



Blackall-Tambo Regional Council

Anti-Discrimination, Bullying and Sexual Harassment Policy

Policy Number: Stat 36	Reviewed Date: 20.07.2020
Version Number: 2	
Policy Compiled by: Human Resources Officer	Next Review Date: 20.07.2025
Policy Approved by: Chief Executive Officer	

PURPOSE

Blackall Tambo Regional Council is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. The purpose of this policy is to outline Council's position on discrimination, bullying, sexual harassment, and vilification.

SCOPE

This policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

This policy covers all behaviour considered bullying, discrimination, sexual harassment, and vilification within and external to the workplace.

APPLICATION

This policy applies to all employees, volunteers, and contractors of Council.

PRINCIPLE

Discrimination, bullying, sexual harassment, and vilification are risks to the health and safety of employees and contractors in the workplace. It is unacceptable and will not be tolerated by Council.

DISCRIMINATION

Legislation prohibits discrimination based on several identified attributes, including:

- Sex;
- Relationship status;
- Pregnancy;

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- Parental status;
- Breastfeeding;
- Age;
- Race;
- Impairment;
- Religious belief or activity;
- Political belief or activity;
- Trade union activity;
- Lawful sexual activity;
- Gender identity;
- Sexuality
- Family responsibilities; and
- Association with, or relation to, a person identified based on any of these attributes.

Discrimination can occur in all aspects of the workplace. Employees have the right to equal employment opportunities, and to be treated fairly as they go about their daily duties, irrespective of their association with an identified attribute.

BULLYING

Bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to their health and safety. It does not need to be intentional.

Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time.

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

Bullying Examples

Examples of bullying include:

- Language or comments that are:
 - Abusive;
 - Insulting;
 - Offensive;
- Unjustified criticism or complaints;
- Deliberately excluding someone from workplace activities;
- Not sharing important information that a person needs to work effectively;
- Setting unreasonable timelines or constantly changing deadlines;
- Setting tasks that are unreasonably below or beyond a person's skill level;
- Spreading misinformation or malicious rumours;
- Changing rosters or leave to deliberately inconvenience someone.



A person's intention is irrelevant when determining if bullying has occurred.

A single incident of unreasonable behaviour does not constitute bullying; however, it may constitute inappropriate conduct and therefore will not be tolerated by Council.

What does NOT constitute workplace bullying?

Reasonable management action take in a reasonable way is not bullying.

Reasonable management action can include:

- Setting reasonable performance goals, standards, and deadlines;
- Informing a worker of their unsatisfactory work performance;
- Deciding not to select a worker for promotion where a reasonable process was followed;
- Informing a worker of their inappropriate behaviour in an objective and confidential way;
- Rostering and allocating working hours where the requirements are reasonable;
- Transferring a worker for operational reasons;
- Implementing organisation changes or restructuring; and
- Taking disciplinary action, including suspension or termination of employment, when warranted.

SEXUAL HARASSMENT

Sexual harassment is any unwanted or unwelcome sexual attention which makes a person feel humiliated, offended, or intimidated. It does not have to be repeated or ongoing.

Sexual harassment includes:

- Unwelcome physical touching;
- Sexual or suggestive comments; jokes or taunts;
- Unwelcome requests for sex;
- The display of sexual material (e.g. photos or pictures);
- Sexual reading matter (e.g. emails, faxes, or letters).

Sexual harassment applies to both men and women. Sexual harassment such as obscene phone calls, indecent exposure or sexual assault may be a criminal offence.

VILIFICATION

Vilification involves publicly inciting hatred, serious contempt, or severe ridicule of someone because of their race, religion, sexuality, or gender identity. Vilification is an offence if it includes actual or threatened physical harm to a person or their property.

Vilification includes:

- Writing letters to the public;
- Speaking in a public place;
- Putting up notices;
- Posts on the internet or social networking sites; and
- Public wearing or displaying clothing, sign, emblems, or insignias in order to vilify.



COMPLAINT PROCESS

If an employee feels that they have been discriminated against, bullied, sexually harassed, or vilified, they should not ignore it.

Council encourages employees to try to resolve the matter with the person involved in the first instance, however, Council acknowledges that employees may not always feel confident with this approach.

Where any employee feels they cannot address the matter directly with the person involved, or they have done so, and this has not stopped the behaviour, they can make a complaint to their Manager, Director or to Human Resources.

If an employee or contractor witness discrimination, bullying, sexual harassment, or vilification in the workplace they should encourage the other person to speak up or seek support; otherwise, the person who witnessed the incident should also make a complaint.

All complaints will be dealt with confidentially and all participants must maintain confidentiality.

No employee or contractor will be subject to adverse actions or victimisation, as a result of making a complaint.

Employees and contractor can also make a complaint and seek remedies or orders from an external organisation, depending on the specifics of their particular matter. External complaints can be directed to:

- Queensland Industrial Relations Commission;
- Work Health and Safety Queensland;
- Anti-Discrimination Commission Queensland;
- Australian Human Rights Commission, and
- The Police.

BREACHES OF POLICY

Discrimination, bullying, sexual harassment, and vilification is taken very seriously by Council and will not be tolerated. Employees found to be in breach of this policy and to have participated or abetted discrimination, bullying, sexual harassment and/ or vilification of another employee, employee group or contractor, will be subject to disciplinary action up to and including termination.

RELEVANT INFORMATION

Industrial Relations Act 2016
Anti-Discrimination Act 1991
Work Health and Safety Act 2011
Local Government Act 2009
Sex Discrimination Act 1984 Cth
Age Discrimination Act 2004 Cth
Racial Discrimination Act 1975 Cth
Disability Discrimination Act 1992 Cth
Human Rights Act 2019
Local Government Regulations 2012
Public Sector Ethics Act 1994

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DATE NEXT REVIEW DUE

20 July 2025

CHANGES SINCE LAST REVISION

Reviewed policy as of 20.07.2022 to reflect current procedures.

RECORDS

When completed and approved the original, signed hard copy of the policy is filed in the Master File.

Electronic copies are saved in the appropriately labelled folder in Magiq.