullying.

Regular training will be provided to employees to ensure staff have the appropriate skills to take action where necessary. Information is available through the intranet portal.

APPLICATION TO OTHER LAWS AND POLICIES

Incidents of physical abuse or assault which constitute as misconduct or serious misconduct and are deemed as illegal under criminal law will be reported to the police.

RELATED POLICIES/PROCEDURES

LEGISLATION

- Fair Work Act 2009
- Anti-Discrimination Act 1977
- Hunter's Hill Council Equal Employment Opportunity Policy
- Hunter's Hill Council Equal Employment Opportunity Plan 2021-2024
- Local Government Model Code of Conduct
- Workers Compensation Act
- Safe Work NSW

POLICY AUTHORITY

The policy authority is the General Manager
Manager People and Culture

REVIEW

Next Review Date: November 2022

The procedure should be reviewed every two years and be endorsed by the General Manager.

ADOPTED BY COUNCIL/EXECUTIVE:

DATE: 13 February 2022
RESOLUTION NO: NA

VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
13.02.06	1.0	31/06		
25.08.20	2.0		New policy template	Rosanna Guerra (HR Manager)

ACKNOWLEDGEMENT OF COUNCIL'S RESPECTFUL WORKPLACE POLICY

SUMMARY

Hunter's Hill Council is a respectful workplace free of bullying and harassment workplace.

Bullying is unreasonable behaviour that is repeated over time, directed at a worker, or a group of workers, that creates a risk to health and safety. Single incidents of unreasonable behaviour can also create a risk to health and is not acceptable as part of Council's culture

At Council we strive to achieve a healthy workplace culture by

- Communicating and living our purpose and values,
- providing meaningful work,
- a leadership team focussed on the productivity and wellbeing of our people,
- building meaningful relationships by being respectful in team meetings and having regard for the opinion of others
- creating an inclusive workplace which embraces diversity
- providing open and transparent consultation through the Consultative Committee, tool box talks and regular team meetings
- creating peak performing teams by respective the positions of others and their level of expertise and
- practicing constructive conflict management.

Hunter's Hill Council has a clear set of values and standards which staff are expected to follow and demonstrate daily.

Managers and supervisors must ensure workers are not being bullied. If such claims are reported this may involve internal and/or external investigations. Managers will ensure that workers who make reports, and anyone else who may be involved, are not victimised. An important aspect of the manager's role is to provide clear instruction and direction and this does not constitute as bullying.

Disciplinary action may be taken against anyone who bullies a co-worker. Discipline may involve a warning, counselling, demotion, or dismissal, depending on the circumstances. There are also legal implications for individuals if found to be bullying.

ACKNOWLEDGEMENT

I have read and understand the requirements as outlined in Council's Respectful Workplace Policy.

I understand that if I am being bullied, or see others being bullied at work, I must report it as soon as possible to my supervisor, and if this is not possible to the HR Manager, the contact person for this policy.

Name (please print) _____

Signature: _____

Date: _____