



# Anti-Discrimination, Bullying and Harassment POLICY

## Purpose

The purpose of this Winton Shire Council Policy is to provide an outline of Council's commitment to a safe workplace where employees and others are treated fairly and with respect and to ensure, as far as reasonably practical, employees are not subjected to bullying, discrimination, vilification, victimisation, or sexual harassment while at work.

Winton Shire Council is committed to providing a safe and healthy work environment in which all employees are treated fairly, with dignity and respect.

## Scope

The policy includes all behaviour considered to be bullying, discriminatory, vilifying, or sexually harassing.

This policy applies to all employees, volunteers, and contractors of Winton Shire Council. If any workplace participant is unsure about any matter covered by this policy and requires more information, they should seek the assistance of their supervisor or the Human Resource Officer.

## Definitions

Term	What it means / refers to
Bullying	When people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing. These actions are usually done by people who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless.
Discrimination	When a person, or a group of people, is treated less favourably because of their background or certain personal characteristics.
Harassment	Any unwelcome behaviour or conduct by a person (which may be verbal or physical) that intimidates, offends, belittles, threatens, or humiliates another person.
Sexual harassment	An unwelcome sexual advance or request for sexual favours to the person being harassed or other unwelcome sexual conduct towards the person being harassed. To be sexual harassment, there must be a reasonable possibility that the person being harassed would be offended, humiliated, or intimidated.
Victimisation	Being treated unfairly because a person has made (or plans to make) a complaint of discrimination or because the person has provided information or evidence about a complaint.
Vilification	A public act that incites hatred towards, severe ridicule of, or serious contempt for a person or group because of their race, religion, sexuality, gender identity, or sex characteristics. It may include a threat or harm to a person or their property or inciting others to threaten physical harm to a person or their property.
Wellbeing	Fulfilment of a worker's physical, mental, social, and cognitive needs and expectations in relation to their work.

## Policy statement

Winton Shire Council is committed to ensuring a healthy and safe workplace that is free from bullying and harassment and affirms the rights of individuals to be treated fairly and with respect. Workplace bullying and harassment is unacceptable and will not be tolerated under any circumstances.

All forms of workplace harassment, including sexual, racial, and other forms of personal harassment and bullying can seriously harm working conditions and have legal, ethical, and financial implications for Council. Any incidents of harassment will be regarded extremely seriously by Council and can be grounds for disciplinary action including dismissal.

## Operational process

### Bullying

Bullying is repeated, unreasonable behaviour, directed towards a worker, or a group of workers to cause distress and risk to their wellbeing.

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

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

The sort of behaviour that can be considered bullying includes:

- Language or comments that are:
  - Abusive,
  - Insulting, and / or
  - Offensive.
- Unjustified criticism or complaints;
- Teasing or practical jokes;
- Pressuring someone to behave inappropriately;
- Behaving aggressively;
- 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; and
- 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

A reasonable management action taken in a reasonable way is not bullying.

A 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.

## Discrimination

Discrimination happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. This is known as 'direct discrimination.'

It is also discrimination when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share. This is known as 'indirect discrimination.'

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.

Legislation prohibits discrimination based on several identified attributes, including:

- Age,
- Disability,
- Race, including colour, national or ethnic origin or immigrant status,
- Sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding,
- Sexual origin, gender identity or intersex status,
- Religion,
- Political opinion,
- Nationality,
- Social origin,
- Medical record,
- Criminal record,
- Trade union activity, and
- Association with, or relation to, a person identified based on any of these attributes.

Discrimination can be any act or failure to act, based in whole or in part on any of the attributes listed above.

## Harassment

Any unwelcome behaviour or conduct by a person (which may be verbal or physical) that intimidates, offends, belittles, threatens, or humiliates another person.

Workplace harassment covers a wide scope of behaviours ranging from subtle intimidation to more obvious aggressive tactics, including, but not limited to:

- Abuse,
- Repeated threats of dismissal or other severe punishment for no reason,
- Leaving offensive messages on email, telephone, or other means,
- Sabotaging a person's work,
- Persistent and unjustified criticisms, or
- Spreading gossip or malicious rumours about a person with an intent to cause the person harm.

Workplace Harassment does **not** include:

- Reasonable supervisory / management action taken in a reasonable way by the person's employer in connection with the person's employment, or
- A single incident of harassing type behaviour.

Management action may be considered as workplace harassment where it is used:

- To create an environment where workplace harassment is more likely to occur, or
- Primarily to offend, intimidate, humiliate, or threaten workers.

Workplace harassment is deemed to have taken place if:

- The person considers the behaviour to be offensive, intimidating, humiliating, or threatening, or
- A reasonable person would consider the behaviour to be offensive, intimidating, humiliating, or threatening.

Workplace harassment has detrimental effects on people and Council. It can create an unsafe working environment, result in a loss of trained and talented workers, the breakdown of teams and individual relationships, and reduced efficiency. People who are harassed can become distressed, anxious, withdrawn, depressed and can lose self-esteem and self-confidence.

## Sexual harassment

An unwelcome sexual advance or request for sexual favours to the person being harassed or other unwelcome sexual conduct towards the person being harassed.

To be sexual harassment, there must be a reasonable possibility that the person being harassed would be offended, humiliated, or intimidated.

Sexual harassment includes:

- Unwelcome physical touching,
- Sexual or suggestive comments, jokes, or taunts,

- Unwelcome requests for sex,
- The display of sexual material (that is, photos, or pictures),
- Sexual reading matter (that is, 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

A public act that could incite hatred, serious contempt or severe ridicule towards a person or group. Vilification that includes actual or threatened physical harm to a person or property or because of certain characteristics is against the law. These characteristics include race. Religion, sexuality, or gender identity.

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.

## Roles and responsibilities

### Winton Shire Council

The Australian Government has agreed to uphold and respect many human rights treaties including the Universal Declaration of Human Rights. Human rights recognise the inherent value of each person, regardless of background, where people live, what they look like, what they think or what they believe.

They are based on principles of dignity, equality, and mutual respect, which are shared across cultures, religions, and philosophies. They are about being treated fairly, treating others fairly and having the ability to make genuine choices in our daily lives.

Winton Shire Council is required to adhere to these principles.

In Queensland, the *Anti-Discrimination Act 1991* (Qld) protects people in their daily lives from discrimination, sexual harassment and associated objectionable conduct. As an employer Council has a duty to provide a safe and discrimination free work environment. Obligations under the Act also extend to clients and customers and mean that Council must deliver goods and services in a non-discriminatory way.

In accordance with the *Work Health and Safety Act 2011* (Qld) Council is required to minimise, as far as is reasonably practicable, the risks to health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying, victimisation, vilification, discrimination, and sexual harassment.

### Managers / supervisors

Managers and supervisors have a key role in the prevention of workplace bullying, discrimination, vilification, victimisation, harassment, and sexual harassment and must:

- Not bully, harass, discriminate, vilify, or sexually harass workplace participants or aid, abet, or encourage other persons to engage in such behaviour,
- Act promptly and appropriately if they observe bullying, discrimination, vilification, victimisation, or sexual harassment behaviours,
- Ensure all workplace participants who report to them are aware and understand this policy and their responsibility to comply with it, including to report any bullying, discrimination, vilification, victimisation, or sexual harassment behaviour,
- Ensure all staff who report to them are aware and understand the complaint procedures,
- Act promptly if a complaint is made. If this is not possible, or its inappropriate, inform the Human Resource Officer as soon as possible, and
- Be aware that employees can be held legally responsible for such unlawful conduct.

## Employees

Workplace participants are also required to take reasonable care for their own health and safety, as well as that of others at the workplace and comply with any reasonable instruction given by Council.

They may also wish to seek external advice from the relevant authority such as WorkSafe Queensland or the Queensland Industrial Relations Commission, Australian Human Rights Commission or Anti-Discrimination Commission.

Employees are required to:

- Understand and comply with this policy,
- Not engage in any conduct which may constitute bullying, discrimination, vilification, victimisation or sexual harassment towards other employees, customers / clients, or others whom they come into contact through work,
- Ensure they do not aid, abet, or encourage other persons to engage in bullying, discrimination, vilification, victimisation, or sexual harassment behaviour,
- Report any bullying, discrimination, vilification, or sexual harassment in the workplace in accordance with this policy,
- Follow Council's complaint procedure if they experience bullying, discrimination, vilification, victimisation, or sexual harassment,
- Maintain confidentiality if they are involved in a complaint / incident,
- Be aware that employees can be held legally responsible for such unlawful conduct, and
- Be aware that workplace participants who aid, abet, or encourage other persons to engage in such unlawful conduct can also be legally liable.

Workplace participants are also required to take reasonable care for their own health and safety, as well as that of others at the workplace and comply with any reasonable instruction given by Council.

They may also wish to seek external advice from the relevant authority such as WorkSafe Queensland or the Queensland Industrial Relations Commission, Australian Human Rights Commission or Anti-Discrimination Commission.



All employees of Winton Shire Council have access to an Employee Assistance Program that is a benefit provided that is a confidential counselling service that can help employees deal with personal and work matters, for example, financial, caregiver health or relationship concerns. The service is accessible by Winton Shire Council employees and their dependent family members.

Details of the Employee Assistance Program (EAP) and how to access it are available through the Corporate Services Manager, the Human Resource Support Officer or the Work, Health and Safety Officer and are on the Staff Portal front page of the intranet.

<https://wscqld.sharepoint.com/sites/StaffPortal>

## Complaint process

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

Winton Shire 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 already done so, and this has not stopped the behaviour, they can make a complaint to their manager / supervisor, Director or to the Corporate Services Manager

If an employee or contractor witnesses 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 contractors 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 the:

- Queensland Industrial Relations Commission,
- WorkSafe Queensland,
- Queensland Human Right Commission;
- Australian Human Rights Commission, or
- Queensland Police.

Winton Shire Council will support workplace participants who make a bullying, discrimination, vilification, sexual harassment, and victimisation complaint. However, workplace participants must not make a false complaint or a complaint in bad faith.

If an employee makes an unfounded complaint or a false complaint in bad faith (that is, making up a complaint to get someone else in trouble or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

## Communication

All Council employees will have access to this policy and be provided with information from this policy at the time of employment and orientation.



Changes / amendments made to this Policy document will be communicated to all employees.

## Enforcement

The failure of any Employee to comply with this policy in its entirety may lead to:

- Performance management - process which may involve refresher or further training, or
- Modification or termination of employment.

## Related Council documentation

- WSC-HR-POL-019 Code of Conduct
- WSC-POL-HR-004 Children in the Workplace Policy
- WSC-POL-HR-002 Privacy and Confidentiality Policy
- WSC-HR-POL-005 Performance Management Policy
- WSC-HR-PRO-001 Recruitment Procedure
- WSC-WHS-POL-002 Work, Health, and Safety Policy

## Legislation, recognised Authorities, and other sources

- *Local Government Act 2009* (Qld)
- *Local Government Regulation 2012* (Qld)
- *Public Service Act 2008* (Qld)
- *Public Sector Ethics Act 1994* (Qld)
- *Anti-Discrimination Act 1991* (Qld)
- *Industrial Relations Act 1999* (Qld)
- *Work Health and Safety Act 2011* (Qld)
- *Sex Discrimination Act 1984* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Anti-Discrimination Act 1991* (Qld)
- *Disability Discrimination Act 1992* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth)
- Public Service Code of Conduct [Link - forgov.qld.gov.au](http://forgov.qld.gov.au)
- Queensland Industrial Relations Commission [Link - qirc.qld.gov.au](http://qirc.qld.gov.au)
- WorkSafe Queensland [Link - worksafe.qld.gov.au](http://worksafe.qld.gov.au)
- Queensland Human Rights Commission [Link - qhrc.qld.gov.au](http://qhrc.qld.gov.au)

- Australian Human Rights Commission [Link - humanrights.gov.au](https://www.humanrights.gov.au)

## Review of Policy

This document will be reviewed every three years and when associated legislation or standards change and remains in force until amended or repealed by resolution of Council.

## Record of amendments and adoptions

Date	Version	Reason for amendment	Date adopted by Council
November 2021	1.0	Preparation for Council adoption	18 November 2021
December 2024	2.0	Review of policy	19 December 2024