

1. POLICY CERTIFICATION

Policy title:	Bullying, Harassment and Discrimination Policy
Policy number:	HR002
Category:	Policy
Classification:	HR
Status:	Approved

2. PURPOSE

The purpose of this policy is to affirm Council's commitment to providing a safe working environment free of in accordance with its legislative obligations.

Roper Gulf Regional Council understands and recognises that bullying, discrimination, harassment and sexual harassment is against NT Legislation. Roper Gulf Regional Council is committed to ensuring that the workplace is safe, fair and free from bullying, harassment, and discrimination for all employees, Councillors, contractors, visitors and customers. Council is committed to promoting a working environment which supports and sustains good working relationships.

Workplace bullying, harassment, sexual harassment and discrimination is a breach of Council's Work Health and Safety Policy, Code of Conduct, and various legislation.

3. ORGANISATIONAL SCOPE

This policy applies to all Roper Gulf Regional Council employees, Councillors, Local Authority members, contractors, visitors and customers in the workplace on RGRC owned or leased property, at RGRC organised events or any location or event associated with RGRC.

4. POLICY STATEMENT

All employees of Roper Gulf Regional Council have a legal and moral responsibility to treat each other fairly and with respect. All reports of bullying, harassment, sexual harassment and discrimination will be treated seriously and with empathy by Managers, Supervisors or Work Health and Safety Coordinator.

Bullying, harassment, sexual harassment and discrimination will not be tolerated by Council. If, after an investigation by a nominated (internal or external) investigating officer, it is found that bullying, discrimination, harassment or sexual harassment has taken place, appropriate disciplinary action will be taken against the person responsible, which may include dismissal.

5. DEFINITIONS

Bullying	<p>Is one or more occurrences of treating an individual or group of people less favourably including behaviour that humiliates, intimidates, offends or degrades a person.</p> <p>Bullies may use loud and aggressive tactics (yelling or screaming) or more subtle intimidation (inappropriate comments about appearance, constant criticism, isolation from normal work interaction, impossible</p>
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	deadlines). Bullying is unlawful under the <i>Northern Territory Anti-Discrimination Act 2007</i> .
Designated	appointed for a specific function
Discrimination	Discrimination happens when you are treated unfairly on the grounds of attributes like race, sex or age.
Harassment	Any behavior that has the effect of offending, humiliating or intimidating the person at whom it is directed is considered harassment. It makes the work environment unpleasant and sometimes even hostile. If a person is being harassed then their ability to do their work is affected.
Prohibited	Not allowed
Reasonable	Having sound judgement; fair and sensible; as much as is appropriate or fair; moderate.
RGRC	Roper Gulf Regional Council
Sexual Harassment	Any behavior that subjects another person to an unwelcome act of physical intimacy; makes an unwelcome demand or request (whether directly or by implication) for sexual favours from another person; makes an unwelcome remark with sexual connotations; engages in any other unwelcome conduct of a sexual nature.
Vexatious Frivolous Complaints or	Complaints that are untrue or unfair, trivial, misconceived or lacking in substance, fails to disclose any prohibited conduct, or are made to unfairly annoy, frighten, punish or take revenge on someone else. The Northern Territory Anti-Discrimination Commission will refuse to deal with these sorts of complaints as per s67 of the Anti-Discrimination Act 2007.
Victimisation	When someone is treated unfairly because they have made a complaint about discrimination or helped someone else to make one. The discrimination complaint may have been made either directly to the person or organisation who treated the person unfairly or to the Board.

6. PRINCIPLES

6.1 Workplace bullying

Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.

'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range of pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities – i.e. a pattern is being established from a series of events).

'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person.

Examples of workplace bullying

Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying.

Direct Bullying:

- Abusive, insulting or offensive language;
- Spreading of misinformation or malicious rumours;
- Behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming;
- Displaying offensive material;
- Inappropriate comments about a person's appearance, lifestyle, their family or sexual preferences;
- Teasing or regularly making someone the brunt of pranks or practical jokes;
- Interfering with a person's personal property or work equipment; or
- Harmful or offensive initiation practices.

Indirect Bullying:

- Unreasonably overloading a person with work, or not providing enough work;
- Setting timeframes that are difficult to achieve, or constantly changing them;
- Setting tasks that are unreasonably below, or above, a person's skill level;
- Deliberately excluding or isolating a person from normal work activities;
- Withholding information that is necessary for effective work performance;
- Deliberately denying access to resources or workplace benefits and entitlements, for example, training, leave; and
- Deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers.

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute as bullying, therefore unacceptable to Council.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

Bullying in the workplace is harmful not only to the target of the behaviour but damages Council's culture and reputation. It is unacceptable and will not be tolerated.

6.2 What isn't bullying

A Manager/Coordinator can make decisions about poor performance, take disciplinary action, and direct and control the way work is carried out. Reasonable management action that's carried out in a reasonable way is not bullying. It is not bullying to ask someone to do their job properly as long as the way you communicate it is appropriate for example being asked to do something reasonable and being asked in a reasonable way.

6.3 How bullying is different to discrimination

Discrimination happens when there's 'adverse action', such as firing or demoting someone because of a person's characteristics like their race, religion or sex.

Bullying happens when someone in the workplace repeatedly behaves unreasonably towards another person or a group of people and causes a risk to health and safety in the workplace. This behaviour doesn't have to be related to the person or group's characteristics and adverse action doesn't have to have happened.

6.4 Discrimination

Everyone has the right to equal opportunity. Discrimination happens when you are treated unfairly on the grounds of attributes like race, sex or age.

Under the *Northern Territory Anti-Discrimination Act*, unlawful discrimination and unfair treatment is based on the following attributes:

- Race
- Sex
- Sexuality
- Age
- Pregnancy
- Parenthood
- Impairment
- Religious belief or activity
- Irrelevant medical record
- Marital status
- Breastfeeding
- Trade union or employer association activity
- Political opinion, affiliation or activity
- Irrelevant criminal record
- Association with a person who has, or is believed to have one of these attributes

6.5 Sexual Harassment

Complaints may be settled at the workplace. However, employees who have been sexually harassed at work have the right to make a complaint to the NT Anti-Discrimination Commission. Employers can also contact the Commission to request advice on their legal obligations under the Act.

Where a sexual harassment complaint is received by the Commission, it is investigated confidentially and a member of the Commission's staff will attempt, with the cooperation of the parties involved, to conciliate the dispute. The conciliation officer does not take sides but is there to assist in finding a settlement agreeable to both parties.

An unresolved complaint may be referred to the Anti-Discrimination Commissioner for a hearing. The Commissioner can make orders which are enforceable through the court. There are penalties for victimisation of a complainant or witnesses involved in the investigation.

6.6 Bullying, Harassment and Discrimination Reporting

Where employees believe they have been the subject of bullying, sexual harassment, harassment or discrimination on any grounds, they should in the first instance raise the matter

with their Team Leader/Coordinator, Area Manager, Department Manager, the Human Resource Manager or Work Health and Safety Coordinator.
 Employees may also contact the Northern Territory Anti-Discrimination Commission or their respective Union for advice.

All reports will be thoroughly investigated with the results reported to the Departmental Manager; and the Human Resources Manager will in turn report to the Chief Executive Officer through the appropriate Director. The investigation process will be confidential and depending on circumstances in most instances the investigation will be done by internal investigators but in some cases may need to be done through external investigators or referral to Northern Territory Police.

6.7 Roper Gulf Regional Council Obligation

Roper Gulf Regional Council has an obligation to ensure no-one is disadvantaged or victimised as a result of a complaint being made or investigated.

6.8 Disciplinary Action

Depending on the seriousness of the matter this could include instant dismissal. Vexatious complaints/claims will be taken seriously and may result in disciplinary action in accordance with the Code of Conduct and formal Discipline Policy. Any criminal matters including assault will be referred to the Northern Territory Police for their action.

7. REFERENCES

Acknowledgements (original author/source documents)	
Related Policies	<ul style="list-style-type: none"> • HR001 - Employee and Contractor Code of Conduct • HR003 - Employee Formal Discipline Policy • WS003 - Work Health and Safety Policy
Related Publications	<ul style="list-style-type: none"> • <i>The Fair Work Act 2009</i> • <i>Work Health and Safety (National Uniform Legislation) Act 2011</i> • <i>Anti-Discrimination Act (NT) 2007</i> • <i>Local Government Act</i>

8. DOCUMENT CONTROL

Policy number	HR002
Policy Owner	Human Resource Manager
Infoxpert ID	678024
Endorsed by	Council
Date approved	12/4/2012
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Amendments	27 August 2014 November 2016 – 1. Change of name from HR002 Bullying and Harassment Policy to HR002 Bullying, Harassment and Discrimination Policy. 2. More detail added

	under Principles that includes - workplace bullying – what it is, examples, what isn't bullying, how different from discrimination; inclusion of discrimination
Next revision due	November 2018

9. CONTACT PERSON

Position
Contact

Human Resources Manager
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