



Policy Title: HARASSMENT POLICY

File No.:		Policy No.:	
Resolution No.:	305/07	Version No.:	
No of Pages:	1 of 8	Council Meeting:	02.11.07
Linked Policies: Statement of Business Ethics; Code of Conduct; Harassment Policy; Employment Procedures; EEO Policy			



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1. PURPOSE

To ensure that all employees of the Brewarrina Shire Council enjoy good working relationships and that the workplace is free of any form of harassment. Further, in the event that harassment should occur, mechanisms do exist to deal with the problem at the earliest stage and in the most effective manner.

2. POLICY STATEMENT

The Brewarrina Shire Council considers sexual, racial and other forms of harassment or bullying as an unacceptable form of behaviour which will not be tolerated under any circumstances.

Council has a legal obligation to ensure that harassment or bullying does not occur in the workplace. As well as the legal implications of harassment, it has negative implications on the workplace, including loss of productivity and morale.

Council is also committed to ensuring that Council workplaces present a positive public image and that material which is unlawfully discriminating and likely to cause offence is not displayed in the workplace.

3. GENERAL PRINCIPLES

General principles are:

- (a) All complaints concerning harassment or bullying will be handled with utmost confidentiality. Only people directly involved will have access to information about the complaint;
- (b) All procedures will be impartial. No assumptions will be made and no action will be taken until all relevant information has been collected, investigated and considered;
- (c) Council is committed to ensuring that no repercussions or victimisation will occur against anyone who makes a complaint concerning harassment or bullying;
- (d) Seeking redress of a trivial or vexatious issue through the provisions of this policy will not be tolerated;
- (e) Complaints of harassment or bullying will be dealt with in a timely manner;
- (f) The outcome of proven complaints may include revision of workplace procedures, but the identity of the persons involved in the original complaint will not be disclosed.

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4. APPLICATION

This policy applies to Councillors, Council employees, volunteers, contractors, suppliers and service providers and covers situations in the definition of “harassment” set out below.

This policy covers harassment or bullying of Councillors, employees and of clients/users of Council services.

5. RESPONSIBILITIES

5.1 Councillors

All Councillors will ensure that when interacting with their fellow Councillors and Council employees that they will:

- (a) treat them fairly and equitably and with respect;
- (c) ensure that complainants or witnesses are not victimised in any way.

5.2 General Manager

The General Manager will ensure that:

- (a) all Councillors and employees are aware of the principles and procedures set out in this policy;
- (b) a proper investigation is undertaken of all complaints referred by Councillors or Managers.

5.3 Managers and Supervisors

Managers and Supervisors will ensure that:

- (a) all employees and volunteers are aware of the principles and procedures set out in this policy;
- (b) all employees and volunteers are:
 - (i) treated fairly and equitably and with respect
 - (ii) not subject to harassment or bullying;
- (c) complainants or witnesses are not victimised in any way.
- (d) any workplace under their control does not display sexist, racist or otherwise offensive material and that any such display is removed.

5.4 Employees and Volunteers

All employees and volunteers will ensure that:

- (a) their fellow employees and volunteers are:

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- (i) treated fairly and equitably and with respect;
 - (ii) not subject to harassment or bullying;
- (b) complainants or witnesses are not victimised in any way.
- (c) they do not display sexist, racist or otherwise offensive material in their workplace and that if directed by a director, manager or supervisor to remove such material that they do so immediately.

5.5 Contractors

The Human Resources Coordinator will:

- (a) provide advice and assistance and where necessary, investigate the harassment or bullying complaint and discuss the matter with the contractor.

6. RIGHTS

6.1 Clients and Users

All clients and users of Council services have the right:

- (a) to be treated with respect and not to be harassed or bullied in a Council workplace while conducting business with, or receiving a service from Council;
- (b) to make a complaint to a representative of the Council and have it considered fairly under the provisions of Council's *Complaints Handling Policy*.

6.2 Councillors, Employees and Volunteers

All Councillors, employees and volunteers have the right:

- (a) to be treated with respect and not to be harassed or bullied in Council's workplace;
- (b) to make a complaint to his/her Director, line manager/supervisor, Human Resources Coordinator or a person at an appropriate level within the organisation; and in the case of Councillors, to make a complaint to the Mayor or the General Manager;
- (b) to have their complaint considered fairly;
- (c) to keep notes, copies of written documents or diary record of all incidents and any responses, including date, times, witnesses and other details;
- (c) to seek advice or assistance from a trade union or professional association;
- (d) to seek advice from, or complain to, an external body such as the Anti-Discrimination Board.

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6.3 Persons Subject of a Harassment or Bullying Complaint

A person who has a harassment or bullying complaint made against them has the right:

- to be informed verbally of the behaviour they are accused of;
- to respond to the allegations made and cite witnesses if appropriate;
- to fair treatment and procedures;
- to be heard by an unbiased person.

7. DEFINITIONS

7.1 Bullying

Bullying is the use of strength or power to coerce others by fear. This coercion may be either physical or emotional or both. Examples of bullying include but are not limited to:

- Unfair and excessive criticism
- Publicly insulting victims of bullying
- Constantly changing or setting unrealistic work targets
- Shouting at someone
- Physically handling a person

7.2 Harassment

This is any unwelcome, offensive comment or action concerning a person's race, colour, language, accent, ethnic origin, gender, marital status, pregnancy, disability, political or religious conviction. It is behaviour towards another employee or individual which is intimidating or embarrassing and adversely affects the work environment.

Behaviour which may constitute harassment includes staring, leering, touching or unwanted familiarity, taunts, insults, jokes or gestures.

7.3 Offensive Display Material

This is material that is of a sexist, racial or otherwise offensive or discriminatory nature. Material could include graphics such as pictures, posters, cartoons, picture calendars, graffiti or writing such as poems, quotes or jokes. Examples of such material could be calendars or posters of almost nude females or males or material which portrays a stereotypical view of a person of another race.

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8. COMPLAINT PROCEDURES

- (a) Complaints from Council employees concerning harassment or bullying by Councillors or fellow workers shall be dealt with according to procedures laid out in Council's *Grievance Policy*;
- (b) Complaints from clients/users concerning harassment or bullying by Council employees shall be dealt with according to Council's *Complaints Handling Policy*;
- (c) Complaints from Councillors concerning harassment or bullying by other Councillors or Council employees shall be dealt with according to Council's *Interaction between Councillors and Staff Policy*. In general, the process will be as follows:
 - (i) Complaints by Councillors about Councillors should be referred to the Mayor for action;
 - (ii) Complaints by Councillors about the Mayor should be referred to the full Council by way of a motion of censure or other motion;
 - (iii) Complaints by Councillors about Council employees should be referred to the General Manager for action;
 - (iv) Complaints by Councillors about the General Manager should be referred to the Mayor for action.

9. DISPLAY OF OFFENSIVE MATERIAL

All material of a sexist, racist or otherwise offensive or discriminatory nature shall not be displayed in any Council workplace

10. NONCOMPLIANCE WITH THIS POLICY

10.1 Councillors

Councillors found to have been guilty of harassment or bullying may be subject to:

- (a) counselling;
- (b) a vote of censure by Council; and/or
- (c) criminal prosecution.

10.2 Employees

Employees found to have been guilty of harassment or bullying may be subject to one or more of the following actions:

- (a) disciplinary action;

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- (b) counselling;
- (c) suspension;
- (d) dismissal;
- (e) criminal prosecution.

10.3 Volunteers

Volunteers are subject to Council policies. Volunteers found to be guilty of harassment or bullying may be subject to one or more of the following actions:

- (a) counselling;
- (b) dismissal;
- (c) criminal prosecution.

10.4 Contractors

Contractors who harass or bully Council employees will be advised that such behaviour is not tolerated by Council. Should such action continue, the contractor may be asked to leave the workplace and the contract may be terminated.

10.5 Clients and Users

Clients and service users who harass or bully Council employees will be politely advised that such behaviour is not acceptable. Should the behaviour persist, it should be reported to the relevant director or line manager/supervisor and the client/user should be advised that being a client or user of a Council service does not confer the right to harass or bully Council employees.

11. REVIEW

This policy shall be reviewed annually to ensure that it meets the requirements of legislation and the needs of Council.

12. ASSOCIATED COUNCIL POLICIES AND DOCUMENTS

Statement of Business Ethics

Code of Conduct

Grievance Policy

Employment Procedures

EEO Policy

Interaction Between Councillors and Staff Policy

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