

	POLICY NUMBER:	P32
	DISCRIMINATION, HARASSMENT AND BULLYING	
	CATEGORY:	COUNCIL POLICY
	SP CLASSIFICATION:	GOVERNANCE
	LG ACT 2019 REF:	Section 172
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

Wagait Shire Council is committed to provide a safe working environment, where every person is treated equally, fairly and without prejudice.

2. SCOPE

This policy applies to all Elected Members, employees, contractors and volunteers appointed to Wagait Shire Council and while on the Wagait Shire Council premises or while engaged in Wagait Shire Council business or any related activities.

3. DEFINITIONS

Term	Definition
Workplace Participants	Includes all Elected Members, Council employees, contractors, consultants, committee members and any individual or group undertaking activity for or on behalf of the Council.
Workplace Discrimination	Means any direct or indirect discrimination of any workplace participant because of colour, race, age, sex, religion, ability or impairment, pregnancy, marital status, sexual orientation or sexual preference, political activity or trade union activity.
Workplace Harassment	Means any type of unwelcome action toward another person in the workplace that leads to difficulty in performing assigned tasks or causes a person to feel he or she is working in a hostile environment. This includes unwelcome sexual advance or unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.
Workplace Bullying	Means repeated and unreasonable behaviour directed towards another person in the workplace, or a group of people in the workplace, that creates a risk to mental or physical health and safety.
Repeated behaviour	Refers to the persistent nature of the behaviours and can involve a range of behaviours over time.

Unreasonable behaviours	Means intentional or unintentional behaviours that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviours that are victimising, humiliating, intimidating, or threatening.
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4. POLICY

Workplace discrimination, harassment or bullying is a risk to health and safety and will not be tolerated in this Council workplace.

In the definition and treatment of these behaviours, Council is guided by the *Fair Work Act 2009*, particularly Chapter 3 Rights and Responsibilities, and the *Safe Work Australia Guide to Preventing and Responding to Workplace Bullying*, which may change from time to time.

Any action taken by Council in response to receiving a report of workplace discrimination, harassment or bullying, will also accommodate the requirements of the *Local Government Award 2020*.

Council will treat all reports of workplace discrimination, harassment or bullying behaviours seriously and take steps to prevent it from occurring and by responding quickly if it does occur.

If workplace discrimination, harassment or bullying behaviour involves violence, such as physical assault or the threat of physical assault, will be reported to the police.

For a comprehensive explanations and guidance, please refer to:

- www.safeworkaustralia.gov.au
- <https://www.legislation.gov.au/Details/C2017C00323>

4.1. Reasonable Management Action

Supervisory staff will take reasonable management action to direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

4.2 Reporting Procedure

All Council workplace participants are required to:

- Report any incidents of harassment, discrimination or bullying or unreasonable behaviour they see to the employee's line manager or supervisor.
- Follow all policies and procedures provided by the Council.
- Ensure they do not victimise any person making a complaint of harassment, discrimination, or bullying.
- Treat all persons fairly and with respect.

If workplace participants feel they are being harassed, bullied or discriminated against and are not comfortable dealing with the problem, or attempts to do so have not been successful, the issue can be raised or a written complaint should be lodged with the Chief Executive Officer.

4.3. Council Response Process

If workplace discrimination, harassment, bullying or unreasonable behaviour is reported, Council will follow the process outlined at 4.2.2. *Wagait Shire Council Policy P31 Dispute Resolution, Counselling, Disciplining and Dismissal.*

4.4. Consequences of Breaching this Policy

Appropriate disciplinary action will be taken against any workplace participant who is found to have breached this policy. These measures will depend on the nature and circumstance of each breach and could include:

- A verbal or written apology.
- One or more parties agreeing to participate in counselling or training.
- A verbal or written reprimand transfer, demotion or dismissal of the person engaging in the bullying behaviour.

4.5. Consequences of Unsubstantiated Investigation

If the investigation finds the reported unreasonable behaviour has not occurred or cannot be substantiated, Council may still take appropriate action to address any workplace issues leading to the report.

5. ASSOCIATED DOCUMENTS

P05 Code of Conduct

P08 Human Resource Management

P31 Dispute Resolution, Counselling, Disciplining and Dismissal

P33 Work Health and Safety

Wagait Shire Council Employee Handbook

Work Health and Safety (WHS) Management Plan

6. REFERENCES AND LEGISLATION

Racial Discrimination Act 1975 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Disability Discrimination Act 1992 (Cth)

Local Government Act 2019 (NT)

Fair Work Act 2009

Work Health and Safety (WHZS) Act 2011

Local Government Industry Award 2020

7. REVIEW HISTORY

Date Approved: 21/07/2020	Approved By Council: Moved: Cr Michael Vaughan Seconded: Vice President Tom Dyer Vote: AIF	Resolution No. 2020/115	Date for Review: 2022
Date Approved: 22/03/2022	Approved by Council: Moved: Vice-President Tom Dyer Seconded: Cr Michael Vaughan Vote: AIF	Resolution No. 2022/048	Date for Review: Next term of council