



## 2.06 – BULLYING AND HARASSMENT IN THE WORKPLACE POLICY

### 1. INTRODUCTION

The purpose of this policy is to inform all Council employees that everyone has a right not to be bullied or harassed at work. There are national anti-bullying laws and state or territory health and safety bodies that can help people with bullying and harassment in the workplace.

### 2. POLICY OBJECTIVE

To ensure that all Council employees are protected from bullying or harassment in the workplace.

### 3. POLICY SCOPE

This policy covers all Council employees. The national anti-bullying laws cover all national system employees as well as outworkers, students gaining work experience, contractors or subcontractors and volunteers.

### 4. DEFINITIONS

#### **What is bullying**

A worker is bullied at work if, while the worker is at work in a constitutionally-covered business, another individual, or group of individuals, repeatedly behaves unreasonably towards the worker, and that behaviour creates a risk to health and safety. Bullying can cover behaviours carried out by one or more people. See Fair Work Act s.789FD

Workplace bullying occurs when an individual or a group of individuals repeatedly behaves unreasonably towards a worker, or a group of workers of which the worker is a member, at work and that behaviour creates a risk to health and safety. See Fair Work Act s.789FD(1)

A worker is bullied at work if:

A person or group of people repeatedly act unreasonably towards them or a group of workers and the behaviour creates a risk to health and safety.

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

Examples of bullying include behaving aggressively and intimidating conduct, belittling or humiliating comments, victimisation, spreading malicious rumours, teasing, practical jokes or initiation, pressuring someone to behave inappropriately, excluding someone from work-related events or unreasonable work demands and expectations.

### **What isn't bullying**

- Reasonable management action carried out in a reasonable manner is not bullying. Management action that is not carried out in a reasonable way may be considered bullying;
- A manager can make decisions about poor performance, take disciplinary action, and direct and control the way work is carried out. See Fair Work Act s.789FD(2)

The following are examples of what may constitute management action:

- Performance Appraisals;
- Ongoing meetings to address underperformance;
- Counselling or disciplining a worker for misconduct;
- Modifying a worker's duties including by transferring or re-deploying the worker;
- Investigating alleged misconduct;
- Refusing an employee permission to return to work due to a medical condition.

An informal, spontaneous conversation between a manager and a worker is not considered to be bullying even if issues such as those listed above are raised.

## **5. LEGAL AND POLICY FRAMEWORK**

- Fair Work Commission has information on the national anti-bullying laws, who can take action, and applying for an order to stop workplace bullying - [www.fwc.gov.au](http://www.fwc.gov.au);
- *Fair Work Act 2009 (CTH)* s. 789FC and 789FD;
- Council's Code of Conduct.

## **6. IMPLEMENTATION**

### **6.1 Communication**

A copy of this Policy is to be displayed at all work sites throughout the Council area. The policy is to be made available to all staff via the internet and a printed copy to employees if they do not have access to the internet.

**6.2** A procedure will be developed to guide staff as to the reporting and associated rights and responsibilities.

### **6.3 Associated Documents**

Fair Work Ombudsman's Bullying and Harassment Fact Sheet – 2010.

## **7. REVIEW AND VERSION CONTROL**

Policy Number	2.06	Responsible Officer	Executive Manager Governance and Human Resources	
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Version Number	<b>Version</b>	<b>Resolution No.</b>	<b>Effective Date</b>	<b>Version description</b>
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